



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

PERMIT  
FOR CORRECTIVE ACTION

GENERAL ELECTRIC COMPANY  
COLUMBIA, MARYLAND  
EPA ID NO. MDD046279311

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
PERMIT  
FOR CORRECTIVE ACTION;  
PURSUANT TO THE RESOURCE CONSERVATION AND RECOVERY ACT  
AS AMENDED BY THE HAZARDOUS AND SOLID WASTE  
AMENDMENTS OF 1984

Permittee: General Electric

Permit Number: MDD046279311

Facility: Former Appliance Park East  
Columbia, Maryland

The United States Environmental Protection Agency (EPA), under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 et seq., and the regulations promulgated thereunder and set forth at 40 C.F.R. Parts 260-271, is hereby issuing this permit for corrective action (Permit) to the General Electric Company (GE or the Permittee) for the Former GE Appliance Park East, in Columbia, Maryland at latitude 39° 11' 00" North and longitude 76° 49' 00" West (the Facility).

The complete RCRA permit for purposes of Section 3005(c) of RCRA, 42 U.S.C. §6925(c), consists of two portions: this Permit, issued by EPA, which addresses the provisions of HSWA, and the permit issued by the Maryland Department of the Environment (MDE) in October 1987, and renewed in February 2019, which addresses the provisions of the Code of Maryland Regulations (COMAR) Title 26, Subtitle 13, for which the State of Maryland (State) has received authorization under Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to carry out such program in lieu of the federal hazardous waste management program under RCRA. As of the date of issuance of this Permit, the State has not received authorization to administer the corrective action provisions of HSWA. This Permit, which addresses corrective action provisions of HSWA, will be enforced by EPA. The MDE permit will be enforced by MDE, but EPA may also exercise its enforcement discretion if and when appropriate.

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein (Parts I and II and Attachments A and B) and the applicable regulations contained in 40 C.F.R. Parts 124, 260 through 264, 268, and 270 as specified in the Permit or that are, by statute, self-implementing (40 C.F.R. § 270.32(c)).

This Permit is based on information provided to EPA by the Permittee and MDE. Section 3005(c)(3) of RCRA provides EPA the authority to review and amend the Permit at any time. Any inaccuracies found in the information submitted by the Permittee may be grounds for the termination, modification or revocation and reissuance of this Permit (see 40 C.F.R. §§ 270.41, 270.42 and 270.43). The Permittee must inform EPA of any deviation from or changes in the submitted information that would affect the Permittee's ability to comply with the

applicable statutes, regulations, or permit conditions.

This Permit is effective on November 20, 2022 (Effective Date), and shall remain in effect until November 20, 2032, unless revoked and reissued, modified, or terminated in accordance with 40 C.F.R. §§270.41, 270.42, 270.43 or continued in accordance with 40 C.F.R. §270.51(a).

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## **LIST OF ATTACHMENTS**

The following Attachments are incorporated, in their entirety, by reference into this Permit. These incorporated Attachments contain enforceable conditions of this Permit. While these Attachments provide context for the site remedy and the basis for the initial Corrective Action Permit, portions of the documents are outdated or no longer applicable and have been superseded. Specifically, the Soil Vapor Extraction system was decommissioned in 2018 with EPA approval and a No Further Action Determination was issued for CMS Unit #4 in 2018; therefore, these remedies were not included in this Permit Renewal.

Attachment A: Final Decision and Response to Comments

Attachment B: Operation and Maintenance Plans

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PART I - STANDARD CONDITIONS

A. DEFINITIONS

Pursuant to the authority granted by Section 3005(c)(3) of RCRA, 40 C.F.R. § 270.32(b)(2) and for the purposes of this Permit, terms used herein shall have the same meaning as those set forth in 40 C.F.R. Parts 260 through 264, 268, and 270, unless this Permit specifically states otherwise. Where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the terms. The following definitions also apply to this Permit.

1. Area of Concern - an area of concern is hereby defined for purposes of this Permit to mean an area at the Facility or an off-site area, which is not at this time known to be a solid waste management unit, where hazardous waste and/or hazardous constituents are present or are suspected to be present as a result of a release from the Facility.
2. Days – except as otherwise provided herein, calendar days. If any requirement under the terms of this Permit would fall on a Saturday, Sunday, or federal holiday, then the requirements shall fall on the following day.
3. Regional Administrator – the Regional Administrator for EPA Region III or his authorized representative.
4. Release - any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

B. DUTIES AND REQUIREMENTS

1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued under 40 C.F.R. § 270.61 or the analogous provisions of the State's authorized hazardous waste management regulations. Any other permit noncompliance constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application (40 C.F.R. § 270.30(a)).

2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new

permit (40 C.F.R. § 270.30(b)).

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this Permit (40 C.F.R. § 270.30(c)).

4. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment (40 C.F.R. § 270.30(d)).

5. Duty to Properly Operate and Maintain

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit (40 C.F.R. § 270.30(e)).

6. Duty to Monitor and Record Results

Pursuant to 40 C.F.R. § 270.30(j), the Permittee shall comply with the following requirements:

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All sampling and analyses shall be of adequate quality, scientifically valid, of known precision and accuracy, and of acceptable completeness, representativeness, and comparability. Laboratory analysis of each sample must be performed using an appropriate method for testing the parameter(s) of interest taking into account the sample matrix. The test methods found in the EPA publication Test Methods for Evaluating Solid Waste. Physical/Chemical Methods (SW-846), 3<sup>rd</sup> Edition, as updated, shall be used for: the Toxicity Characteristic analytes (40 C.F.R. § 261.24); the Free Liquids Test (Method 9095) used to determine if free liquid is a component of a waste as a specific requirement for bulk and containerized wastes (40 C.F.R. §

264.314(c)); and the chemical analysis of wastes for hazardous waste incineration permits (40 C.F.R. § 270.62(b)(2)(i)(C)).

- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 C.F.R. § 264.73(b)(9), and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Regional Administrator at any time and is automatically extended during the course of any unresolved enforcement action regarding the Facility (40 C.F.R. § 264.74). The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the Facility, and for disposal facilities, for the post-closure care period as well (40 C.F.R. § 270.30(j)).
- c. Records of monitoring information shall specify:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.

7. Duty to Provide Information

The Permittee shall furnish, within a reasonable specified time, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Regional Administrator upon request, copies of records required to be kept by this Permit (40 C.F.R. §§ 270.30(h) and 264.74(a)).

8. Duty to Allow Inspection and Entry

Pursuant to 40 C.F.R. § 270.30(i), the Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated



facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

9. Duty to Submit Certified Documents

- a. Except for submissions for which the Permittee is asserting a business confidentiality claim pursuant to Paragraph 9.d. and e. below, at least one electronic copy of draft documents and one electronic copy of all final plans, reports, notifications, or other documents that are required by this Permit to be submitted to the Regional Administrator or EPA, shall be sent via electronic mail or on compact disc to:

John Hopkins  
RCRA Corrective Action Branch #1 (3LD10)  
EPA Region III  
4 Penn Center  
1600 JFK Blvd  
Philadelphia, Pennsylvania 19103  
hopkins.john@epa.gov

- b. Each report, notification, or other submission shall reference the Permittee's name, permit number and Facility location. In addition, one electronic copy of such submission shall be sent to:

Ed Hammerberg  
Land and Materials Administration  
Solid Waste Program  
Maryland Department of the Environment  
1800 Washington Blvd.  
Baltimore, MD 21230-1719  
(410) 537-3315  
ed.hammerberg@maryland.gov

- c. All applications, reports, or other information submitted to the Regional Administrator shall be signed and certified as described in 40 C.F.R. §§ 270.11 and 270.30(k).
- d. The Permittee may assert a business confidentiality claim covering all or part of any information submitted to EPA pursuant to this Permit in the manner described in 40 C.F.R. § 2.203(b). Any assertion of confidentiality shall be adequately substantiated by the Permittee when the assertion is made in accordance with 40 C.F.R. § 2.204(e)(4). Information subject to a confidentiality claim shall be disclosed only to the extent allowed by, and in accordance with, the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such confidentiality claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to the Permittee. The Permittee shall not assert any confidentiality claim with regard to any physical, sampling, monitoring, or analytical data.
- e. One hardcopy of all submissions for which the Permittee is asserting a business confidentiality claim pursuant to Paragraph 9.d, above, shall be sent Certified Mail, Return Receipt Requested, overnight mail, or hand-carried to:

RCRA Corrective Action Branch #1 (3LD10)  
EPA Region III  
4 Penn Center  
1600 JFK Blvd  
Philadelphia, Pennsylvania 19103

10. Duty to Maintain Documents at the Facility

Pursuant to 40 C.F.R. § 264.73, the Permittee shall maintain at the Facility (or other location approved by the Regional Administrator) during the term of this Permit, including any reissued permit, all documents and raw data, such as laboratory reports, drilling logs, and other supporting information generated from investigations required by this Permit including amendments, revisions and modifications to these documents.

11. Duty to Minimize Waste

The Permittee shall certify no less often than annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage or disposal is the practicable method currently available to the Permittee which minimizes the

present and future threat to human health and the environment. The Permittee shall maintain each such certification of waste minimization at the Facility until closure of such Facility (40 C.F.R. §264.73(b)(9)).

12. Duty to Comply with the Land Disposal Restrictions

All activities of the Permittee which involve the land disposal of hazardous waste are subject to the provisions of RCRA Section 3004(b)-(m), 42 U.S.C. § 6924(b)-(m), and applicable regulations thereunder at 40 C.F.R. Part 268.

13. Reporting Requirements

a. Planned Changes

The Permittee shall give notice to the Regional Administrator, as soon as possible, of any planned physical alterations or additions to the Facility (40 C.F.R. §270.30(1)(1)).

b. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the Facility or activity which may result in noncompliance with permit requirements (40 C.F.R. § 270.30(1)(2)).

c. Monitoring Reports

Monitoring reports shall be reported at the intervals specified elsewhere in this Permit (40 C.F.R. § 270.30(1)(4)).

d. Noncompliance with Schedules for Interim and Final Requirements

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fourteen (14) days following each schedule date (40 C.F.R. § 270.30(1)(5)).

e. Twenty-four Hour Reporting

The Permittee shall report to the Regional Administrator any noncompliance which may endanger health or the environment within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall contain the information listed in 40 C.F.R. § 270.30(1)(6).

f. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the Permittee shall submit a letter report including a copy of the manifest, to the Regional Administrator (40 C.F.R. § 270.30(1)(7)).

g. Unmanifested Waste Report

The Permittee shall submit a report to the Regional Administrator within 15 days of receipt of unmanifested waste (40 C.F.R. § 270.30(1)(8)).

h. Biennial Report

The Permittee shall submit a biennial report covering Facility activities during odd numbered calendar years (40 C.F.R. § 270.30(1)(9)).

i. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time monitoring reports are submitted. The reports shall contain the information listed in 40 C.F.R. § 270.30(1)(6) (40 C.F.R. § 270.30(1)(10)).

j. Failure to Submit Relevant and/or Accurate Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, the Permittee shall notify the Regional Administrator of such failure within seven (7) days of becoming aware of such deficiency or inaccuracy. The Permittee shall submit the correct or additional information to the Regional Administrator within fourteen (14) days of becoming aware of the deficiency or inaccuracy (40 C.F.R. § 270.30(1)(11)). Failure to submit the information required in this permit or misrepresentation of any submitted information is grounds for termination of this permit (40 C.F.R. § 270.43).

C. APPROVAL/DISAPPROVAL OF SUBMISSIONS

EPA will review the plans, reports, schedules, and other documents (hereinafter collectively referred to as “submissions”) submitted by the Permittee which require EPA approval. EPA will notify the Permittee in writing of EPA’s approval or disapproval of each submission.

Each submission required by this Permit is, upon approval by the Regional Administrator, incorporated into this Permit. Any noncompliance with such EPA-approved submission shall be deemed noncompliance with this Permit.

In the event of EPA disapproval in whole or in part of any submission, EPA shall specify the deficiencies in writing. Such disapproval shall not be subject to the Dispute Resolution provision set forth in permit condition I.D., immediately below, of this Permit. The Permittee shall modify the submission to correct/address the specified deficiencies within a reasonable time period established by EPA taking into account the tasks to be performed, and submit the revised submission to EPA for approval. If the revised submission is disapproved, EPA will notify the Permittee of the deficiencies in writing and specify a schedule for the Permittee to correct the deficiencies and resubmit the submission to EPA. The Permittee shall correct the deficiencies as directed by EPA

and forward the revised submission to EPA within the time period specified by EPA. In the event the Permittee disagrees with EPA's disapproval of the revised submission the Permittee shall notify EPA in writing and the disagreement shall be resolved in accordance with the Dispute Resolution provision in permit condition I.D. of the Permit.

D. DISPUTE RESOLUTION

Except as otherwise provided in this Permit in the event the Permittee disagrees, in whole or in part, with EPA disapproval of any submission required by this Permit, the Permittee shall notify EPA in writing of its objections, and the basis therefore, within twenty-one (21) days of receipt of EPA's disapproval.

Such notice shall set forth the specific matters in dispute, the basis for the Permittee's belief that its position is consistent with the permit requirements, and any supporting documentation.

EPA and the Permittee shall have an additional twenty-one (21) days from EPA receipt of the notification to meet or confer to resolve any dispute. In the event agreement is reached, the Permittee shall submit the revised submission and implement the same in accordance with such agreement.

In the event EPA and the Permittee are not able to reach agreement within this twenty-one (21)-day period, the Permittee shall have the opportunity to submit written comments regarding EPA's disapproval and receive a written decision from the EPA Regional Administrator or his delegate (e.g., the Division Director or the Office Director) regarding the Permittee's objection. EPA will notify the Permittee in writing of its decision and the Permittee shall comply with the terms and conditions of EPA's decision. The Permittee does not waive its right to assert any and all available defenses in a proceeding to enforce this Permit, nor does it waive any statutory or regulatory rights it may have, if any, to affirmatively challenge EPA's decision in the dispute.

E. EFFECT OF PERMIT

1. This Permit authorizes only the management of hazardous waste expressly described in this Permit and does not authorize any other management of hazardous waste.
2. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, or invasion of other private rights, or any infringement of State or local laws or regulations. (40 C.F.R. §§ 270.30(g) and 270.4(b) and (c)). Compliance with this Permit during its term constitutes compliance with Subtitle C of RCRA, except for those requirements not included in the Permit which are described in 40 C.F.R. § 270.4(a)(1)(i)-(iv). However, compliance with the terms of this Permit does not constitute a defense to any action brought under Section 7003 of RCRA,

42 U.S.C. § 6973, Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended 42 U.S.C. §9606(a) (commonly known as Superfund), or any other law governing protection of public health or welfare or the environment.

3. Nothing contained herein shall in any way be deemed to waive the Permittee's obligation to comply with 40 C.F.R. Part 270, Subpart C, and applicable regulations set forth at 40 C.F.R. Part 124.

F. PERMIT MODIFICATION, REVOCATION, AND REISSUANCE

1. This Permit may be modified, revoked, and reissued, or terminated for cause. The filing of a request for a permit modification, revocation, and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay any permit condition (40 C.F.R. § 270.30(f)). Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations and laws (RCRA Section 3005(c)(3), 42 U.S.C. § 6925(c)(3)).
2. The Regional Administrator will modify the Permit in accordance with 40 C.F.R. § 270.41 and Section 3005(c) of RCRA in the event that investigations required in this Permit, or any other information available to the Regional Administrator, identify solid waste management units (SWMUs) that require corrective measures. The modified permit will include assurances of financial responsibility for completing such corrective action (40 C.F.R. § 264.101(b)). This paragraph does not limit the Regional Administrator's authority to otherwise modify this Permit in accordance with 40 C.F.R. Part 270, Subpart D.
3. This Permit may be modified if the Regional Administrator determines good cause exists for modification as set forth in 40 C.F.R. § 270.41.

G. PERMIT EXPIRATION AND CONTINUANCE

1. Pursuant to 40 C.F.R. § 270.50, this Permit shall be effective for a fixed term not to exceed ten years. Pursuant to 40 C.F.R. § 270.51, this Permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely and complete application for a new permit (see 40 C.F.R. §§ 270.10 and 270.13 - 270.29) and, through no fault of the Permittee, the Director has not issued a new permit under 40 C.F.R. § 124.15 on or before the expiration date of this Permit. In addition, each permit for a land disposal facility shall be reviewed by the Regional Administrator five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in 40 C.F.R. § 270.41 (40 C.F.R. § 270.50(d)).
2. If the Permittee wishes to continue an activity regulated by this Permit after the

expiration date of this Permit, the Permittee must submit a complete application for a new permit at least 180 days before this Permit expires, unless permission for a later date has been granted by the Regional Administrator (40 C.F.R. §§ 270.10(h) and 270.30(b)).

3. The corrective action obligations contained in this Permit shall continue regardless of whether the Permittee continues to operate or ceases operation and closes the Facility. The Permittee is obligated to complete Facility-wide corrective action under the conditions of a RCRA permit regardless of the operational status of the Facility. The Permittee must submit an application for a new permit at least 180 days before this Permit expires pursuant to 40 C.F.R. § 270.10(h), unless the Permit has been modified to terminate the corrective action schedule of compliance and the Permittee has been released from the requirements for financial assurance for corrective action.

#### H. TRANSFER OF PERMIT

1. This Permit is not transferable to any person, except after notice to the Regional Administrator (40 C.F.R. § 270.30(1)(3)). The Permit may be transferred by the Permittee to a new owner or operator only if the Permit has been modified or revoked and reissued under 40 C.F.R. § 270.40(b) and 270.42(a) to identify the new Permittee and incorporate such other requirements as may be necessary under the appropriate Act (40 C.F.R. § 270.40). The Regional Administrator may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under RCRA (40 C.F.R. § 270.30(1)(3)).
2. Before transferring ownership or operation of the Facility during its operating life, the Permittee transferring its interest in the Facility shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270 (40 C.F.R. § 264.12(c)).

#### I. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby (40 C.F.R. § 124.16(a)(2)).

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PART II – SPECIFIC FACILITY CONDITIONS

A. CORRECTIVE ACTION FOR CONTINUING RELEASES; PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

1. Section 3004(u) of RCRA, 42 U.S.C. § 6924(u), and regulations codified at 40 C.F.R. § 264.101, provide that all permits issued after November 8, 1984 must require corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU), regardless of when waste was placed in the unit.
2. Under Section 3004(v) of RCRA, 42 U.S.C. § 6924(v), and 40 C.F.R. § 264.101(c), the EPA may require that corrective action at a permitted facility be taken beyond the facility boundary where necessary to protect human health and the environment, unless the owner or operator of the facility concerned demonstrates to the satisfaction of the EPA that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.
3. Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), and 40 C.F.R. § 270.32(b) provide that each permit shall contain such terms and conditions as EPA determines necessary to protect human health and the environment.

B. REMEDY IMPLEMENTATION

1. On October 4, 2012, EPA issued the Final Decision and Response to Comments (FDRTC), **Attachment A**, in which it selected the final remedy for the Facility (Final Remedy). This Permit requires the implementation of the Final Remedy.
2. The Final Remedy for the Facility consists of Pump and Treatment (P&T) of contaminated groundwater; long term groundwater monitoring of CMS Units 2 and 7, and RFI Unit 6, and land and groundwater use restrictions implemented by Institutional Controls (ICs). ICs are non-engineered mechanisms such as administrative and/or legal controls that minimize the potential for human exposure to contamination and/or protect the integrity of a remedy.

The Permittee shall operate, maintain, and monitor the Final Remedy in accordance with the following EPA-approved Plans attached hereto as **Attachment B**:

- a. The Operation and Maintenance (O&M) Plan for the groundwater P&T system operating on Parcels A10 and A40, dated May 2011, or as may be subsequently modified and approved by EPA;
- b. The Sampling and Analysis Plan for groundwater on Parcels A10 and A40, dated May 4, 2011, or as may be subsequently modified and



approved by EPA; and

- c. The Sampling and Analysis Plan for groundwater on Parcel A74 (the former Warehouse Building), dated August 19, 2002, or as may be subsequently modified and approved by EPA.
3. Within ninety (90) days of the Effective Date of this Permit, the Permittee shall submit to the EPA for approval an IC Plan for implementation of the use restrictions and requirements set forth in subparagraphs a. through d. immediately below.
- a. Prohibit residential land use (defined as single family homes, multiple family dwellings, schools, day care centers, child care centers, apartment buildings, dormitories, other residential-style facilities, hospitals, and in-patient health care facilities) at Parcel A10, Parcel A40, and Parcel A74, and at the portion of Parcels A8 and A15 that overlap with the groundwater impacts associated with CMS Unit 4 (UST #9);
  - b. Prohibit the use of groundwater from beneath Parcel A10, Parcel A40 and Parcel A74, and at the portion of Parcels A8 and A15 that overlap with the groundwater impacts associated with CMS Unit 4 (UST #9);
  - c. Restrict subsurface soil excavation at the following locations and/or under the following conditions except in conformance with an appropriate soil management plan:
    1. Below the water table at Parcels A10 and A40, and below the water table under the building at Parcel A74;
    2. Below the perched water table outside of the former Range Building in the former Exterior TCE Tank (ETT) area at Parcel A40;
    3. Penetration through the concrete floor of the western wing of the Press Pit in the former Range Building on Parcel A40;
    4. Below the water table at the portions of Parcels A8 and A15 that overlap with the groundwater impacts associated with CMS Unit 4 (UST #9).
  - d. At a minimum, provide coordinate surveys for applicable property use restrictions that meet the following requirements:
    1. Define the boundary of each use restriction as a polygon; and
    2. Establish the longitude and latitude of each polygon vertex as follows:
      - Decimal degrees format;
      - At least seven decimal places;

- Negative sign for west longitude; and
- WGS 1984 datum.

C. EVALUATION OF THE REMEDY

The Permittee shall submit semi-annual progress reports on the remedy performance beginning with the issuance of this Permit. Semi-annual reports shall be submitted by each January 31 and each July 31 until remedial clean-up requirements have been met. If the Agency determines that the Final Remedy will not comply with the media clean-up requirements as set forth in the FDRTC, the Agency may require the Permittee to perform additional studies and/or perform modifications to the Final Remedy. If necessary, the Agency or the Permittee may seek modification of this Permit pursuant to 40 CFR § 270.41 or § 270.42 and § 124.5 to implement modifications to the Final Remedy.

D. EMERGENCY RESPONSE; RELEASE REPORTING

1. In the event the Permittee identifies a newly discovered SWMU or new releases of hazardous waste and/or hazardous constituents at or from the Facility not previously identified, or discovers an immediate or potential threat to human health and/or the environment at the Facility, the Permittee shall notify the EPA Project Coordinator orally within forty-eight (48) hours of discovery and notify EPA in writing within three (3) calendar days of such discovery summarizing the potential for the migration or release of hazardous wastes, solid wastes, and/or hazardous constituents at and/or from the Facility and the immediacy and magnitude of the potential threat(s) to human health and/or the environment, as applicable. Upon written request of EPA, the Permittee shall submit to EPA for approval an Interim Measures (IM) Workplan in accordance with the IM Scope of Work (see Permit Condition II.E) that identifies interim measures which will mitigate the migration or release of hazardous wastes, solid wastes, and/or hazardous constituents at and/or from the Facility and mitigate any threat to human health and/or the environment. If EPA determines that immediate action is required, the EPA Project Coordinator may orally authorize the Permittee to act prior to EPA's receipt of the IM Workplan.
2. If EPA identifies a newly discovered SWMU or new releases of hazardous waste and/or hazardous constituents at or from the Facility not previously identified, or discovers an immediate or potential threat to human health and/or the environment at the Facility, EPA will notify the Permittee in writing. Within ten (10) days of receiving EPA's written notification, the Permittee shall submit to EPA for approval an IM Workplan in accordance with the IM Scope of Work, that identifies interim measures which will mitigate the migration or release of hazardous wastes, solid wastes, and/or hazardous constituents at and/or from the Facility and mitigate any threat to human health and/or the environment. If EPA determines that immediate action is required, the EPA Project Coordinator may

orally require the Permittee to act prior to the Permittee's receipt of EPA's written notification.

3. All IM Workplans shall ensure that the interim measures are designed to mitigate the migration or release of hazardous wastes, solid wastes, and/or hazardous constituents at and/or from the Facility and mitigate any immediate or potential threat(s) to human health and/or the environment, and should be consistent with the objectives of, and contribute to the performance of the Final Remedy set forth in the FDRTC or any additional remedy which may be required at the Facility.
4. Each IM Workplan shall include the following sections as appropriate and approved by EPA: Interim Measures Objectives, Public Involvement Plan, Data Collection Quality Assurance, Data Management, Waste Management Plan, Design Plans and Specifications, Operation and Maintenance, Project Schedule, Interim Measures Construction Quality Assurance, and Reporting Requirements.
5. Concurrent with submission of an IM Workplan, the Permittee shall submit to EPA an IM Health and Safety Plan.

E. GUIDANCE DOCUMENTS

All work to be performed at the Facility pursuant to this Permit shall be in general accordance with applicable EPA RCRA corrective action guidance available at: <http://www.epa.gov/hwcorrectiveactioncleanups/corrective-action-resources-specific-epas-region-3>

F. FINANCIAL ASSURANCE

1. Within ninety (90) days after the Effective Date of this Permit, the Permittee shall submit to EPA detailed written estimates, in current dollars, of the cost of hiring a third party to perform the work required under Part II "Remedy Implementation" (Cost Estimate). The Cost Estimate must account for the costs of all foreseeable work, including all investigations and reports, construction work, monitoring, and other long term care work, etc. All Cost Estimates shall be consistent with the requirements of 40 C.F.R. § 264.142 and § 264.144. References in these regulations to closure and post-closure shall mean the work to be performed under Part II of this Permit.
2. The Permittee shall annually adjust the Cost Estimate for inflation and for changes in the work required under Part II.B. "Remedy Implementation" until such work is completed. By January 31 of each year the Permittee shall submit each annual Cost Estimate to EPA.
3. By March 31 of each year, the Permittee shall demonstrate compliance with financial assurance to the Agency in accordance with 40 CFR § 264.143 for completing the Final Remedy in accordance with 40 CFR § 264.101(b).

4. The Permittee's inability or failure to establish or maintain financial assurance for completion of the Final Remedy shall in no way excuse performance of any other requirements of this Permit.

G. RECORDKEEPING

Upon completion of closure of any current or future SWMU, the Permittee shall maintain in the Facility operating record, documentation of the closure measures taken.

H. ACCESS FOR CORRECTIVE ACTION OVERSIGHT

The EPA and its authorized representatives shall have access to the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Permit. The Permittee shall use its best efforts to obtain access to property beyond the boundaries of the Facility at which corrective action is required by this Permit (see Section 3004(v) of RCRA, 42 USC § 6924(v), and 40 CFR § 264.101(c)): (1) for itself and any contractor of the Permittee for the purpose of taking corrective action required by this Permit, and (2) for EPA and its authorized representatives for the purposes described in this paragraph.

10/25/2022

Date Signed

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Dana Aunkst, Director  
Land, Chemicals, & Redevelopment Division  
EPA Region III

Attachment A: Final Decision and Response to Comments  
Attachment B: Operation & Maintenance Plans

