North Carolina Department of Human Resources
Division of Health Services
P.O. Box 2091 • Raleigh, North Carolina 27602-2091

James G. Martin, Governor
Phillip J. Kirk, Jr., Secretary

Ronald H. Levine, M.D., M.P.H.
State Health Director

October 10, 1986

Mr. Julian Wooten
NREAD, AC/S FAC
U.S. Marine Corps Base
Camp Lejeune, North Carolina 28542

Re: Administrative Order on Consent
Docket # 00256

Dear Mr. Wooten:

Please find enclosed two originals of an Administrative Order on Consent, Docket # 00256. This order addresses the violations observed on a hazardous waste compliance inspection conducted at USMCB, Camp Lejeune on June 26-27, 1986 by EPA and the State of North Carolina.

Both copies must be signed by Colonel Dalzell and returned to this Branch within fifteen (15) days of receipt by you. Mr. Meyer will then sign and date both and return one to Camp Lejeune.

If there are any questions, please call me at (919) 733-2178.

Sincerely,

Jerry Rhodes

Jerry Rhodes, Assistant Branch Head
Solid & Hazardous Waste Management Branch
Environmental Health Section

JR:pgb

Enclosure

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STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH SERVICES
SOLID AND HAZARDOUS WASTE MANAGEMENT BRANCH

In re: United States Marine Corps Base)	Administrative Order on Consent
Camp Lejeune)	Docket # 00256
NC6170022580	

STATEMENT OF PURPOSE

Pursuant to the North Carolina Solid Waste Management Act and rules, N.C.G.S. 130A, Article 9, and 10 NCAC 10F, as amended ("Act" and "rules"). The Complainant is William L. Meyer, Head, Solid and Hazardous Waste Management Branch, Department of Human Resources (hereinafter Branch). Respondent is Camp Lejeune Marine Corps Base (hereinafter USMCB).

The purpose of this Consent Order is to address conditions in and around the USMCB's site at Onslow County, which will minimize the site's impact on the public health and environment in a manner which is consistent with the State and Federal hazardous waste laws and rules.

In order to protect the public health and environment, and to avoid costly protracted litigation, (USMCB) and the Branch by and through their authorized representatives, do enter into this following Consent Order and agree:

STIPULATIONS OF FACT AND LAW

1. To protect the public health and environment, the Solid and Hazardous Waste Management Branch, Environmental Health Section, Department of Human Resources of the State of North Carolina, is empowered to implement and seek compliance with the standards for generation, transportation, treatment, storage, and disposal of waste pursuant to the Solid Waste Management Act, N.C.G.S. Chapter 130-A(Act), and the rules promulgated there under at 40 CFR 260-271, codified at 10 NCAC 10F (rules). Mr. William L. Meyer, Head of the Branch, has been delegated those responsibilities.

2. USMCB is a United States Military installation which owns and/or operates an existing hazardous waste management facility (as defined in N.C.G.S. 130A-290(5) and 40 CFR 260.10, codified at 10 NCAC 10F .0002) at Onslow County. The USMCB treats, stores, or disposes of hazardous waste (as defined by N.C.G.S. 130A-290 and 40 CFR Part 261, codified at 10 NCAC 10F .0029).

3. The USMCB owns and/or operates a site generating hazardous waste as defined in N.C.G.S. 130A-290(6) and 10 NCAC 10F .0002, located at Camp Lejeune, North Carolina.

4. 40 CFR 262, codified at 10 NCAC 10F .0030, contains standards and requirements applicable to generators of hazardous waste.

5. On September 7, 1984, the USMCB was issued a permit by the Branch to store hazardous waste at the Camp Lejeune, North Carolina, facility.

6. 40 CFR 264, codified at 10 NCAC 10F .0032, contains standards and requirements applicable to owners and operators of hazardous waste management facilities which have achieved permitted status.

7. Based on a joint/inspection by Branch/EPA personnel on June 26-27, 1986, the inspection found that the USMCB facility failed to meet the following requirements:

   a. 40 CFR 262.21(a)(2), codified at 10 NCAC 10F .0030, states that the manifest must contain all of the following information; the generators name, mailing address, telephone number, and EPA identification number. The USMCB failed to use a generator I.D. number on the February 28, 1986 manifest.

   b. 40 CFR 262.34(a)(1), codified at 10 NCAC 10F .0030, states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without interim status, provided that the waste is placed in containers and the generator complies with Subpart I of 40 CFR 265. 40 CFR 265.174, codified at 10 NCAC 10F .0033, states that the owner or operator must inspect areas where containers are stored, at least weekly. The USMCB failed to perform weekly inspections of hazardous waste storage areas in and around building 909.

   c. 40 CFR 262.34(a)(2), codified at 10 NCAC 10F .0030, states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without interim status, provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container. The USMCB failed to mark on each container of electrolyte solution, the date upon which each period of accumulation begins.

   d. 40 CFR 262.34(a)(3), codified at 10 NCAC 10F .0030, states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without interim status, provided that while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste". The USMCB failed to label containers of electrolyte solution with the words "Hazardous Waste".

   e. 40 CFR 262.34(a)(4), codified at 10 NCAC 10F .0030, states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without interim status provided that: the generator complies with the requirements for owner or operators in Subparts C and D part 265 and with Section 265.16.

      i. 40 CFR 265.31, codified at 10 NCAC 10F .0033, states that facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents. The USMCB failed to minimize the possibility of a release by placing batteries upside down on pallets on the ground. Visual discoloration is noted around Building 909.

ii. 40 CFR 265, Subpart D (265.50-265.56), codified at 10 NCAC 10F .0033, states that each owner or operator (each generator site) must have a contingency plan designed to minimize the hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents. The USMCB failed to develop contingency plans for each generating site, including TMO, which signs as a generator, manifests to Safety-Kleen.

iii. 40 CFR 265.16, codified at 10 NCAC 10F .0033, states that facility personnel must successfully complete a program of classroom instruction or on-the-job training; facility personnel must take part in an annual review of the initial training; and must maintain documents and records describing job titles, job descriptions, written descriptions and amount of training, and documentation of completion. The USMCB has failed to implement and maintain personnel training plans at all generating sites. Numerous personnel were not trained at all generating sites including TMO which signs as a generator, manifests to Safety-Kleen.

f. 40 CFR 262.42(a), codified at 10 NCAC 10F .0030, states that a generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted, by the initial transporter, must contact the transporter and/or the owner or operator of the designated facility to determine the status of the waste. The USMCB has failed to receive a signed copy of manifested shipments to Safety-Kleen nor has any contact been made to determine the status of such shipments.

g. 40 CFR 262.42(b), codified at 10 NCAC 10F .0030, states that a generator must submit an Exception Report if he has not received a signed copy of the manifest from the owner or operator of the designated facility within 45 days of acceptance of that waste by the initial transporter. The USMCB has failed to submit Exception Reports for all shipments to Safety-Kleen where the USMCB has not received a signed copy from Safety-Kleen.

h. 40 CFR 264.16(d)(e), codified at 10 NCAC 10F .0032, states that job titles, job descriptions, written description of and amount of training, and documentation of a completion must be maintained. The USMCB has failed to revise the personnel training plan to document all individuals involved in the hazardous waste management program.

PERMIT MODIFICATIONS - CONDITIONS

i. 40 CFR 264.52(e), codified at 10 NCAC 10F .0032, states that the contingency plan must include a list of all emergency equipment at the facility. The list must be kept up-to-date. In addition, the plan must include the location and a physical description of each item, and a brief outline of its capabilities. The USMCB has failed to adequately list, and describe the emergency equipment. Revision's to the contingency plan is considered a modification of the existing permit.

j. 40 CFR 264.52(f), codified at 10 NCAC 10F .0032, states that the contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. The USMCB has failed to include a detailed evacuation plan in the event of an emergency.

k. 40 CFR 264.56(d)(e)(h)(i)(j), codified at 10 NCAC 10F .0032, states that the contingency plan must outline procedures that the emergency coordinator is responsible for in reporting to the appropriate authorities, containment of hazardous waste incidents, adequacy of remedial activities, and incident documentation. The USMCB has failed to describe in detail, emergency procedures in the event of an emergency.

l. 40 CFR 264.173(b), codified at 10 NCAC 10F, states that containers holding hazardous waste must not be handled or stored in a manner which may rupture the container. Part III of the permit addresses storage in containers, and requires that containers cannot be stacked more than two high. The USMCB has failed to comply with the permit conditions by stacking crates higher than the two drum limit.

m. 40 CFR 270.42, codified at 10 NCAC 10F .0034, states that under certain conditions, the permit may be modified to make corrections or allowances for changes in the permitted activity. The USMCB has failed to notify the State that the operator of the facility has changed names from DPDO to DRMO. In addition, the USMCB is now utilizing an inspection form that has replaced the form noted in the permit. The USMCB has failed to change this form in the permit.

8. An informal meeting/prehearing conference was held on September 9, 1986, at which time the parties agreed in principle to the entering of this Consent Order.

9. This Consent Order is not intended and shall not be construed as an admission of fact or applicability of any law by the USMCB. The USMCB admits no liability regarding the allegations of noncompliance contained in the inspection and further, no finding is made as to the truth of said allegations.

10. Nothing in this Consent Order shall be construed as limiting the State of North Carolina from performing its duty to protect the public health and environment of the State as required by law.

11. This Consent Order shall be binding upon the officers, directors, agents, employees, contractors, successors and assigns of the USMCB facility. The USMCB shall provide a copy of this Consent Order to each contractor or other person performing any work under this Consent Order and shall condition each contract or agreement for such work upon these Consent Order terms.

12. Failure to meet the obilgations which this Consent Order imposes will expose the USMCB to any and all of the various enforcement sanctions available to the Branch under the Act and rules, including N.C.G.S. 130A-22. The Branch places the USMCB on notice of its intention to use one or more of those sanctions should the Company fail to comply with this Consent Order.

13. This Consent Order will be signed on behalf of the USMCB by Colonel T.J. Dalzell, Assistant Chief of Staff, United States Marine Corps Base, Camp Lejeune, North Carolina, who warrants that he has the authority to enter this Consent Order on behalf of the USMCB.

ORDER

William L. Meyer has determined that this Consent Order is in the furtherance of the public interest and will protect the public health and environment, and, with the consent and cooperation of the USMCB, hereby orders the following actions:

1. That within 30 days of the execution of this agreement, the USMCB shall provide for immediate compliance with Sections a,b,c,d,e(i),f,g,l, previously noted above within the Stipulations of Fact and Law, to efficiently maintain a hazardous waste management program.

2. That within 90 days of the execution of this agreement the USMCB shall comply with sections e(ii),e(iii),h,i,j, and k noted above within the Stipulations of Fact and Law, by establishing personnel training programs and contingency plans to satisfy the deficiencies cited. Draft revision as available should be submitted for review with the monthly status report.

3. That within 30 days of the execution of this agreement, the USMCB shall provide for the permit modifications noted in section (m) of the Stipulations of Fact and Law.

4. The USMCB shall maintain compliance with the Act and all other applicable rules while complying with this Consent Order.

5. At least monthly, the United State Marine Corps Base shall inform the Branch, in writing, of the progress made toward meeting the requirements set forth in this Consent Order. The reports shall be filed with the Branch on or before the 5th day of the month commencing November 5, 1986.

6. The Branch shall review all documents submitted and within 7 calendar days of receipt of such documents, the Branch shall notify the USMCB in writing of the Branch's approval or disapproval of these documents or any part thereof. In the event of any disapproval, the

Branch shall specify in writing both the deficiencies and the reasons for such disapproval, and a schedule for completion of modifications or additions which must be made.

7. The Branch designates Mr. Jerry Rhodes, Assistant Branch Head, as primary contact for technical matters regarding implementation and compliance with this Consent Order. Other Branch staff may be used for inspections and other oversight activities as needed.

8. The USMCB designates Mr. Julian Wooten, as primary contact responsible for overseeing implementation and compliance with this Consent Order.

9. To the maximum extent possible, communications between the USMCB and Branch and all documents, including reports, approvals, and correspondence concerning the activities performed pursuant to the terms and conditions of this Consent Order shall be directed through the Primary Contacts.

IN WITNESS WHEREOF, The parties have executed this Agreement, on this the _____ day of _____, 1986, by their duly authorized representatives.

Solid and Hazardous Waste Management Branch
Division of Health Services
Department of Human Resources of the State of N.C.

By: _____ _____
William L. Meyer, Head Date

By: _____ _____
Colonel T.J. Dalzell Date
Assistant Chief of Staff,
Facilities
United States Marine Corps
Base, Camp Lejeune, N.C.

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