

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

**STATE OF MARYLAND
DEPARTMENT OF THE
ENVIRONMENT**

*

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Plaintiff,

*

CASE NO: C-16-CV-23-000158

v.

*

WORLD RECYCLING COMPANY, *
ET AL.

*

Defendants.

*

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AMENDMENT BY INTERLINEATION TO CORRECT ADDRESS

Plaintiff, the State of Maryland Department of the Environment, by and through its attorneys, Anthony G. Brown, Attorney General, and Siobhan R. Keenan and Matthew D. Standeven, Assistant Attorneys General, hereby amends the Complaint by Interlineation to correct the address of Defendant, Jeffrey S. Miller's from the incorrect address (7815 Ivymount Terrace, Potomac, Maryland 20854) to the correct address of **1129 Woodlyn Road, Annapolis, Maryland 21409.**

Plaintiff respectfully requests that the Clerk of Court correct the docket entries to reflect the proper address for the Defendant, Jeffrey S. Miller.

The Amendments by Interlineation are as follows:

In the Caption:

JEFFREY S. MILLER,
1129 Woodlyn Road
Annapolis, Maryland 21409
~~7815 Ivymount Terrace~~

~~Potomac, Maryland 20854~~

Defendants.

In the body of the Complaint:

7. Jeffrey S. Miller is an individual and a resident of Maryland. He resides at 1129 Woodlyn Road, Annapolis, Maryland 21409 ~~7815 Ivymount Terrace, Potomac, Maryland 20854~~. Defendant Miller is the owner and president of World Recycling and the managing member of both Pride Rock and Small World. Mr. Miller is a signatory on the SACO in both his corporate and individual capacities and consented to be bound by its terms.

Respectfully submitted,

ANTHONY G. BROWN
Attorney General of Maryland



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Department of the Environment*

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IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

STATE OF MARYLAND	*
DEPARTMENT OF THE	*
ENVIRONMENT,	*
1800 Washington Boulevard	*
Baltimore, Maryland 21230,	Case No: <u>C-16-CV-23-000158</u>
 <i>Plaintiff,</i>	*
 v.	*
 WORLD RECYCLING COMPANY,	*
5600 Columbia Park Road	*
Cheverly, Maryland 20785,	*
 Serve on:	*
Jeffrey S. Miller, Resident Agent	*
1000 Samplers Way	*
Potomac, Maryland 20854,	*
 and	*
 PRIDE ROCK, LLC,	*
5600 Columbia Park Rd.	*
Cheverly, Maryland 20785,	*
 Serve on:	*
Jeffrey S. Miller, Resident Agent	*
5600 Columbia Park Road	*
Cheverly, Maryland 20785,	*
 and	*
 SMALL WORLD REAL ESTATE, LLC,*	*
8525 Rapley Preserve	*
Potomac, Maryland 20854,	*
 Serve on:	*
Jeffrey S. Miller, Resident Agent	*
8525 Rapley Preserve	*
Potomac, Maryland 20854,	*

and

*

JEFFREY S. MILLER,
7815 Ivymount Terrace
Potomac, Maryland 20854,

*

*

Defendants.

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* * * * *

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

The State of Maryland Department of the Environment (the “Department”), Plaintiff, by and through its attorneys, Anthony G. Brown, Attorney General, and Siobhan R. Keenan and Matthew D. Standeven, Assistant Attorneys General, files this complaint against World Recycling Company, Small World Real Estate, LLC, Pride Rock, LLC, and Jeffrey S. Miller, Defendants, and alleges as follows:

I. INTRODUCTION

1. Defendants World Recycling Company, Pride Rock, LLC, Small World Real Estate, LLC, and Jeffrey S. Miller, have violated, and continue to violate, Maryland laws, regulations, permits, and administrative orders at a property located in Cheverly by: (i) operating an open dump; (ii) handling scrap tires without a license; (iii) operating a solid waste transfer station without a permit; and (iv) polluting the waters of the State without authorization of a water discharge permit. Additionally, Defendants have violated and continue to violate, Maryland laws, regulations, permits, and administrative orders at a property located in Baltimore City by: (i) accepting and storing large quantities of solid waste; (ii) accepting hazardous medical wastes; (iii) improperly storing solid waste; (iv)

open dumping; (v) creating a nuisance and failing to control litter and rodents; and (vi) polluting waters of the State in violation of their National Pollutant Discharge Elimination System (NPDES) stormwater permit.

2. The Department files this action seeking injunctive relief, a judgment for debt, and additional civil penalties to enforce a settlement agreement and consent order that sought to correct past violations, enforce solid waste and stormwater discharge permits, and correct new and ongoing violations. *See Settlement Agreement and Consent Order, MDE No. SA-18-2531* (the “SACO”), attached as Ex. 1.

II. PARTIES

3. The Department is an agency within the Executive Branch of the State of Maryland. The Secretary of the Department is charged with responsibility for enforcing the State’s solid waste management laws in accordance with Title 9, Subtitle 2, of the Environment Article of the Annotated Code of Maryland and the Code of Maryland Regulations (COMAR) Sections 26.04.07 and 26.04.08, and for enforcing the State’s water pollution control laws in accordance with Title 9, Subtitle 3, of the Environment Article and COMAR 26.08.

4. Pride Rock, LLC (“Pride Rock”) is a limited liability company formed in Maryland. Pride Rock is a signatory on the SACO and consented to be bound by its terms. Pride Rock’s principal office is in Prince George’s County at 5600 Columbia Park Road, Cheverly, Maryland 20785 (the “Cheverly Property”), and it owns property in Baltimore City at 2740 Wilmarco Avenue, Baltimore, Maryland 21223 (the “Baltimore Property”). These properties are sources of open dumping of solid wastes and nuisance conditions, as

well as continuing and on-going sources of polluted stormwater runoff and pollution to the waters of this State. As the owner of the Baltimore Property, Pride Rock is legally responsible for any violations of environmental laws or regulations at the property, including permit violations by its tenant, World Recycling.

5. Small World Real Estate, LLC (“Small World”) is a limited liability company formed in Maryland with a principal office at 8525 Rapley Preserve, Potomac, Maryland 20854. Small World is a signatory on the SACO and consented to be bound by its terms. Small World owns the Cheverly Property, which is: (i) an open dump; (ii) an unpermitted solid waste transfer station; and (iii) a continuing and on-going source of unpermitted pollution to the waters of this State. As the owner of the Cheverly Property, Small World is legally responsible for any violations of environmental laws or regulations at the property, including permit violations by its tenants, World Recycling Company and Pride Rock.

6. World Recycling Company (“World Recycling”) is a corporation formed in Maryland with a principal office at the Cheverly Property. World Recycling is a signatory on the SACO and consented to be bound by its terms. At the time it entered into the SACO, World Recycling was actively engaged in a regular course of business as a paper recycling business at both the Baltimore Property and the Cheverly Property. At both locations, World Recycling was taking in mixed solid waste and storing the waste on site in open storage piles until it could be sorted and recyclable materials removed. World Recycling is not currently operating a recycling facility at the Cheverly Property, but continues to operate its recycling facility at the Baltimore Property. World Recycling also holds a

permit to operate as a solid waste transfer station and solid waste processing facility at the Baltimore Property. World Recycling was and is directly responsible for the conditions at both properties, including, but not limited to: (i) current nuisance conditions at the Baltimore Property; (ii) violations of permit conditions at the Baltimore Property; (iii) accumulated solid waste and open dumping at both the Cheverly and Baltimore Properties; and (iv) pollution of the waters of the State occurring at both locations.

7. Jeffrey S. Miller is an individual and a resident of Maryland. He resides at 7815 Ivymount Terrace, Potomac, Maryland 20854. Defendant Miller is the owner and president of World Recycling and the managing member of both Pride Rock and Small World. Mr. Miller is a signatory on the SACO in both his corporate and individual capacities and consented to be bound by its terms.

III. JURISDICTION & VENUE

8. The Department brings this action for injunctive relief and penalties for violations related to the disposal and processing of solid waste, and to stormwater pollution, pursuant to §§ 9-252, 9-268, and 9-334 through 9-344 of the Environment Article and Title 15, Chapter 500 of the Maryland Rules, which grant this Court the authority to issue orders and assess penalties in aid of enforcement of Maryland's environmental laws and regulations.

9. This Court has personal jurisdiction over Defendants pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-102, as Jeffrey Miller is domiciled in Maryland, and the corporate Defendants, World Recycling, Pride Rock, and Small World, were organized under the laws of this State and maintain their principal places of business in this State.

This Court additionally has jurisdiction over these Defendants pursuant to Cts. & Jud. Proc. § 6-103, as this cause of action arises from Defendants' business activities in the State and real property owned, possessed, and used by Defendants in this State.

10. Venue is proper in Prince George's County pursuant to Cts. & Jud. Proc. § 6-201 as both Pride Rock and World Recycling have their principal offices in Prince George's County, Small World carries on its regular business in Prince George's County as a landlord of property located in Prince George's County, and Jeffrey Miller is employed, carries on a regular business, and habitually engages in a vocation in Prince George's County in his roles as president and/or managing member of World Recycling, Pride Rock, and Small World.

IV. REGULATORY AUTHORITY

11. The Department is charged with the responsibility for regulating the management and disposal of solid waste in the State to protect the public health, prevent pollution of the State's air, water, and the environment, and prevent public nuisance.

A. Solid Waste Management

12. The Department regulates the entire life cycle of solid waste, and is authorized to take action to prevent any unregulated or improper disposal of solid waste. This is accomplished by requiring permits as a prerequisite to handling solid waste, including the installation, alteration, and extension of solid waste acceptance facilities, processing facilities, and transfer stations; conducting inspections to ensure compliance with permits and operational regulations; and taking necessary enforcement actions to

correct violations. The Department's authority is set forth in §§ 1-404, 9-201 through 9-229, 9-268, and 9-334 through 9-342 of the Environment Article, and COMAR 26.04.07.

A.1 Definitions

13. An “open dump” is defined in COMAR 26.04.07.02B(19) as a “land disposal site which . . . is not designed or operated in accordance with the requirements for a sanitary landfill.”

14. A “processing facility” is defined in COMAR 26.04.07.02B(23) as a “combination of structures, machinery, or devices used to reduce or alter, the volume, chemical, or physical characteristics of solid waste.”

15. Section 9-201(e) of the Environment Article defines a “refuse disposal system” to include a transfer station, a landfill, a solid waste processing facility, and any other solid waste acceptance facility.

16. Section 9-101(j) of the Environment Article defines “solid waste” as “any garbage, refuse, sludge, or liquid from industrial, commercial, mining, or agricultural operations or from community activities.” “Solid waste” includes:

- (i) Scrap tires as defined in § 9-201 of this title;
- (ii) Organic material capable of being composted that is not composted in accordance with regulations adopted under § 9-1725(b) of this title;
- (iii) Materials that are managed at a recycling facility and are not recyclable materials as defined in § 9-1701¹ of this title; and
- (iv) Recyclable materials as defined in § 9-1701 of this title that are not:

¹ Environment Article § 9-1701 defines “Recyclable materials” as those materials that: (i) would otherwise become solid waste for disposal in a refuse disposal system; and (ii) may be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products.

1. Returned to the marketplace in the form of a raw material or product within 1 calendar year from the time the recyclable materials are received; or
2. Otherwise managed in accordance with regulations adopted under § 9-1713 of this title.

Solid waste “does not include . . . (iv) Materials that are managed at a recycling facility in accordance with regulations adopted under § 9-1713 of this title.”²

17. A “system of refuse disposal for public use” is defined by COMAR 26.04.07.02B(30) to mean “the services, facilities, or properties used in connection with the intermediate or final disposal of any solid waste unless these activities are limited to waste generated by an individual, a single corporation or business, or are disposed of as authorized by a permit issued by the Department.”

18. A “transfer station” is defined in COMAR 26.04.07.02B(32) as a place or facility where “materials are taken from one collection vehicle” and “placed in another transportation unit” for the purpose of “movement to other solid waste acceptance facilities.”

A.2 Required and Prohibited Actions

19. A person “may not engage in solid waste handling in a manner that will likely (1) create a nuisance; (2) be conducive to insect and rodent infestation or the harboring of wild dogs or other animals; . . . (4) cause a discharge of pollutants to waters of the State . . . ; (5) impair the quality of the environment; or create other hazards to the public health, safety, or comfort as may be determined by the [Department].” COMAR 26.04.07.03A.

² Regulations pursuant to § 9-1713 of the Environment Article have not yet been promulgated.

20. A person is required to have a permit issued by the Department “before the person installs, materially alters, or materially extends a . . . refuse disposal system.” Envir. § 9-204(d).

21. Using property as a transfer station without a permit is prohibited, as is operating a refuse disposal system (or part thereof) in a manner that is not in compliance with an existing permit. Envir. § 9-204(h).

22. COMAR 26.04.07.03B(1) provides that a person may not “construct or operate a system of refuse disposal for public use without first obtaining a valid permit issued under these regulations.” Furthermore, a person may not “cause, suffer, allow, or permit the construction or operation of an unpermitted system of refuse disposal for public use on his or her property.” *Id.*

23. COMAR 26.04.07.03B(4) prohibits the operation of an open dump, and a person “may not cause, suffer, allow, or permit open dumping on his or her property.”

24. COMAR 26.04.07.24D provides minimum operating standards for a transfer station. These minimum standards require that a transfer station “be operated in a manner that prevents health hazards and minimizes nuisances.” Further, the minimum standards limit any discharge to air or waters to “those allowable under permits governing solid waste disposal, water pollution control, or air pollution control.”

B. Scrap Tire Collection, Storage, & Control

B.1 Definitions

25. The definition of solid waste includes scrap tires, which are defined in section 9-201(f) of the Environment Article as “any tire that no longer is suitable for its original intended purpose by virtue of wear, damage, or defect.”

26. An “approved facility” is defined as “a facility located in or outside of the State for collecting, recycling, or otherwise processing scrap tires that is approved or licensed by the Department in accordance with regulations adopted by the Department.” Envir. § 9-228(a).

27. “Handle scrap tires” is defined in COMAR 26.04.08.02(10) as “to be engaged in hauling, transferring, storage, collection, recycling, or processing of scrap tires.”

28. Section 9-201(g) of the Environment Article defines a “scrap tire collection facility” as a place where scrap tires are “(1) deposited by a consumer or a scrap tire hauler; and (2) transferred to another scrap tire collection facility or scrap tire recycler.”

29. Pursuant to COMAR 26.04.08.02(19), a “scrap tire facility” is “an existing, planned, or proposed site that stores, collects, recycles, incinerates scrap tires to recover energy, or otherwise processes scrap tires.”

30. Section 9-201(h) of the Environment Article defines “scrap tire hauler” as “a person who, as part of a commercial business, (1) transports scrap tires; and (2) is approved and licensed by the Department to transport scrap tires to a scrap tire recycler or a scrap tire collection facility.”

31. Section 9-201(i) of the Environment Article defines a “scrap tire recycler” as “a person who is approved and licensed by the Department to process scrap tires to a form of raw materials or products that may be returned to the marketplace.”

32. Pursuant to section 9-201(q) of the Environment Article, to “store scrap tires” means “the accumulation of scrap tires in any form or configuration in excess of 15,000 cubic feet.” Pursuant to COMAR 26.04.08.02(29), the term “store scrap tires” does not include “scrap tires collected in enclosed, metal, transport-worthy containers.”

B.2 Required and Prohibited Actions

33. A person “may not haul, transfer, store, collect, recycle, or engage in other methods of processing of scrap tires in a manner which will likely (1) Create a nuisance; (2) Be conducive to insect and rodent infestation; . . . (4) Cause a discharge of any constituents derived from scrap tires into waters of this State unless otherwise permitted by the Department; (5) Impair the quality of the environment; or (6) Create other hazards to the public health, safety, or comfort as may be determined by the Department.” COMAR 26.04.08.03.

34. All scrap tire haulers are required to be “licensed by the Department to transport scrap tires from scrap tire collection facilities to scrap tire recyclers” and must “transport each load of scrap tires to the scrap tire recyclers in accordance with regulations adopted by the Department.” Envir. § 9-228(h). The licensing requirements apply to anyone who hauls more than five (5) scrap tires annually. COMAR 26.04.08.03A(2).

35. A scrap tire collection facility located within the State must “be licensed by the Department to receive tires from a consumer or a scrap tire hauler,” must “manage

scrap tires in accordance with regulations adopted by the Department,” and must transfer the scrap tires they collect, using a scrap tire hauler, to a scrap tire recycler or another scrap tire collection facility. Envir. § 9-228(i).

36. It is illegal for persons to store scrap tires unless they demonstrate “to the satisfaction of the Department that, within 90 days of the time that the person stores the scrap tires, the scrap tires will be: (1) returned to the marketplace; (2) used as fuel in an approved resource recovery incinerator; (3) used as a tire derived fuel in an approved facility; or (4) transferred” to a recycling facility by a scrap tire hauler. *Id.* § 9-228(b).

37. Scrap tires being stored by a scrap tire facility must comply with the operational requirements contained in COMAR 26.04.08.17, which serve to prevent and/or minimize fires, control vermin and insects, and prevent liquid runoff from entering the waters of the State.

38. It is illegal for a scrap tire hauler or a scrap tire collection facility to “transport or transfer scrap tires to any place other than a facility designated” by the Department as part of the tire recycling system. Envir. § 9-228(k).

39. Pursuant to section 9-228(f)(2) of the Environment Article, “A person may not dispose of scrap tires except through a licensed scrap tire hauler or by delivering the tires to an approved facility.”

40. Scrap tires “may not be disposed of in an open dump.” COMAR 26.04.07.03B(1).

C. Water Pollution Control

41. The Department holds broad authority to protect the waters of the State from pollution, including pollution coming from stormwater run-off. The Department regulates industrial activities, such as solid waste handling or processing of recyclable materials, to ensure that they do not cause or contribute to pollution through stormwater run-off. The Department’s authority is set forth in sections 1-404, 9-101, 9-224, 9-252, 9-253, and 9-301 through 9-344 of the Environment Article, and in COMAR 26.04.07 and 26.08.

42. Pursuant to Environment Article § 9-252(b)(1), the Department has “supervision and control over the sanitary and physical condition of the waters of this State to protect public health and comfort.” The Department is required to investigate all sources of water and examine refuse disposal systems. Envir. § 9-252(b)(3). In order “to prevent or correct pollution of the waters of this State,” the Department may adopt and enforce regulations, order works to be executed, or require any refuse disposal system to “be operated in a manner that will protect public health and comfort.” *Id.* § 9-252(a).

C.1 Definitions

43. Section 9-101(b) of the Environment Article defines “discharge” to mean “(1) The addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of this State; or (2) The placing of a pollutant in a location where the pollutant is likely to pollute.”

44. Section 9-301(d) of the Environment Article defines “discharge permit” as “a permit issued by the Department for the discharge of any pollutant or combination of

pollutants into the waters of this State.” COMAR 26.08.01.01B(35) defines “general permit” as “a discharge permit issued to a class of dischargers.”

45. Section 9-101(d) of the Environment Article defines “effluent limitation” as “a restriction or prohibition that: (i) is established under federal law or a law of this State; and (ii) specifies quantities, rates, or concentrations of chemical, physical, biological, or other constituents that are discharged into the waters of this State.”

46. Section 9-101(f) of the Environment Article defines the “National Pollutant Discharge Elimination System” or “NPDES” as “the national system for issuing permits as designated by the Federal Water Pollution Control Act,” which is set forth at 33 U.S.C. § 1251 *et seq.* The Federal Water Pollution Control Act, its amendments, and all regulations and rules adopted under it, are referred to collectively as the “Federal Act.” An “NPDES permit” is a permit issued under the Federal Act. COMAR 26.08.01.01B(33, 45, & 49).

47. Section 9-101(g) of the Environment Article defines “pollutant” as “any waste or wastewater” that is discharged from an industrial source or “any other liquid, gaseous, solid, or other substance that will pollute any waters of this State.”

48. Section 9-101(h) of the Environment Article defines “pollution” as “any contamination or other alteration of the physical, chemical, or biological properties of any waters of this State, including a change in temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of this State, that will render the waters harmful or detrimental to (1) Public health, safety, or welfare; (2) Domestic,

commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; (3) Livestock, wild animals, or birds; or (4) Fish or other aquatic life.”

49. COMAR 26.08.01.01B(84) defines “source” as “any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants.”

50. COMAR 26.08.01.01B(98) defines “waste” as “industrial waste and all other liquid, gaseous, solid, or other substances which will pollute any waters of this State.”

51. COMAR 26.08.01.01B(57) defines “other waste” to mean “garbage, refuse, wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, and all discarded substances other than sewage or industrial waste.”

52. Section 9-101(k) of the Environment Article defines “water quality standard” as any “water quality standard that is adopted and effective under federal law or a law of this State.”

53. Section 9-101(l) of the Environment Article defines “Waters of this State” to include “Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including . . . all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State.”

C.2 Required and Prohibited Actions

54. “A person may not discharge any pollutant into the waters of this State” except as permitted by the rules and regulations adopted by the Department. Envir. § 9-322.

55. If the operation of an industrial or commercial facility or disposal system “could cause or increase the discharge of pollutants into the waters of this State,” a person

“shall hold a discharge permit issued by the Department” prior to constructing, installing, or operating the facility. *Id.* § 9-323.

56. The Department has promulgated rules and regulations to establish “water quality standards that specify the maximum permissible short term and long-term concentrations of pollutants in the water.” *Id.* § 9-314; *see* COMAR 26.08.02. Under these regulations, the waters of the State may not be polluted by industrial waste or other waste:

- a. that “will settle to form sludge deposits that are unsightly, putrescent, or odorous, and create a nuisance;”
- b. that includes “floating debris, oil, grease, scum, sludge, and other floating materials” in amounts sufficient to “be unsightly; produce taste or odor; . . . create a nuisance;”
- c. that contains corrosive substances “in concentrations or combinations which . . . are harmful to human, animal, plant or aquatic life;”
- d. that contains toxic substances in concentrations which “are harmful to human, plant or aquatic life;”
- e. or that “interfere directly or indirectly with designated uses.”

COMAR 26.08.02.03B.

57. The Department has promulgated rules and regulations to establish “procedures for monitoring pollutants, collecting samples, and logging and reporting of monitoring.” Envir. § 9-314. The Department, by “rule, regulation, order, permit, or otherwise,” may require the owner or operator of any source of a discharge of pollutants to make and keep records, to sample discharges, and to “provide the Department with any information that the Department reasonably requires” about the “discharge of pollutants into the waters of this State.” *Id.* § 9-331. Monitoring and record-keeping regulations

associated with discharge permits are set forth in the permits themselves and at COMAR 26.08.04.03.

58. To protect the waters of the State, the Department is authorized to “issue, modify, or revoke orders and permits that prohibit discharges of pollutants into the waters of this State or to adopt any other reasonable remedial measures to prevent, control, or abate pollution or undesirable changes in the quality of the waters of this State.” Envir. § 9-319(a)(7).

59. The Department administers the federal NPDES permitting program as part of its own discharge permit system. COMAR 26.08.04.07. The discharge permit system includes both individual permits issued to specific dischargers and general permits that regulate classes of discharges, including stormwater discharges. COMAR 26.08.04.08. With some exceptions, the General Discharge Permit for Stormwater Discharges Associated with Industrial Activity, Discharge Permit No. 12-SW-A (hereinafter, the “General Permit”) regulates stormwater runoff from sites where industrial activities take place. COMAR 26.08.04.09B. Any person covered by the General Permit must comply, at all times, with the Federal Act and Title 7, Subtitle 2, and Title 9, Subtitle 3, of the Environment Article, in addition to all other requirements contained in the permit itself. COMAR 26.08.04.09B(4).

60. The General Permit became effective January 1, 2014. It was set to expire on December 31, 2018, but has been administratively extended pending issuance of a new permit.

D. Enforcement Authority

61. Section 9-268 of the Environment Article directs the Department to enforce violations of Subtitle 2 of Title 9 of the Environment Article, as well as any regulation, permit, or order, adopted thereunder, through any authorized means including administrative proceedings, corrective orders, injunctive relief, or by pursuing civil or criminal penalties in a court of law. Section 9-268 incorporates the remedies provided in sections 9-334 through 9-344 of the Environment Article.

62. Section 9-334 of the Environment Article directs the Department to enforce violations of Subtitle 3 of Title 9 of the Environment Article, any rule or regulation adopted thereunder, or any permit or order issued thereunder.

63. Section 9-335 of the Environment Article authorizes the Department to issue administrative orders directing a person to take corrective action within a time set in the order. The SACO is an administration order under this section.

64. Section 9-339 of the Environment Article provides that upon “showing that any person is violating or is about to violate this subtitle or any rule, regulation, order, or permit adopted or issued by the Department, the court shall grant an injunction without requiring a showing of a lack of an adequate remedy at law.”

65. Section 9-342 of the Environment Article provides for civil penalties for any violation, in addition to injunctive relief, to be collected in a civil action. A person who violates any provision of Title 9, Subtitle 3, or any rule, regulation, order, or permit adopted or issued thereunder is liable to a civil penalty not exceeding \$10,000. “Each day a violation occurs is a separate violation” under that subsection. *Id.*

V. FACTUAL ALLEGATIONS

A. The General Permit

66. Defendant World Recycling submitted a notice of intent to be covered by the General Permit for stormwater discharges into the Anacostia River associated with its operations at the Cheverly Property. On March 10, 2015, the Department issued a letter to World Recycling indicating that its registration had been accepted and advising it of its reporting requirements and monitoring obligations, also known as benchmarks. That registration expired on November 10, 2022.

67. Defendant World Recycling also submitted a notice of intent to be covered by the General Permit for stormwater discharges into the Gwynns Falls associated with its operations at the Baltimore Property. On June 2, 2016, the Department issued a letter to World Recycling indicating that its registration had been accepted and advising it of its reporting requirements and benchmarks. That registration expired on November 10, 2022.

68. The General Permit lists specific actions a permittee is required to take to prevent contamination of stormwater and minimize pollutant discharges into waters of the State. These requirements include the following:

- a. **Minimize Exposure:** Minimize the exposure of manufacturing, processing, and material storage areas to rain and runoff by either locating these industrial materials inside or protecting them with storm resistant coverings. Store chemical products and waste materials under cover on an impervious surface. General Permit, Part III B.1.b(i).
- b. **Good Housekeeping:** Keep clean all exposed areas that are potential sources of pollutants. Measures to employ could include sweeping, storing materials in appropriate containers, and/or maintaining a set schedule for routine grounds maintenance and cleanup. *Id.*, Part III B.1.b(ii).

- c. **Maintenance:** Maintain and repair all industrial equipment and systems to avoid situations that may result in leaks. Maintain all stormwater control measures in effective operating condition. Repair or replace non-functioning control measures as expeditiously as practicable. *Id.*, Part III B.1.b(iii).
- d. **Spill Prevention and Response Procedures:** Minimize the potential for leaks, spills, or releases that may be exposed to stormwater and develop plans for effective response to spills. Minimum actions include: labeling containers, quarterly inspections, barriers and secondary containment, procedures for cleaning up releases, and notification procedures. *Id.*, Part III B.1.b(iv).
- e. **Erosion and Sediment Controls:** Stabilize exposed areas and contain runoff using control measures to prevent onsite erosion and sedimentation at discharge locations and outfalls. *Id.*, Part III B.1.b(v).
- f. **Sector Specific Non-Numeric Effluent Limits:** Achieve additional non-numeric effluent limits required for the applicable industry sector. Defendants are identified as Sector N (Subsector N1): Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling. Additional requirements pertinent to Defendants include:
 - i. Inspect inbound recyclables and waste materials to minimize the chance of accepting materials that could be significant sources of pollutants.
 - ii. Minimize contact of stormwater runoff with stockpiled materials, processed materials, and nonrecyclable waste through use of covers or engineered methods (sediment traps, containment berms, silt fencing, etc.)
 - iii. Monitor stormwater effluents and ensure that benchmarks are not exceeded for Chemical Oxygen Demand (“COD”), Total Suspended Solids (“TSS”), Total Recoverable Aluminum, Total Recoverable Iron, Total Lead, Total Zinc, and Total Copper in stormwater runoff.

General Permit, Part III B.1.b(viii); Appendix D (Sector N).

- g. **Waste, Garbage, Floatable Debris:** Ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials, intercepting them before they are discharged, placing garbage or recycling containers at traffic areas, and identifying a schedule for personnel to walk site for trash and litter. General Permit, Part III B.1.b(xi).

h. **Dust Generation and Vehicle Tracking of Industrial Materials:** Minimize generation of dust and offsite tracking of raw, final, or waste materials. *Id.*, Part III B.1.b(xii).

69. The General Permit requires monitoring of stormwater to determine the effectiveness of control measures. If water quality or benchmark standards are not met, control measures must be modified to improve compliance. *Id.*, Parts III B.2.a, V.B.3. Samples of stormwater from outfalls located on covered property are to be taken on a quarterly basis and tested for pollutants. The reports on those tests results, called Discharge Monitoring Reports, are required to be uploaded to the Environmental Protection Agency's ("EPA's") on-line reporting platform, NetDMR. If there was no stormwater to test in a given quarter, entries must still be made in NetDMR, indicating, with the No Data Indicator codes, that no sample data can be provided. General Permit, Part V.B.

B. Settlement Agreement and Consent Order

B.1 Background

70. On December 17, 2014, the Department issued Site Complaint No. SC-O-15-SW-141, citing the Cheverly Property for being an open dump and World Recycling for processing solid waste without a permit. The Site Complaint was issued when an inspector found: (i) bales of non-recyclable solid waste stacked on the ground; (ii) uncovered roll-off containers filled with waste; (iii) piles of roofing shingles and scrap tires on the ground; (iv) bales of cardboard and paper exposed to the elements; and (v) litter and paper fines strewn throughout the site, blowing onto adjacent properties, and sitting in pools of stagnant stormwater. World Recycling took corrective action and the Site Complaint was closed on February 4, 2015.

71. One year later, the Cheverly Property was again an open dump. An inspection on February 4, 2016, found: (i) 800 cubic yards of cardboard and recyclables stacked outside; (ii) baled waste material stacked throughout the property; (iii) litter and paper fines throughout the property; and (iv) standing pools of stormwater mixed with waste and muck. Another Site Complaint, No. SC-0-16-SW-058, was issued for unpermitted processing of solid waste and creation of an open dump. Multiple follow-up inspections over the next two years found that violations were not corrected, or only partially corrected, and new waste continued to accumulate. Inspections repeatedly documented: (i) piles of roofing shingles; (ii) piles of scrap tires; (iii) litter and solid waste dumped in wooded areas adjacent to streams; (iv) persistent litter, trash, and contaminated stormwater; (v) rats; (vi) storm drains clogged with trash; and (vii) uncovered roll-off containers full of waste in which trees and weeds had sprouted.

72. Inspections at the Baltimore Property between December 2015 and April 2016 found large stockpiles of processed and unprocessed recyclable materials and mixed solid waste that were exposed to the elements. Litter and debris accumulated near the loading docks of the building, and wind-blown litter existed throughout the property, including shredded paper and paper fines. The walls of the building had large holes where litter was exiting the building. Inspectors observed a mix of sediment, paper fines, and debris on the ground around the stockpiles of wastes and recyclables in such a condition as likely to result in polluted stormwater run-off, as well as dark staining on the ground around diesel fuel tanks. The facility did not have an NPDES Industrial Stormwater permit or a permit for operation of a solid waste processing facility, despite operating for four years.

Several storm drains on the property were not protected, and the inspectors observed the presence of trash, debris, and sediment clogging the storm drains. Defendants were advised of the observed violations of Maryland’s environmental laws and provided with a list of corrective actions to take to bring the Baltimore Property into compliance. Defendants did take some corrective actions, including obtaining coverage under the General Permit for the Baltimore Property on June 12, 2016, and submitting a Stormwater Pollution Prevention Plan (“SWPPP”) on December 16, 2016.

73. A February 1, 2018, compliance inspection at the Baltimore Property found the requirements of the General Permit and the SWPPP were not being met. No quarterly routine facility inspection logs, annual comprehensive facility inspection reports, or annual employee SWPPP training records were documented. The facility was not registered with NetDMR for submission of benchmark monitoring data via Discharge Monitoring Reports (“DMRs”). Despite the requirement to begin sampling stormwater at the Baltimore Facility for benchmarks during the second quarter of 2017, no results from sampling efforts had been taken as of February 2018. Litter and paper fines existed at multiple locations, and several stormwater outfalls were clogged with debris.

74. To address these continuing violations, the Department initiated an administrative enforcement action, MDE Case No. SA-18-253, alleging that Defendants violated Environment Article §§ 9-204, 9-322, and 9-323, COMAR 26.04.07.03, and the General Permit at both the Cheverly Property and the Baltimore Property (collectively, the “Properties”), causing or permitting the “open dumping of solid waste and the operation of a refuse disposal system without a permit from the Department,” accumulating “large,

uncovered stockpiles of solid waste” containing “a mix of sediment, paper fines, ‘muck,’ and other materials and debris,” accumulating solid waste “in a position likely to be tracked around the Properties by vehicles or other equipment and to be discharged into waters of the State,” and failing to comply with the notice and registration requirements of the General Permit. Ex. 1, at 1. The Department furthermore alleged that the Cheverly Property was being used as an illegal transfer station. Ex. 1, at 1-2.

75. To resolve those allegations, the Department and Defendants entered into the SACO, which became effective on April 30, 2018. *See* Ex. 1. The SACO is a contract and a final administrative corrective order, enforceable pursuant to §§ 9-268 and 9-334 of the Environment Article.

B.2 Requirements of the SACO

76. The SACO required Defendants to take corrective actions necessary to bring the Properties into full compliance with Maryland’s environmental laws and regulations and to maintain that state of compliance once obtained.

77. Defendants were ordered to “remove all solid waste, including roll-off containers holding solid waste, from the Properties” within thirty (30) days of the effective date of the SACO (i.e. by May 30, 2018). Ex. 1 at ¶ 2. Defendants had already removed the solid waste from the Baltimore Property before the SACO was executed. They had not removed pre-existing solid waste from the Cheverly Property.

78. Defendants were ordered to refuse acceptance of any new solid waste onto the Properties until they submitted, and the Department approved, a Temporary Solid Waste Storage Plan (“Waste Storage Plan”). *Id.* at ¶¶ 4-5.

79. The Waste Storage Plan was to be submitted by June 14, 2018, and was to include at a minimum the following operational standards: limit solid waste accumulation to 200 cubic yards or five (5) containers; limit solid waste storage to no more than five (5) days; utilize solid waste storage containers which are leak-proof, plugged, and covered; post appropriate signage; and maintain logbooks documenting operations such as solid waste tracking. *Id.* at ¶ 5

80. Once approved by the Department, the Waste Storage Plan would be incorporated into the final administrative corrective order, enforceable pursuant to §§ 9-268 and 9-334 of the Environment Article, and was to remain in effect until terminated by the Department. Ex. 1 at ¶¶ 5(h), 15.

81. Defendants were ordered to implement physical and operational processes to eliminate “spillage or litter” and “off-site migration of litter by wind, stormwater, or other means.” Defendants were also ordered to submit a Litter Control Plan within thirty (30) days (i.e. by May 30, 2018) that detailed plans to control litter, including housekeeping practices and documentation practices, such as a litter control log. *Id.* at ¶ 6. Defendants agreed that, upon approval by the Department, the Litter Control Plan would be incorporated into the SACO, and become enforceable under §§ 9-268 and 9-334 of the Environment Article. Ex. 1 at ¶ 15.

82. Defendants were also required to submit an Auxiliary Stormwater Pollution Remediation Plan (“Stormwater Remediation Plan”), for review and approval by the Department, that addressed conditions on the Properties which contributed to off-site migration of pollutants, including drainage problems and areas of ponded stormwater

polluted by muck from paper fines, litter, and waste. The Stormwater Remediation Plan, was to be submitted by June 29, 2018, and following approval, was to be fully implemented by January 15, 2019. *Id.* at ¶¶ 7-8.

83. If the Department rejected any plan submitted under the SACO, Defendants were required to submit a corrected document for review within thirty (30) days. If Defendants took exception to the Department's disapproval of their plans, the SACO provided a mechanism for review. *See id.* at ¶¶ 16-17.

84. After obtaining approval of their Stormwater Remediation Plan, Defendants were required to develop, and obtain Department approval of, an updated Stormwater Pollution Prevention Plan ("SWPPP") for each of the Properties. *Id.* at ¶¶ 9-10. The updated SWPPP was to set forth the minimum operational requirements for Defendants to implement. *Id.* at ¶ 10.

85. The SACO specified that Defendants were required to submit DMRs by August 30, 2018, and quarterly thereafter. *Id.* at ¶ 11; *see also* General Permit, Part V.B.

86. Within one hundred twenty (120) days of the effective date of the SACO (i.e. by August 28, 2018), Defendants were required to achieve compliance with the effluent limits in the General Permit at both Properties, as well as satisfy all other requirements of the General Permit. If they failed to meet those limits, they were required to "promptly address and remedy any failures" by modifying control measures, minimizing exposure of materials to rain and runoff, and otherwise implementing a variety of housekeeping and operational measures to control run-off and pollution of stormwater. Ex. 1 at ¶ 11.

87. Defendants have never met all effluent limitations for the Baltimore Property. The Cheverly Property also has presumptively never met effluent limitations, as Defendants have never complied with the General Permit requirements for quarterly testing and NetDMR reporting.

B.3 Penalties Under the SACO

88. The SACO required payment of a civil penalty of \$45,000 for past violations, with \$33,750 of that penalty held in abeyance pending timely completion of the SACO's obligations. Defendants paid the initial \$11,250 penalty pursuant to the terms of the SACO. The Department has made a demand for the remaining \$33,750 penalty that was held in abeyance. The remaining \$33,750 stipulated penalty has not been paid.

89. The SACO provides for stipulated penalties of \$100 per day to start accruing on the date the SACO was executed and to continue to accrue until the Department acknowledges, in writing, that all obligations of the SACO have been completed. *Id.* at ¶ 30. The terms of the SACO have never been satisfied and the Department has never issued a written acknowledgement that the obligations of the SACO were completed. Stipulated penalties of \$100 per day started to accrue on April 30, 2018, and have continued to accrue through the filing of this complaint.

90. The SACO provides for stipulated penalties of \$100 per day to accrue starting on the date when complete performance was due, or a violation occurs, and to continue until the noncompliance is resolved and compliance has been achieved. *Id.* at ¶ 31. Complete performance under the SACO was due on January 15, 2019.

91. The SACO provides for the simultaneous accrual of separate stipulated penalties for separate violations of the agreement. *Id.* at ¶ 31. It also states that any failure by the Department to demand stipulated penalties is not a waiver of those penalties. *Id.* at ¶ 33.

92. The stipulated penalties are in addition to, and not a limitation upon, any other remedy or sanction the Department has authority to seek for a violation of the State's environmental laws and regulations, a violation of any permit, or a violation of the SACO itself. *Id.* at ¶¶ 33-35, 46.

93. The SACO remains in full force and effect until all its terms and obligations have been completed and satisfied. *Id.* at ¶ 44. The obligations of the SACO have never been completed and the Department has never released Defendants from its terms.

C. The Cheverly Property: Non-Compliance with the SACO and Operation as an Unpermitted Transfer Station and Open Dump.

94. The Cheverly Property is a three-acre lot that originally contained a 30,000 sq. ft. building with two loading areas, a small compactor/baler inside, and a large compactor/baler outside.

C.1 Failure to Achieve Compliance with the SACO at the Cheverly Property

95. On June 14, 2018, Defendants submitted a single document with their proposed Temporary Solid Waste Storage Plan, Litter Control Plan, and Stormwater Remediation Plan. These initial plans were rejected, and Defendants were advised to revise and resubmit the plans. Among other things, Defendants were directed to submit stand-alone plans for each type of activity (Solid Waste, Litter, Stormwater), and for each

property, and were given a list of the details that were missing and required to be included in the revised plans. Defendants never exercised the SACO's options regarding review of the Department's rejection of their plan. In October 2018, World Recycling again submitted a single document that purported to represent all required plans for both properties.

96. The revised Litter Control Plan for the Cheverly Property submitted in October 2018 was again deemed insufficient by the Department. On March 26, 2019, the Department told Defendants that the plan lacked detail on engineering controls, such as litter fencing, and best management practices such as scheduled clean-up inspections. Defendants were advised to immediately implement the Litter Control Plan, enhance engineering controls at the receiving areas, loading docks, and property perimeter, conduct inspections and housekeeping, and maintain a log book.

97. Defendants submitted the Waste Storage Plan for the Cheverly Property in October 2018, four (4) months after the SACO's deadline. On March 26, 2019, the Department advised Defendants that the Waste Storage Plan was insufficient. Nevertheless, the Department directed Defendant to immediately implement that plan, and incorporate and implement all of the minimum requirements set forth in paragraph 5 of the SACO.

98. On July 12, 2018, Defendants submitted the Stormwater Remediation Plan for the Cheverly Property. This initial plan was rejected, and a revised plan was submitted in October 2018. The revised Stormwater Remediation Plan for the Cheverly Property was also rejected by the Department. On March 26, 2019, Defendants were told to revise again

and resubmit the Stormwater Remediation Plan for the Cheverly Property to address the deficiencies identified by the Department within thirty (30) days. Defendants never submitted a revised plan as directed.

99. Defendants have never submitted reports to NetDMR for the Cheverly Property. Defendants have failed to perform quarterly testing of stormwater runoff at that property, as required, and are presumed to exceed all stormwater pollution benchmarks.

100. To date, Defendants have not fulfilled their obligations under the SACO with respect to the Cheverly Property. The Department has never issued a determination, in writing, that the SACO was satisfied as to the Cheverly Property.

C.2 Persistent Non-Compliance at the Cheverly Property

101. The Department conducted an inspection of the Cheverly Property on June 8, 2018, and found that the Defendants had failed to meet the initial deadlines under the SACO. The inspector observed approximately 60-70 scrap tires stockpiled on site. Piles of solid waste were still on the ground. Stacks of pallets observed during the January 24, 2018, inspection were still present. The compactor outside the building had spillage of waste and staining on the concrete pavement. Litter and debris were scattered throughout the property and blown around its perimeter. Containers of used oil were uncovered and overflowing, causing extensive staining on the ground. Areas of standing water mixed with waste and malodorous conditions were present. Fly and rat infestations existed, with rats moving freely inside the building and numerous active burrows in several areas. Roll-off containers of solid waste continued to be brought on site and were adding solid waste

to the property. The inspector also observed severe damage to a wall that appeared in danger of imminent collapse.

102. On August 15, 2018, an inspection found solid waste still on the ground requiring clean-up, scattered debris and blown litter, standing water with waste, food waste and trash in the building with fly infestation, rodent infestation, and malodorous conditions, and indications that the facility was continuing to accept incoming loads with more than a de minimis amount of solid waste.

103. A repeat inspection on August 30, 2018, noted that the building had been deemed unsafe by Prince George's County and areas of solid waste on the ground that predated the SACO had not yet been cleaned up.

104. A January 9, 2019, inspection found solid waste still on the ground, as well as extensive scattered litter and debris around the receiving area and the perimeter, and spillage of waste outside the compactor. The inspector found that entire loads of mixed waste containing food waste, trash, and medical waste were being accepted at the facility, including bags of trash so contaminated they were not being processed for recycling and were simply being compacted and transferred. Roll-off containers of household and demolition waste were being brought onto the property and stored on site. Spillage of waste occurred from the roll-off containers to the ground, including used oil. There were areas of standing water contaminated with wastes, and the storm water inlet was not protected and maintained. The inspector made specific note of black industrial grit mixed with trash that still had not been cleaned up from the ground. Defendants did not have a refuse disposal permit for the Cheverly Property and were told that they could not accept

loads with more than a de minimis amount of solid waste, and they could not accept medical waste at all. Defendants were also advised that they did not have a waste transfer station permit, and were not permitted to have any roll-off containers of waste brought onto the property.

C.3 Fire Destroys Building and Halts Operations at Cheverly Property – Post-Fire Clean-up Efforts Stall

105. On January 26, 2019, a two-alarm fire occurred inside the building on the Cheverly Property, resulting in damage to approximately 90% of its structure and a partial building collapse. The building was subsequently demolished. Currently, no building exists on the Cheverly Property.

106. On February 7, 2019, a Department inspector attempted to conduct an inspection of the Cheverly Property, but was denied access to the facility in violation of the SACO's right to access provisions. Ex. 1 at ¶ 19. In the presence of the inspector, Carlos Ramos, the facility superintendent, spoke by phone to Defendant Jeffrey Miller, who confirmed that access was denied. From off-site, the inspector observed a hauler enter the property and dump bags of trash into an over-full roll-off container, with material spilling onto the ground. The inspector also took photographs showing that the stacks of pallets had not been removed and remained on the property.

107. On February 13, 2019, a Department inspector again attempted to conduct an inspection of the Cheverly Property, but was denied access to the facility. Mr. Ramos, in the presence of the inspector, again called Defendant Miller on the phone and confirmed that the inspector was not to be allowed access to the property. The inspector observed the

same conditions on the property as his prior visit – overflowing roll-off containers, solid waste dumped on the ground, and stacks of pallets. In early 2019, Defendants were taking in approximately 120 cubic yards of solid waste at the Cheverly Property each day, transferring that waste to other containers and vehicles, and then transporting the waste for off-site disposal.

108. On March 28, 2019, the Department’s Water and Science Administration performed a General Permit (NPDES Industrial Stormwater) compliance inspection and found that the Cheverly Property was noncompliant. On this occasion, the inspector was granted access to the site. The site was observed to be filled with trash and no protection existed for the stormwater inlet. The facility superintendent, Mr. Ramos, informed the inspector that the site received trash and material daily, which was either dumped on the ground or placed in an uncovered dumpster. Defendants were advised to bring the property into compliance with the General Permit and to immediately implement best management practices on site.

109. On April 18, 2019, the Department conducted an inspection at the Cheverly Property. Mr. Ramos indicated at that time that the facility was accepting trash from area Metro stations on a daily basis. Several full containers of trash were removed from the site and taken to disposal every day. The inspector observed a large pile of trash on the ground, as well as multiple smaller piles of trash and scattered litter. There were multiple uncovered roll-off containers containing waste on-site, several of which were overfilled with bagged trash spilling to the ground. Some of the containers were leaking discolored liquid on the ground, were malodorous, and attracting flies. The inspector observed

petroleum product spillage from a vehicle under repair, with no effort made to contain or clean-up the spill.

110. On September 12, 2019, the Department conducted another inspection of the Cheverly Property. Defendant Jeffrey Miller was present for the inspection. While multiple dumpsters and piles of trash had been removed since the prior inspection, scattered stockpiles of debris, trash, and shredded paper were observed throughout the site and littering the perimeter, including a stockpile of material inside the footprint of the building that was damaged by the January 2019 fire, and a pile of industrial material appearing to be used sandblasting material. All of the inspectors' findings were conveyed to Defendant Miller, and he was advised of the site's non-compliance. Mr. Miller stated that all trash and debris would be removed from the site within thirty (30) days.

111. On October 10, 2019, a follow-up inspection was performed, and little change at the site had occurred. A few trailers and some debris had been removed, but substantial material remained.

112. On January 17, 2020, an inspector observed that the site was not secured or gated, and no one was present on site. The inspectors observed substantial material still requiring cleanup, including deteriorated solid waste and demolition debris. The inspectors also noted new activity indicating that the site was continuing to accept and transfer solid waste, including a new roll-off container full of household waste being stored on the property and new piles of solid waste dumped on the ground.

113. On September 17, 2020, another compliance inspection was performed at the Cheverly Property. Defendant Jeffrey Miller and Mike Hoi, the site cleanup manager

employed by World Recycling, were present for the inspection. The site was not secure, with fencing down at multiple locations along the perimeter. Two roll-offs on-site were full of mattresses as well as demolition debris, which Defendant Miller claimed had been illegally dumped. Another roll-off was full of stumps. Inspectors observed two trailer loads of wood waste and stumps, as well as three trailer loads of mixed waste including yard waste, trash bags, demolition debris, and tires, all of which had been dumped on the site in 2020. The inspectors also saw multiple 55-gallon drums, including drums labeled as oil. The drums were uncapped, had no secondary containment, and were exposed to the elements. IBC totes³ containing unknown liquids were cracked and leaking, with no cover and no containment, staining the surrounding ground. Buckets and jugs of unidentified liquids, including apparently used oil, were on-site and exposed to the elements. Patches of ground were soaked in oil or grease, mixed in with trash and debris. Inspectors observed service pits full of oily liquid, trash, and debris. Defendant Miller indicated that these pits would be drained, cleaned, and secured with clean fill. An inspector also observed multiple large piles of trash and debris, as well as used tires and building materials. The two stormwater outlets on the site were closed with trash, debris, and sediment. Mr. Miller and Mr. Hoi were informed by the inspectors of the actions needed to be taken to clean-up the property and bring it into compliance.

114. The conditions seen on September 17, 2020, were again observed during follow-up site visits on October 1, 2020, October 21, 2020, and November 5, 2020. Old

³ IBC totes are containers for bulk liquids (up to 550 gallons). They look like large plastic boxes in metal frames, and they can be moved with a fork-lift or pallet fork.

tires and uncapped 55-gallon drums remained out and not under cover. The service pits remained filled with trash and contaminated liquids. Piles of trash and debris were located on the ground throughout the property. Dumpsters full of trash were on-site and uncovered. Cans of diesel fuel were not under cover, and buckets of hydraulic oil were uncapped and similarly exposed to the elements. The stormwater outfalls remained clogged with trash, debris, and sediment. Inspectors observed new solid wastes on-site during these visits, including a new unweathered bale of cardboard sitting on the ground on October 21 and two new dumpsters full of household trash on November 5.

115. A stormwater compliance inspection was conducted on January 13, 2021. The inspector noted that compliance with the benchmark parameters was unknown, as World Recycling never submitted DMRs or sampling values for any benchmark parameters as required by the General Permit. The inspector noted that cleanup tasks identified in inspection reports from September through November 2020 had not been performed. Specifically, the inspector noted 55-gallon drums that were neither capped nor under cover, and he found oil spills and leaks on the ground, buckets of hydraulic fluid not under cover, service pits full of trash and contaminated liquids, scrap tires exposed and on the ground, loose trash and debris throughout the site, refuse in the watershed of Beaverdam Creek, and stormwater outfalls clogged with trash and debris. The inspector also noted indications that Defendants continued to permit open dumping of solid waste on the premises, finding new piles of trash, including discarded furniture, that had not been present on previous inspections.

116. Subsequent inspections demonstrated that clean-up of the fire damage on the property stalled after the September 17, 2020, inspection. Piles of construction and demolition debris remained throughout the property, including piles of shingles, sandblasting material, and bricks. Trash and debris littered the trees and the banks of the stream. Pollutants, including 55-gallon oil drums, drums of hydraulic fluid, and cans of diesel fuel, remained without cover and exposed to the elements. The former service pits remained filled with contaminated trash and liquids. The stormwater outfalls were clogged with debris and sediment. These conditions were documented in inspections performed on February 5 and 16, March 29, April 23, and May 24, 2021, respectively. The unlabeled 55-gallon drums and the buckets of hydraulic fluid were removed by June 22, 2021. By August 4, 2021, Defendants had cleaned out and filled in the three open pits and removed the sediment piles that were in the back of the lot. However, piles of old solid waste remained at multiple locations throughout the site, and areas of ground stained with fluid from the large drums and buckets were not cleaned up, as observed during an inspection on September 16, 2021, and thereafter.

C.4 Cheverly Property is an Illegal Refuse Transfer Station and an Open Dump

117. None of the Defendants has a permit to operate a transfer station or other form of solid waste facility at the Cheverly Property. Repeated inspections demonstrate that Defendants have been operating the Cheverly Property as an unpermitted solid waste transfer station and open dump.

118. In addition to the Department's prior observations, an inspection on February 16, 2021, noted furniture dumped on the property. An inspection on March 22, 2021, found

two new large piles of household trash and several new bales of cardboard that were not present on February 16. On March 29, 2021, an inspector observed more new piles of openly dumped solid waste, including trees/brush and household waste, as well as new roll-off containers of waste. The inspector also observed a truck drop off a roll-off container filled with solid waste, and the driver indicated that he was directed to do so by Defendant Jeffrey Miller.

119. On April 23, 2021, an inspector reported that the piles of solid waste had grown larger due to additional on-site disposal of solid waste and the open dumping included household bulk trash, used tires, mattresses, and construction debris. On May 24, 2021, an inspector observed that some of the solid waste from the prior inspection had been placed in roll-off containers, and additional new piles of new solid waste and more bales of cardboard. The inspector also found indications that vehicle maintenance work was being performed on-site and not under cover.

120. On June 22, 2021, an inspector noted that some piles of trash and the cardboard bales had all been removed, but there were still inoperable vehicles on-site, staining on the ground near the inoperable baling equipment, flow of sediment from the piles of solid waste to the stormwater outfalls, sheens visible on stormwater flowing toward outfalls, and multiple piles of solid waste.

121. On August 4, 2021, an inspector found that while more of the old trash/debris has been removed, another new pile of trash appeared, including new bales of cardboard, and open roll-off containers filled with solid waste.

122. On September 16, 2021, the inspector noted a new pile of solid waste near the entrance, and the roll-off containers were full of solid waste that appeared to be different material than at the prior inspection.

123. On November 1, 2021, an inspector observed a roll-off truck labeled “Eco Waste Solutions” drive on-site and set down a roll-off container full of waste on the Cheverly Property. Defendant Jeffrey Miller is a managing member of Eco Waste Solutions, LLC. The inspector noted that there were five (5) roll-off containers on-site that were full of solid waste including construction and demolition debris, mattresses, and full black trash bags. None of the roll-offs was covered or water-tight. The inspector also observed five (5) bales of cardboard on the ground, piles of scattered litter and debris through-out the perimeter areas of the property, oil-stained debris and surfaces around the two baler machines, and piles of new waste material within the building footprint including mattresses, furniture, construction material, shredded paper piles, and other waste materials. The site was not secure, with the gate open and several sections of fencing down.

124. On February 28, 2022, an inspector noted that the Cheverly Property was not secured, as the perimeter fencing was down in some areas and the gate was not properly in place. Five (5) roll-offs parked onsite were uncovered and full of solid waste. Piles of dumped trash and scattered litter were located throughout the property and property perimeter. New waste piles were present on the ground in the northwest rear area of the property, as well as some brush piles.

125. On May 20, 2022, an inspector conducted a site visit at the Cheverly Property and found extensive new dumping of solid waste, including 400-500 scrap tires, multiple new piles of solid waste that were of substantial size, unlabeled drums of liquid, petroleum and garbage odors, and multiple roll-off containers full of waste stored on-site. The inspector also noted that the site was not secured. The front entrance gate was unlocked, the perimeter fence was missing in places with gaps large enough for a truck to enter, and the gate and fencing that had secured the rear lot on prior visits was missing entirely. The stormwater drains were again cluttered with trash and debris.

126. Inspectors performed spot checks at the Cheverly Property on June 14, September 9, October 13, and December 29, 2022. On each occasion, inspectors observed open dumps of solid waste on the ground, and new and additional solid waste. Inspectors also observed multiple roll-off containers storing solid waste. The containers were open-top, uncovered, and not leak-proof. On each visit, inspectors found additional and/or different containers, indicating continued and on-going activity as an unlicensed transfer station.

D. The Baltimore Property: Non-Compliance and Nuisance.

127. The Baltimore Property, at 2740 Wilmarco Avenue in Baltimore City, is a 4.05-acre lot containing a 50,000 sq. ft. building. World Recycling operates a recycling facility there and holds a refuse disposal permit, allowing it to operate a solid waste processing facility and transfer station at this location. World Recycling takes in recycling from commercial sources, sorts it, bales the sorted material, and sends it off-site.

D.1 Failure to Achieve Compliance with the SACO at the Baltimore Property

128. An inspection was performed on June 7, 2018, to assess compliance with the SACO at the Baltimore Property, during which the Department determined that the facility was still receiving and stockpiling an extensive amount of non-recyclable solid waste. The inspector found several bales of waste sitting outside on the ground. There were flies, foul odors, and some waste was sitting in standing water. The inspector observed oily sheens on standing water and staining on the ground, overflowing and leaking waste containers, and blown litter scattered about the grounds. A repeat inspection on August 13, 2018, found that the amount of litter on the ground had lessened, but the site still needed further cleanup, and the facility continued to receive and stockpile an extensive amount of non-recyclable solid waste. Bales of waste remained exposed to the elements, sitting in standing water. The sheet metal walls had not been repaired and litter was exiting the building. There was general accumulation of fine debris and litter. Mike Hoi, an employee of World Recycling, indicated that the facility was accepting incoming loads of recycling contaminated with unacceptable levels of solid waste.

129. The Litter Control Plan for the Baltimore Property was submitted in June 2018, then rejected as insufficient, and a revised plan was submitted in October 2018. On March 26, 2019, the Department advised Defendants that the revised Litter Control Plan was insufficient because it did not contain detailed engineering controls and best management practices. Nevertheless, Defendants were told to immediately implement the Litter Control Plan, enhance engineering controls at the receiving areas, loading docks, and property perimeter, conduct inspections and housekeeping, and maintain a log book.

130. In October 2018, four (4) months after the required deadline, Defendants submitted the Waste Storage Plan for the Baltimore Property. On March 26, 2019, Defendants were advised that the Waste Storage Plan required certain revisions, but that they were to implement that plan immediately and, in addition, incorporate and implement all of the minimum requirements set forth in paragraph 5 of the SACO.

131. The Stormwater Remediation Plan for the Baltimore Property was submitted in June 2018, then rejected with comments, and a revised plan was submitted in October 2018. The revised plan for the Baltimore Property was approved by the Department on March 26, 2019, and incorporated into the SACO. The deadline for the implementation of the Stormwater Remediation Plan was extended beyond the original January 2019 date, and Defendants were told to submit an updated SWPPP for the Baltimore Property by May 26, 2019. An updated SWPPP was submitted on June 21, 2019, a month after the specified deadline.

132. The Baltimore SWPPP is made enforceable as part of the terms of the General Permit authorizing pollutant discharges from that property. It sets forth specific operational practices which Defendants stipulate they will perform to comply with the General Permit. Failure to comply with the SWPPP has the same effect as a failure to comply with the General Permit itself. The Baltimore SWPPP obligates the Defendants to do the following at the Baltimore Property:

- a. Act as a source-separated recycling facility. Material is separated by type at the point of discard so that it arrives at the facility pre-sorted. The only material the facility accepts is pre-sorted paper material and a small quantity of metal scrap. All paper material is processed and stored inside the building under cover. Baltimore SWPPP § 1.4.

- b. Loading/unloading areas are swept twice daily to ensure there is no buildup of loose product. *Id.* § 3.1.
- c. A dumpster on site is used to store outbound waste and garbage. Staff regularly pick up loose paper debris from the property and place it in the dumpster. *Id.* §§ 3.2, 3.11.
- d. Metal scrap is stored in roll-off containers that are kept covered. *Id.* § 3.1.
- e. The diesel fuel tank is double-walled, protected by concrete barriers, and a spill kit is stocked to address any leaks or spills. *Id.* § 3.1.
- f. The stormwater drains throughout the site are kept clear to allow water to flow in properly. *Id.* § 3.2.

133. Defendants are required to perform routine sampling of stormwater at existing outfalls, test those samples, and submit test results on a quarterly basis through submission of DMRs on the NetDMR platform. Defendants did not submit their first DMR for the Baltimore Property until June 30, 2019 – ten (10) months after the required deadline. Since that time, Defendants have submitted quarterly DMRs to NetDMR. However, they have never achieved the benchmarks, and failed to amend their SWPPP to provide additional pollution controls. Defendants' practices have resulted in elevated levels of Chemical Oxygen Demand (COD), Copper, and Total Suspended Solids (TSS) in the stormwater to discharge from the Baltimore Property and enter waters of the State.

134. To date, Defendants have not fulfilled all of their obligations under the SACO with respect to the Baltimore Property. The Department has never issued a determination, in writing, that the SACO was satisfied as to the Baltimore Property.

D.3 Persistent Non-Compliance at the Baltimore Property

135. Inspections conducted throughout 2019 found that World Recycling continued to accept an extensive amount of non-recyclable solid waste at the Baltimore

Property, in violation of Maryland law, the SACO, and the SWPPP. Large quantities of non-recyclable solid wastes were stockpiled both inside and outside the building. Defendants were advised that they needed properly to dispose of the existing stockpiles of solid waste. Defendants were further repeatedly told that had to reject contaminated loads, and that they could not accept loads with more than a de minimus amount of solid waste without a Refuse Disposal Permit.

136. On February 8, 2019, the inspector noted a stockpile of waste with a hot area and rising steam, suggesting it could cause a fire. On this and multiple other occasions, inspectors noted bags of medical waste mixed into waste stockpiles and on the tipping floor, which posed a risk to the safety of workers at the facility.

137. On March 27, 2019, the inspector was informed that the facility had been shut-down by the fire marshal due to hazardous conditions inside the building. The facility was not permitted to receive new material, but could bale and remove existing stockpiles. Mr. Hoi, the facility manager, told the inspector of the facility's attempt to clean-up the solid waste inside the building and upgrade fire suppression.

138. Inspections during 2019 showed a continuing failure to bring property conditions into compliance with the SACO. The property showed scattered waste and debris in driveways and perimeter areas, blown litter on the road and adjacent properties, wastes sitting outside in standing water, bales of material exposed to the elements, accumulation of fine plastic, paper, glass, and grit in the rear yard, and litter entering the storm drains. The building envelope was compromised by missing sheet metal and litter was escaping through the holes. Storage of solid wastes and measures to prevent spillage

at the loading docks and to control litter were inadequate. The facility was advised it needed to clean up all scattered litter and debris and improve housekeeping practices to prevent litter. These conditions were observed during inspections on January 9 and 16, February 8 and 28, March 8 and 17, April 9, May 16, and July 19, 2019, respectively.

139. During inspections and spot checks on February 28, March 17, 20, and 27, and May 16, 2019, inspectors noted full and uncovered roll-off containers stored outside the designated waste storage area. On March 8, the inspector observed a roll-off filled with construction/demolition debris, material inappropriate for a paper recycling company. He also saw a “Metro” truck drive on-site and transfer a load, designated on the scale receipt as trash, and transfer it directly into a roll-off container. On March 27, the Department Inspector spoke with facility manager Hoi and informed him that bringing full roll-off containers of demolition debris and other waste and dropping them on the ground is considered the transfer of solid waste and is not legal without a permit.

140. An inspection was conducted on May 16, 2019, for compliance with the NPDES General Permit. None of the documentation required by the permit was on-site and available for inspection, including the SWPPP and permit documents, quarterly and annual inspection logs and reports, training logs, and lab analysis records of benchmark monitoring. No monitoring reports had been uploaded to NetDMR. There were no spill kits for an on-site fuel tank. The stormwater drains near the building were clogged with sediment and full of standing water, discharges were observed under an uncovered roll-off container, and stormwater outfalls on the grounds had trash and debris covering the grates.

The inspector discussed all findings with facility manager Hoi and recommended engineering and housekeeping improvements to address them.

141. On March 31, 2020, an inspector found that many of the problems identified during the 2019 inspections persisted at the Baltimore Property. The holes in the building structure had not been repaired and continued to be a source of blown litter. Litter control fencing was never put in place at the bay doors. Shredded paper waste was being blown about the property, out onto the public road, onto adjacent properties, and into the storm drains. New piles of solid waste had been dumped outside on the ground and not under cover. The Department issued Site Complaint No. SC-O-20-SW-024 as a result of these findings.

142. The open dump of solid waste was still present at the time of a spot check on April 7, 2020.

143. A repeat inspection on November 16, 2020, again found numerous violations of solid waste regulations. Waste was stored in open trailers, in containers filled with water, and on the ground. Plastic trash cans of shredded paper were open and accessible. Scattered litter was present throughout the yard and clogged the storm drains. Solid waste unrelated to recycled paper operations was observed in the yard, including an automotive battery, piled construction debris, and scrap tires. The building had still not been repaired, and openings existed in the sheet metal walls through which scrap paper was exiting the building.

144. On August 16, 2021, an inspector performing a spot check at the Baltimore Property found open dumping of solid waste, including construction and demolition debris,

lying on the ground and exposed to the elements. The inspector documented multiple uncovered roll-off containers filled with trash that was clearly not recyclable material. The inspector also documented scattered litter, shredded paper, and other debris outside of the loading bays and diffusely scattered about the grounds. Inside the building were large piles of trash containing food and liquid wastes, with odors, flies, and indications of rodents present. The inspector was advised by staff that the trash piles were the incoming loads, not the trash remaining after sorting out recyclables.

145. On January 21, 2022, an inspector at the Baltimore Property noted shredded paper littering the ground around the perimeter of the building and roll-off containers of solid waste stored in the rear yard. Inside the warehouse, the inspector documented a significant volume of unsorted waste material in a single pile reaching to the ceiling. Near the rear of the pile, the materials were decomposing into an undifferentiated mass. The inspector also saw rats inside the warehouse. The inspector reminded the operations manager, Mr. Hoi, that all material must be removed from the tipping floor daily, and all solid waste must be removed at the end of the week. As a result of this inspection, the Department issued Site Complaint No. SC-O-22-SW-082.

146. An inspection was conducted on April 27, 2022, for compliance with the NPDES General Permit at the Baltimore Property. The inspector noted substantial solid waste along the north side of the facility, including multiple bales of trash mixed with foam, plastics, and paper products; piles of old furniture; piles of bricks, asphalt, and construction and demolition debris; and piles of general trash. Multiple piles of trash were located on the ground by one of the storm drains. The inspector also noted open roll-off containers

filled with trash. Litter and trash were being tracked outdoors from the facility and litter and paper fines were seen in the storm drains, loading docks, around the building, and on concrete ground surfaces. The sheet metal walls were still damaged, with large holes that allowed loose paper debris to escape the building. The benchmark monitoring reports demonstrated that the Baltimore Property was not meeting water pollution reduction goals as to TSS, Copper, or COD. World Recycling had neither taken action to address this nor updated the SWPPP, as required by the General Permit. Defendants were advised to take corrective action including to improve housekeeping to control and remove litter, remove all solid waste from the ground and dispose of it through an authorized solid waste facility, and repair the building.

147. On May 23, 2022, the solid waste inspector conducted a follow-up inspection of the Baltimore Property. She found that the solid waste stockpile inside the warehouse had increased in volume. The waste was not being removed from the tipping floor daily as required by the permit. There were notable odors, an infestation of flies, and rats were visible inside the building. The inspector documented solid waste openly dumped on the ground in the rear yard. The piles of waste were large and numerous, containing household trash, furniture, and construction and demolition debris. The inspector noted bales of recyclable materials stacked in the rear yard, outside the confines of the building. Roll-off containers were present outside the areas approved in the operations manual. There were uncovered trash bins near a picnic area that were full of trash and stormwater, and had visible mosquito larvae. One of the stormwater drains was inaccessible under stacks of

bales. Shredded paper and litter were present throughout the grounds, picnic area, loading docks, and around the building's perimeter.

148. On July 21, 2022, an inspection was conducted at the Baltimore Property by both solid waste and NPDES compliance inspectors. Inspectors observed substantial accumulation of solid waste outside, none of which was in covered leak-proof containers. This waste was uncovered and in direct contact with the unimproved ground, where it was likely to come in contact with stormwater and cause leachate contamination of ground water and surface water. The waste in the stockpiles included construction demolition debris, medical waste, wood waste, scrap tires, yard waste, food waste, and plastics. Inspectors observed 55-gallon drums tipped over and leaking, with puddles of oil-like material and black stains on the ground. Stockpiles of solid waste outside the building were so extensive that inspectors were unable safely to inspect a substantial portion of the property. Conditions inside the building demonstrated that solid waste was not being properly handled, stored, or removed. There was an extensive infestation of rats. Inspectors observed multiple rats feeding on solid waste and traveling between stockpiles inside the building, as well as multiple rat carcasses that had been overrun by machinery.

149. On July 22, 2022, the Department issued Site Complaint No. SC-O-23-SW-161, citing World Recycling for its failure to handle solid waste according to permit conditions and approved plans, harboring conditions conducive to infestation, creating nuisance conditions, open dumping, and accepting unapproved waste types.

150. On October 7, 2022, an inspection was conducted at the Baltimore Property by both solid waste and NPDES compliance inspectors. Inspectors observed even more

trash stored outdoors and directly on the earthen ground than was seen during the July 21, 2022, inspection, as well as numerous other violations. Approximately 250,000-350,000 cubic feet of solid waste was stored outside the facility, including scrap tires, wooden pallets, construction debris, medical waste, plastics, scrap metals, cardboard and paper, and blown litter was observed at multiple locations on the property. Leachate and puddles of black liquid were observed on the pervious ground, in locations likely to contaminate ground water and surface water. There was a large fly infestation and conditions conducive to nuisance infestation. Roll-off containers were rusted and damaged, not water-tight, and located in unpermitted areas. The tipping floor was not being cleared of waste by the end of the day, and stockpiles of solid waste were both inside and outside the building. Spot checks on October 19 and 21, November 9, and December 7, 2022, showed no measurable improvement in the stockpiling of solid waste outside the facility.

D.4 World Recycling Obtains a Solid Waste Permit for the Baltimore Property

151. In October 2019, five (5) years after commencing operations, World Recycling finally applied for a Maryland Refuse Disposal Permit for the Baltimore Property. On June 10, 2020, the Department provided comments on the application, as it did not meet the requirements for issuance of a permit. World Recycling revised and resubmitted the application on July 21, 2020. The Department sent additional comments on August 31, 2020, and resent them on September 9, 2020, when advised that the comments had not been received. To address the comments, World Recycling submitted a revised Operations Plans Manual and revised engineering drawings on August 12, 2021. On October 5, 2021, the Department issued Permit No. 2019-WPT-0689 (the “Solid Waste

Permit") which authorized the construction and operation of a solid waste transfer station and recycling processing facility at the Baltimore Property.

152. The Solid Waste Permit supplanted and superseded the Litter Control Plan and Waste Storage Plan for the Baltimore Property that had been put in place pursuant to the SACO.

153. Pursuant to the permit, World Recycling is limited to accepting commercial solid waste or construction and demolition debris at the Baltimore Property. Solid Waste Permit, Part II.A. Acceptable waste includes source separated recyclables such as cardboard, paper, glass, and plastic, which must be transported in vehicles separate from those used to transport solid waste; household appliances (white goods); and construction debris. Solid Waste Permit, Part I, August 21, 2021 Operating Plan § 2.6.

154. World Recycling is expressly prohibited from accepting any hazardous materials. This includes medical waste or items that may be contaminated by infectious substances. Solid Waste Permit, Part III.A.2(b); *see also* COMAR 26.13.11.02B(11). World Recycling is required to inspect all incoming waste for unacceptable waste types, reject any unacceptable solid waste, and report any unacceptable hazardous waste material to the Department. Solid Waste Permit, Part III.F.

155. World Recycling can accept a maximum of 120,000 tons of waste per year, but the Department may restrict the volume of material accepted upon a determination that World Recycling's practices have caused, or are likely to cause, unwanted conditions such as nuisance, harborage of disease vectors, fugitive dust, blowing litter, odors, and/or

conditions prejudicial to public health, safety or comfort, or the environment. *Id.*, Part II.C.

156. Any waste handing that involves mechanical equipment must take place inside the building. Solid Waste Permit, Part III.B. All tipping, loading, or unloading of waste must occur on areas that are made of impervious material which is readily cleanable, with drains connected to the sanitary sewer system. *Id.*, Part III.C.

157. Solid waste is not to be stored on open ground and areas adjacent to the building must be kept free of litter. *Id.*, Part III.D. Fencing or other barriers must be maintained to prevent litter from blowing off site. Any litter that has accumulated along the fence line, entered drainage features or surface water features, or scattered beyond the disposal site, is to be picked up daily. The entire site should be policed for litter at least once a day, and more often if needed. *Id.*, Part III.J.

158. All construction and demolition waste material, and all land clearing debris, must be cleared from the tipping floor, the pit, and any uncovered open-top trailers by the end of the work week. All other forms of solid waste must be cleared at the end of the working day. Solid waste shall be stored in leak-proof, fly and rodent-proof containers. *Id.*, Part III.D.

159. Since the Solid Waste Permit was issued on October 5, 2021, the Department has conducted four (4) inspections of the Baltimore Property and issued two (2) Site Complaints for violations of the Solid Waste Permit and environmental laws and regulations. These inspections, described above, took place on January 21, April 27, May 23, and July 21, 2022, and the Site Complaints were issued on February 9, 2022 (22-SW-

081), and July 21, 2022 (23-SW-161). The problems identified in the Site Complaints have not been addressed, and conditions at the Baltimore Property continue to worsen.

COUNT I
Violation of Settlement Agreement and Consent Order
(All Defendants)

160. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

161. The SACO, effective April 30, 2018, is a final administrative corrective order, enforceable pursuant to §§ 9-268 and 9-334 of the Environment Article.

162. Defendants violated the terms of the SACO at the Cheverly Property in the following ways:

- a. Failing to stop accepting all new solid waste until property was brought into full compliance;
- b. Accepting loads of incoming material with more than a de minimus amount of non-recyclable solid waste;
- c. Failing to remove all solid waste present on the property within 30 days of the effective date of the SACO, including pallets, scrap tires, and piles of construction debris, as well as roll-off containers holding solid waste;
- d. Failing to timely submit plans for litter control, temporary solid waste storage, auxiliary stormwater pollution remediation, and stormwater pollution prevention that included everything specified in the SACO;
- e. Failing to prepare and implement a Department approved Stormwater Remediation Plan;
- f. Failing to submit a revised Stormwater Pollution Prevention Plan;
- g. Failing to follow the practices of the Litter Control Plan, including:
 - i. conducting regular and frequent inspections
 - ii. collecting all blown litter

- iii. maintaining housekeeping logs
 - iv. controlling litter and preventing it from being scattered about the property or leaving the property;
- h. Failing to follow the requirements of the Waste Storage Plan, including:
 - i. removing all solid waste stored in containers within five (5) days of arrival
 - ii. limiting accumulation of solid waste to less than 200 cubic yards at any one time
 - iii. storing solid waste in leak-proof, rodent proof containers
 - iv. keeping any containers of solid waste covered with durable waterproof coverings
 - v. maintaining required log books and documentation of solid waste acceptance, storage, and disposal;
- i. Accepting, storing, and/or disposing of solid waste on site;
- j. Allowing conditions that caused or contributed to infestations of flies and rats;
- k. Failing to prevent, control, and clean-up spills of liquids;
- l. Failing to implement and follow all operational and best practices requirements of the General Permit;
- m. Failing to achieve compliance with effluent limits of the General Permit; and/or
- n. Failing to permit access to the property by inspectors.

163. Defendants violated the terms of the SACO at the Baltimore Property in the following ways:

- a. Failing to stop accepting all new solid waste until property was brought into full compliance;
- b. Accepting loads of incoming material with more than a de minimus amount of non-recyclable solid waste;

- c. Failing to timely submit plans for litter control, temporary solid waste storage, auxiliary stormwater pollution remediation, and stormwater pollution prevention that included everything specified in the SACO;
- d. Failing to timely implement the Litter Control Plan, including:
 - i. conducting regular and frequent inspections
 - ii. collecting all blown litter
 - iii. maintaining housekeeping logs
 - iv. putting litter fencing in place to prevent litter from leaving the building or the property
 - v. controlling litter and preventing it from being scattered about the property or leaving the property;
- e. Failing to follow the requirements of the Waste Storage Plan, including:
 - i. removing all solid waste stored in containers within five (5) days of arrival
 - ii. limiting accumulation of solid waste to less than 200 cubic yards at any one time
 - iii. storing solid waste in leak-proof, rodent proof containers
 - iv. keeping any containers of solid waste covered with durable waterproof covering
 - v. maintaining required log books and documentation of solid waste storage and disposal;
- f. Accepting loads containing hazardous materials, specifically medical waste;
- g. Accepting loads of solid waste, trash, and/or construction and demolition debris for storage or transfer without a permit;
- h. Placing solid waste in an open dump;
- i. Stockpiling solid waste on-site and failing to remove all solid waste for proper disposal on a daily and weekly basis;
- j. Permitting stockpiles of solid waste to accumulate to point of decomposition, creating hazardous conditions including risk of fire;

- k. Allowing conditions that caused or contributed to infestations of flies and rats;
- l. Failing to implement and follow all operational and best practices requirements of the General Permit;
- m. Failing to maintain storm drains and permitting accumulation of silt and litter therein;
- n. Failure to have all documentation required by the General Permit on site and available for inspection; and/or
- o. Failing to achieve compliance with effluent limits of the General Permit.

164. Unless enjoined by an order of this Court, violations of the SACO and Title 9, subtitles 2 and 3, of the Environment Article are likely to continue.

165. Under §§ 9-268 and 9-339 of the Environment Article, the Department may bring an action for injunctive relief against any person who violates any provision of Title 9, subtitles 2 or 3, or any order issued thereunder, such as the SACO, which is an administrative order, on a showing that the violation is ongoing or about to occur.

166. The violation of the SACO began with the passage of the first unmet deadline, on May 30, 2018. An additional violation occurred when Defendants failed to perform all requirements under the SACO by the final deadline to do so of January 15, 2019. These are two separate and distinct violations of the SACO that have been continuous and run concurrently from these dates through the filing of this Complaint. Each violation incurs a \$100 per day, per violation, stipulated penalty. In addition, under § 9-268 and § 9-342 of the Environment Article, a person who violates any provision of these subtitles or any order adopted or issued thereunder is liable for a civil penalty not

exceeding \$10,000 per violation to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation.

WHEREFORE, the Department requests that the Court enter judgment in favor of the Department and against all Defendants, jointly and severally, for stipulated civil penalties of \$100 per day from May 30, 2018, through date of judgment, as well as stipulated civil penalties of \$100 per day from January 15, 2019, through date of judgment. In addition, the Department requests that the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article for each violation and enter judgment in that amount in favor of the Department and against all Defendants, jointly and severally.

COUNT II
Judgement for Debt under Settlement Agreement and Consent Order
(All Defendants)

167. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

168. Upon the issuance of the final administrative corrective order and execution of the settlement agreement, Defendants agreed to pay a civil penalty of \$45,000 for past violations, with \$33,750 of that penalty held in abeyance pending timely completion of the SACO's obligations.

169. Defendants failed to comply with the SACO's obligations and now owe the remaining \$33,750 civil penalty as a debt to the Department pursuant to the terms of the SACO.

170. This Court has authority under § 1-501 of the Courts and Judicial Proceedings Article and § 10-222.1(e)(4) of the State Government Article to enter a common law judgment for debt against Defendants.

WHEREFORE, the Department requests that the Court enter judgment in the amount of \$33,750 in stipulated civil penalties in favor of the Department and against all Defendants, jointly and severally.

COUNT III
**Failure to Comply with the General Permit
(World Recycling)**

171. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

172. World Recycling applied for and, on March 10, 2015, was issued coverage under the General Permit for pollutant discharges into the Anacostia River resulting from its operations at the Cheverly Property.

173. World Recycling applied for and, on June 2, 2016, was issued coverage under the General Permit for pollutant discharges into the Gwynns Falls resulting from its operations at the Baltimore Property.

174. The General Permit is enforceable pursuant to § 9-334 of the Environment Article against World Recycling at each property.

175. The Cheverly Property remains the location of the principal offices of World Recycling and Pride Rock. After fire destroyed the recycling facility, Defendants continued to engage in industrial activity at the Cheverly Property by operating as an

unpermitted solid waste transfer station and an illegal open dump. The requirements of the General Permit continue to apply to the property.

176. World Recycling has violated the terms of the General Permit at the Cheverly Property in the following ways:

- a. Failing to minimize exposure of material storage areas and pollutants to storm water;
- b. Failing to engage in good housekeeping practices to keep clean all areas that are potential sources of stormwater pollutants;
- c. Failing to keep storm drains clear of litter and debris;
- d. Failing to maintain stormwater control measures in effective operating condition, including repairing or replacing non-functioning control measures;
- e. Failing to minimize the potential for exposure of stormwater to spills by cleaning-up spills, labeling containers, and keeping containers under cover;
- f. Failing to control erosion or prevent sediment from entering the waters of the state;
- g. Failing to manage and reduce stormwater runoff to minimize pollutants in stormwater discharge through control measures to divert or contain stormwater;
- h. Failing to monitor or test stormwater outfalls for benchmark effluents;
- i. Failing to inspect inbound waste materials to minimize sources of pollutants;
- j. Failing to minimize contact of stormwater runoff with stockpiled materials, processed materials, or nonrecyclable waste through use of covers or engineering methods;
- k. Failing to provide properly trained employees to institute and maintain best practices necessary to minimize pollutants and achieve benchmark effluent limits; and/or
- l. Failing to control waste, garbage, and floatable debris to prevent contact with stormwater and/or discharge into receiving waters.

177. World Recycling has violated the terms of the General Permit at the Baltimore Property in the following ways:

- a. Failing to act exclusively as a source-separated recycling facility by accepting loads of mixed solid waste and failing to reject any and all loads other than pre-sorted paper material;
- b. Failing to minimize exposure of material storage areas and pollutants to storm water by failing to keep all paper material stored inside the building under cover;
- c. Failing to engage in good housekeeping practices to keep clean all areas that are potential sources of stormwater pollutants;
- d. Failing to maintain and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases;
- e. Failing to maintain stormwater control measures in effective operating condition, including repairing or replacing non-functioning control measures;
- f. Failing to implement and maintain spill prevention and response procedures by promptly cleaning-up spills, labeling containers, and keeping containers under cover;
- g. Failing to control erosion or prevent sediment from entering the waters of the state;
- h. Failing to manage and reduce stormwater runoff to minimize pollutants in stormwater discharge through control measures to divert or contain stormwater;
- i. Failing to update the SWPPP and improve practices after failing to meet benchmark effluent limits of sector-specific pollutants;
- j. Failing to inspect inbound waste materials to minimize sources of pollutants;
- k. Failing to minimize contact of stormwater runoff with stockpiled materials, processed materials, or nonrecyclable waste through use of covers or engineering methods;
- l. Failing to control waste, garbage, and floatable debris to prevent contact with stormwater and/or discharge into receiving waters; and/or

m. Failing to control and minimize dust generation and vehicle tracking of industrial materials.

178. Unless enjoined by an order of the Court, violations of the General Permit and Title 9, subtitles 2 and 3, of the Environment Article are likely to continue.

179. Under §§ 9-268 and 9-339 of the Environment Article, the Department may bring an action for injunctive relief against any person who violates any provision of Title 9, subtitles 2 or 3, or any permit issued thereunder, on a showing that the violation is ongoing or about to occur.

180. Under §§ 9-268 and 9-342 of the Environment Article, a person who violates any provision of these subtitles or any permit adopted or issued under these subtitles is liable for a civil penalty not exceeding \$10,000 per violation to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation.

181. At no point since obtaining coverage under the General Permit has World Recycling achieved full compliance with the General Permit's conditions at either the Baltimore or the Cheverly Property. In the SACO, Defendants were ordered to achieve full compliance with the General Permit by August 28, 2018, at both locations, and they failed to do so. For purposes of Count III of this Complaint, the Department alleges that World Recycling has been in violation of the General Permit continuously for the three years immediately preceding the filing of the Complaint.

WHEREFORE, the Department requests that the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article

for each violation and enter judgment for that amount in favor of the Department and against World Recycling.

COUNT IV
**Failure to Comply with the Refuse Disposal Permit
(World Recycling – Baltimore Property)**

182. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

183. World Recycling applied for and, on October 5, 2021, was issued Refuse Disposal Permit No. 2019-WPT-0689 for operations at the Baltimore Property (the “Solid Waste Permit”). Operating a refuse disposal system in a manner that is not in compliance with an existing permit is a violation of § 2-904(h) of the Environment Article. The Solid Waste Permit is enforceable pursuant to §§ 9-268 and 9-334 of the Environment Article.

184. World Recycling has violated the terms of the Solid Waste Permit at the Baltimore Facility in the following ways:

- a. Failing to properly inspect incoming waste for unacceptable waste types;
- b. Failing to reject unacceptable solid waste deliveries and otherwise accepting prohibited wastes;
- c. Accepting waste other than source separated recyclables, white goods, or construction debris, and otherwise accepting waste types beyond the limits of those specified in the permit application and supporting documents;
- d. Handling waste in a matter that creates conditions conducive to insect and rodent infestation;
- e. Storing solid waste on open ground;
- f. Storing solid waste adjacent to the facility and not in approved containers;
- g. Failing to keep areas outside the building free of litter and standing water;

- h. Failing to keep drainage features free from litter or refuse;
- i. Failing to remove all construction and demolition waste material by the end of each work week;
- j. Failing to store solid waste in leak-proof, fly and rodent-proof containers;
- k. Failing to remove all waste from the tipping floor, refuse pit, or uncovered containers at the end of the working day;
- l. Accepting scrap tires without authorization;
- m. Handling scrap tires in a manner not in accordance with scrap tire regulations;
- n. Failing promptly and properly to clean-up fuel or oil spills;
- o. Unloading waste in unapproved areas;
- p. Processing waste outside the building enclosure;
- q. Processing waste in areas that are not constructed of impervious, readily cleanable material;
- r. Failing to clean and disinfect the tipping or unloading areas; and/or
- s. Failing to maintain the facility in a clean and sanitary manner.

185. Pursuant to §§ 9-268, 9-339, and 9-342 of the Environment Article, World Recycling is subject to an order for injunctive relief directing it to remove all existing solid waste, store all processed recycling material under cover, remove all litter from the grounds, clear all storm drains, and otherwise bring the Baltimore Property into full compliance with the Solid Waste Permit, as well as an order for a civil penalty not exceeding \$10,000 per violation. Each day of violation is a separate violation.

186. Violations of the permit were observed on January 21, 2022, the first inspection after the permit was issued, and World Recycling has continuously been

noncompliant and in violation of its permit from that date through to the filing of this Complaint.

WHEREFORE, the Department requests that the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article for each violation and enter judgment for that amount in favor of the Department and against World Recycling.

COUNT V
Operating an Illegal Transfer Station – Cheverly Property
(All Defendants)

187. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

188. Defendants have each operated, or permitted the operation of, a solid waste transfer station on the Cheverly Property without a permit, in violation of § 9-204(h) of the Environment Article and COMAR 26.04.07.03B(1). The Department has documented evidence that Defendants were operating or allowing the operation of a solid waste transfer station during inspections at the Cheverly Property on at least fourteen (14) occasions since August 1, 2019, and conditions indicate that such operations have been ongoing and continuous since then

189. Defendants' actions furthermore constitute solid waste handling without a permit in a manner creating a nuisance, causing a discharge of pollutants to waters of the State, and otherwise impairing the quality of the environment or creating a hazard to the public health, in violation of § 9-204(d) of the Environment Article and COMAR 26.04.07.03A and 26.04.07.24D.

190. Pursuant to §§ 9-268, 9-339, and 9-342 of the Environment Article, Defendants are subject to an order for injunctive relief directing that Defendants cease transferring solid waste at the Cheverly Property, cease storing containers of solid waste at the property, and secure the property so as to prevent any and all access to the Cheverly Property by vehicles transporting solid waste as well as an order for a civil penalty not exceeding \$10,000 per violation. Each day of violation is a separate violation.

191. For purposes of Count V of this Compliant, the Department alleges that Defendants have been operating an illegal solid waste transfer station on the Cheverly Property for the three years immediately preceding the filing of this Complaint.

WHEREFORE, the Department requests that the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article for each violation and enter judgment for that amount in favor of the Department and against all Defendants, jointly and severally

COUNT VI
Open Dumping – Cheverly Property
(All Defendants)

192. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

193. Defendants have engaged in, or permitted others to engage in, open dumping of solid waste at the Cheverly Property in violation of § 2-904(d) of the Environment Article and COMAR 26.04.07.03B(4). An open dump was present prior to the execution of the SACO and it has never been fully cleaned up. Additional solid waste has accumulated at the site consistently and continuously. The Department has observed and

documented evidence of open dumping of solid waste at the Cheverly Property during the course of at least nineteen (19) inspections conducted within the past three years, and the open dump has been present persistently and continuously throughout that time.

194. Pursuant to §§ 9-268, 9-339, and 9-342 of the Environment Article, Defendants are subject to an order for injunctive relief directing complete removal of all solid wastes from the Cheverly Property, directing that Defendants cease all open dumping of solid waste, as well as an order for a civil penalty not exceeding \$10,000 per violation. Each day of violation is a separate violation.

195. For purposes of this Count VI of the Complaint, the Department alleges that Defendants have permitted an open dump on the Cheverly Property in violation of § 2-904(d) of the Environment Article and COMAR 26.04.07.03B(4) continuously for the three years immediately preceding the filing of the Complaint.

WHEREFORE, the Department requests that the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article for each violation and enter judgment for that amount in favor of the Department and against all Defendants, jointly and severally.

COUNT VII
Open Dumping – Baltimore Property
(World Recycling, Pride Rock, Jeffrey S. Miller)

196. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

197. World Recycling, Pride Rock, and Jeffrey S. Miller have engaged in, or permitted others to engage in, the open dumping of solid waste at the Baltimore Property

in violation of § 2-904(d) of the Environment Article and COMAR 26.04.07.03B(4).

Although World Recycling holds a Refuse Disposal Permit for the Baltimore Property, that permit does not permit the presence of an open dump. The Department has observed and documented an open dump and evidence of open dumping of solid waste at the Baltimore Property during the course of at least eight (8) inspections conducted within the past three years.

198. Pursuant to §§ 9-268, 9-339, and 9-342 of the Environment Article, these Defendants are subject to an order for injunctive relief directing complete removal of all solid wastes from grounds of the Baltimore Property, directing that Defendants cease all open dumping of solid waste, as well as an order for a civil penalty not exceeding \$10,000 per violation. Each day of violation is a separate violation.

199. For purposes of Count VII of this Complaint, the Department alleges that these Defendants have permitted an open dump on the Cheverly Property in violation of § 2-904(d) of the Environment Article and COMAR 26.04.07.03B(4) continuously for the three years immediately preceding the filing of the Complaint.

WHEREFORE, the Department requests that the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article for each violation and enter judgment in that amount in favor of the Department and against World Recycling, Pride Rock and Jeffrey S. Miller, jointly and severally.

COUNT VIII
Scrap Tire Handling without a License – Cheverly Property
(All Defendants)

200. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

201. Defendants have engaged in, or permitted others to engage in, the hauling, handling, and disposal of scrap tires at the Cheverly Property without a license in violation of § 9-228 of the Environment Article and COMAR 26.04.08.03 and 24.04.08.17. Scrap tires have been disposed of on the property in an open dump in violation of COMAR 26.04.07.03B. During the last three years, the Department has documented scrap tires present in open stockpiles of solid waste on multiple occasions. The scrap tires initially identified have not been moved or removed and new scrap tires have accumulated over time.

202. Pursuant to §§ 9-268, 9-339, and 9-342 of the Environment Article, Defendants are subject to an order for injunctive relief directing complete removal of all solid wastes from the Cheverly Property, including the removal and proper disposal of scrap tires, as well as an order for a civil penalty not exceeding \$10,000 per violation. Each day of violation is a separate violation.

203. For purposes of this Count VIII of the Complaint, the Department alleges that Defendants have permitted and/or engaged in the unlicensed handling of scrap tires at the Cheverly Property in violation of § 9-228 of the Environment Article and COMAR 26.04.08.03 and 24.04.08.17 continuously from September 17, 2020, through to the filing of this Complaint.

WHEREFORE, the Department requests that the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article for each violation and enter judgment in that amount in favor of the Department and against all Defendants, jointly and severally.

PRAYER FOR RELIEF

WHEREFORE, the State of Maryland Department of the Environment respectfully requests that this Court enter judgment in its favor against Defendants, World Recycling, Pride Rock, Small World, and Jeffrey S. Miller, granting a money judgment in excess of \$75,000 and permanent injunctive relief as follows:

A. That the Court require Defendants to cease accepting solid waste at the Cheverly Property, cease permitting the storage or transfer of solid waste or roll-off containers containing solid waste at the Cheverly Property, remove all solid waste from the Cheverly Property, remove all construction debris from the Cheverly Property, remove all materials that may come in contact with stormwater and enter the waters of the State, secure the Cheverly Property to prevent any illegal dumping, and otherwise bring the Cheverly Property into full compliance with the SACO and Maryland environmental laws.

B. That the Court require Defendants World Recycling, Pride Rock, and Jeffrey S. Miller to cease accepting incoming waste at the Baltimore Property until all existing solid waste has been removed for proper disposal, inspect all incoming material and reject all loads containing unseparated waste or impermissible materials, store all processed recycling material under cover, remove all litter from the grounds, clear all storm drains,

and otherwise bring the Baltimore Property into full compliance with the SACO, the General Permit, the Solid Waste Permit, and Maryland environmental laws and regulations.

C. That the Court enter judgment under Count I in favor of the Department and against all Defendants, jointly and severally, for stipulated penalties of \$100 per day from May 30, 2018, through to the date of judgment pursuant to the SACO for Defendants' failure to perform fully all requirements contained in the SACO.

D. That the Court enter judgment under Count I in favor of the Department and against all Defendants, jointly and severally, for stipulated penalties of \$100 per day from January 15, 2019, through to the date of judgment pursuant to the Settlement Agreement and Consent Order for Defendants' failure to meet all deadlines contained in the SACO.

E. That the Court enter judgment under Count II in favor of the Department and against all Defendants, jointly and severally, for debt totaling \$33,750, representing a stipulated civil penalty for violations prior to execution of the SACO, which were held in abeyance pursuant to the SACO, and for which demand has been made.

F. That the Court assess civil penalties of up to \$10,000 per violation per day pursuant to §§ 9-268 and 9-342 of the Environment Article for each violation in Count I through Count VIII of this Complaint and enter judgment in favor of the Department and against all Defendants, jointly and severally, as to Counts I, V, VI, and VIII; in favor of the Department and against World Recycling as to Counts III, and IV; and in favor of the Department and against World Recycling, Pride Rock and Jeffrey S. Miller as to Count VII.

G. That the Court award such other relief as it deems just and equitable.

Respectfully submitted,

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