



**MARYLAND DEPARTMENT OF THE ENVIRONMENT
LAND AND MATERIALS ADMINISTRATION**

NOTICE OF FINAL DETERMINATION

ISSUE DATES: November 2 and 9, 2022

The Land and Materials Administration of the Maryland Department of the Environment (MDE) has made a final determination to renew a Controlled Hazardous Substance (CHS) Permit held by Baltimore Gas and Electric Company (BGE). The renewed permit (CHS Permit No. A-181) will allow BGE to continue to operate a CHS storage facility at 7210 Windsor Boulevard, Baltimore, MD 21244 (Windsor Mill area of Baltimore County). The permit authorizes BGE to temporarily store waste that contains polychlorinated biphenyls (PCBs). The waste is generated by BGE in connection with operation and maintenance of BGE's electrical transmission and distribution system. Storage is authorized in containers and tanks. The waste that is managed at the facility is shipped elsewhere for final disposition.

Based upon the renewal application meeting all applicable regulations and technical requirements, MDE issued a public notice of tentative determination to renew the permit. MDE published the notice of tentative determination in the Baltimore Sun on February 11 and February 18, 2022. The notice announced availability of a draft permit for public review and comment, offered an opportunity to request a public hearing, and initiated a 45-day public comment period. The notice was also posted on the MDE website.

In response to a request made during the initial public comment period, MDE scheduled a public hearing on the tentative determination. The hearing was held on June 2, 2022, at the Dogwood Elementary School, 7215 Dogwood Road, Baltimore MD 21244, after being advertised in the May 2 and May 9, 2022 editions of the Baltimore Sun. The hearing was also announced on the MDE website. The public comment period remained open for 5 days after the date of the hearing. An informational meeting was held immediately before the public hearing.

Because there was an error in the address of the facility in the notice of tentative determination and the notice announcing the public hearing, correction notices were published in the Baltimore Sun on May 31 and June 3, 2022. The correction notices also provided notice of an on-line meeting that was held on June 7, 2022 to accommodate persons who were unable to attend the June 2 hearing. The public comment period was extended to June 13, 2022.

DISCUSSION OF COMMENTS AND RESPONSES

MDE has prepared a document that identifies the issues raised by commenters during the public comment period, and provides responses to those comments. After evaluating all comments, MDE has determined that there is not a need to revise the permit as a result of issues raised by commenters. The document containing the public comments and MDE's responses has been provided to the commenters. The document has also been posted on the MDE website and is available via a link at <<https://mde.maryland.gov/programs/land/HazardousWaste>> under the heading "Are there any proposed actions currently open for public comment?" The public comments document is also available upon request.

FINAL DECISION

The final decision of MDE is to affirm the tentative determination to renew CHS Permit Number A-181. The renewed permit is unchanged from the draft permit that was made available for public comment as part of the tentative determination to renew the permit, except that changes have been made to correct 4 internal cross references to other permit conditions, and to address 3 instances where obsolete regulatory citations needed to be updated.

The renewed permit will have an effective date of December 3, 2022. Separately from the permit, MDE will encourage BGE to complete removal of PCB-containing equipment from BGE's transmission and distribution system by the end of the 10-year term of the permit.

A person may file a petition for judicial review of MDE's final determination to renew CHS Permit Number A-181 in accordance with the provisions of Sections 1-601 and 1-605 of the Environment Article, Annotated Code of Maryland. Under these provisions, a person adversely affected by this final determination may file a petition for judicial review if that person: 1) meets the threshold standing requirements under federal law; and 2) is the applicant, or participated in a public participation process through the submission of written or oral comments. Petitions for judicial review must be filed within 30 days after publication of a notice of final determination, and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review within 30 days after publication of a notice of final determination will constitute a waiver of any right to a judicial review of this final determination.

The administrative record for this matter is maintained in the offices of MDE's Solid Waste Program, 1800 Washington Blvd., Suite 605, Baltimore, MD 21230. Questions concerning this final determination may be directed to Mr. Edward Hammerberg at (410) 537-3356 or ed.hammerberg@maryland.gov.