

Dany



ASSISTANT CHIEF OF STAFF, FACILITIES
HEADQUARTERS, MARINE CORPS BASE

DATE

13 June 80

TO:

BASE MAINT O

DIR, FAMILY HOUSING

PUBLIC WORKS O

DIR, BACHELOR HOUSING

COMM-ELECT O

BASE FIRE CHIEF

MOTOR TRANSPORT O

ATTN:

ENVIRONMENTAL

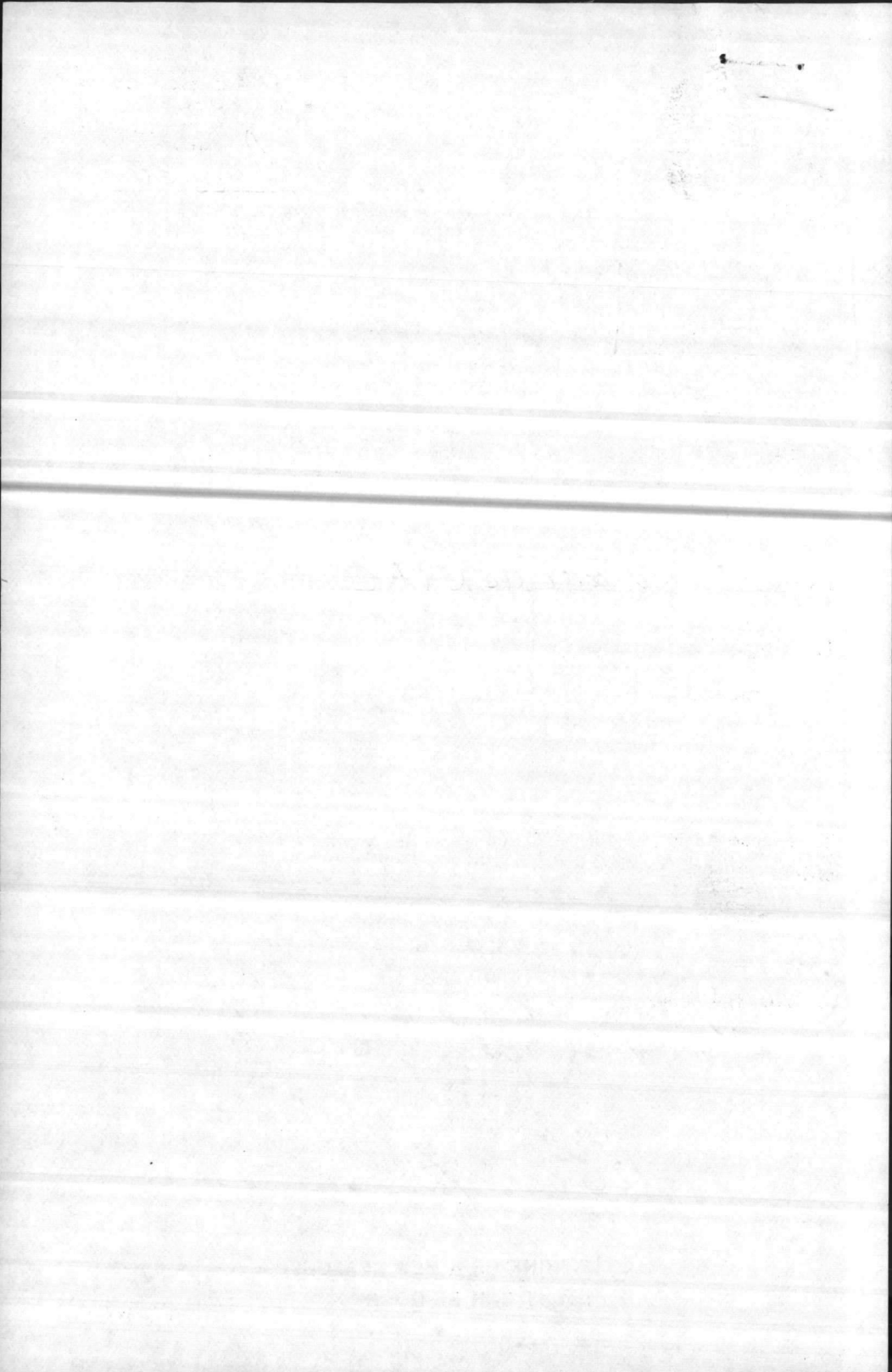
1. Attached is forwarded for info/action
2. Please initial, or comment, and return all papers to this office.

(3) Your file copy.

Those you've already seen this

*VR
Al Austin*

"LET'S THINK OF A FEW REASONS
WHY IT CAN BE DONE"





DEPARTMENT OF THE NAVY
ATLANTIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
NORFOLK, VIRGINIA 23511

TELEPHONE NO.
444-7313
AUTOVON 690-7313
IN REPLY REFER TO:

114:DPG
6280

18 JUN 1979

Act's Fac

From: Commander, Atlantic Division, Naval Facilities Engineering Command
To: Commanding Officer, Naval Construction Battalion Center, Port
Hueneme (NESO)

Subj: MARCORB CAMP LEJEUNE and MCAS CHERRY POINT Wastewater Discharge
Permits; request for action on

Ref: (a) LANTNAVFACENGCOM ltr 6280 114:DPG of 11 June 1979 to MARCORB
CAMP LEJEUNE
(b) LANTNAVFACENGCOM ltr 6280 114:DPG of 11 June 1979 to MCAS
CHERRY POINT

1. LANTNAVFACENGCOM, Code 114, herein requests that NESO take action on
paragraph 4d of references (a) and (b).

J. G. Leech
By direction

Copy to:

✓ MARCORB CAMP LEJEUNE
MCAS CHERRY POINT
NAVAIREWORKFAC CHERRY POINT
CMC WASHINGTON
COMNAVFACENGCOM ALEXANDRIA

10/12/20

MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA

Date 6/19/79

From: Public Works Officer/~~Chief~~ ROICE

To: A C/S FAC

LAWDIV Itr 114:DPG me 6280
of 11 JUN 79 WAS RECEIVED in
PW APPARENTLY BY MISTAKE and
is FORWARDED FOR PERUSAL. IF
THERE ARE PARTS I NEED TO DO
PLS TELL ME.



P-MCBCL-1747

1113



3	DEPARTMENT OF THE NAVY
4	ATLANTIC DIVISION
5	NAVAL FACILITIES ENGINEERING COMMAND
	NORFOLK, VIRGINIA 23511
ORG	ENT

444-7313
AUTOVON 690-7313
IN REPLY REFER TO:

114:DPG
6280

11 JUN 1979

From: Commander, Atlantic Division, Naval Facilities Engineering Command
To: Commanding General, Marine Corps Base, Camp Lejeune

Subj: U. S. Environmental Protection Agency (EPA) Environmental
Inspections/Wastewater Permit Discussions of 16/17 May 1979

Ref: (a) National Pollutant Discharge Elimination System (NPDES)
Wastewater Discharge Permit NC0003239 (effective: 27 Dec
1974; modified: 5 Dec 1977)
(b) LANTNAVFACENCOM ltr 6280 114:DPG of 8 Feb 1979

Encl: (1) EPA 16 May 1979 Inspection Summary
(2) Storm Drain Oil Monitoring Summary
(3) EPA Permit Reapplication/Reissuance Discussion Summary
(4) EPA 17 May 1979 Inspection Summary

1. Introduction:

The subject meeting/inspections were primarily held to delineate anticipated changes to wastewater collection/treatment requirements which will be legally mandated when reference (a) is reissued on 28 December 1979. Procedural requirements for permit reapplication/reissuance were also discussed.

2. General Findings: EPA considers:

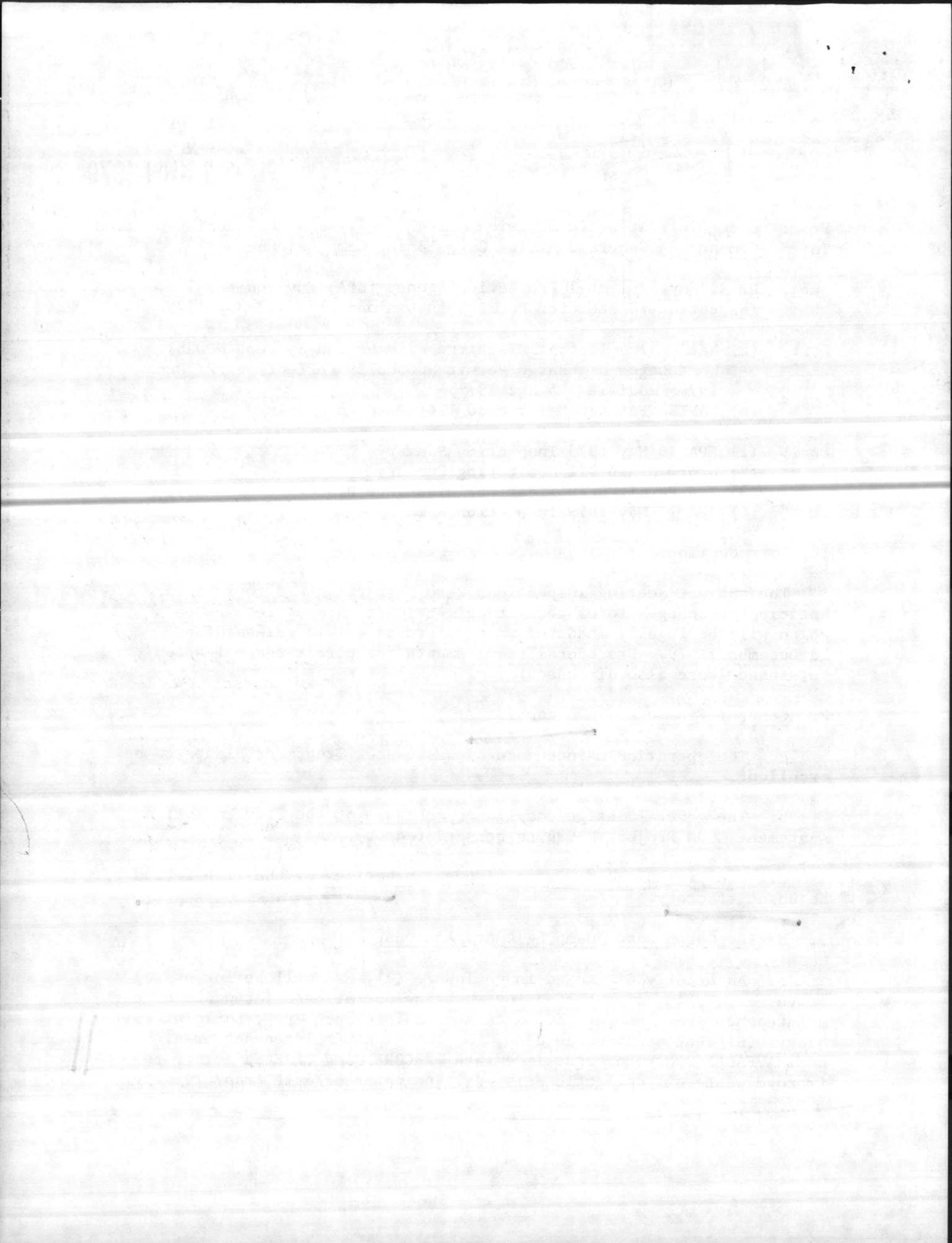
a. The operation/maintenance of Wastewater Treatment Plants to be excellent,

b. The general design/compliance schedule of the FY80 Pollution Abatement MCON Project P-996 to be satisfactory, and

c. The oil/hazardous waste disposal practices of the line forces to be unsatisfactory.

3. Marine Corps Base, Camp Lejeune, Actions:

a. As briefly discussed in enclosure (1), EPA will be forwarding a letter expressing dissatisfaction with the operation/maintenance of such maintenance areas as the 1800 area tank maintenance area, Building 1817 heavy equipment maintenance area, and the Amphib maintenance area. LANTNAVFACENCOM recommends immediate MARCORB CAMP LEJEUNE action to improve waste oil collection/disposal and washrack/grit trap/oil-water



Subj: U. S. Environmental Protection Agency (EPA) Environmental
Inspections/Wastewater Permit Discussions of 16/17 May 1979

separator operation/maintenance, since EPA can cite MARCORB CAMP LEJEUNE for not providing a "good faith effort" in complying with reference (a), and thus MARCORB CAMP LEJEUNE could be fined up to \$10,000 per day, possibly retroactive to 1 July 1977, for violations of reference (a). (See also: enclosure (2) Oil Monitoring Summary).

b. As recommended in enclosure (3), the permit reapplication should be submitted to EPA by 30 June 1979.

c. As indicated in enclosure (4), the EPA letter will also state that proper collection/segregation/disposal must be instituted for hazardous waste, especially for the MCAS NEW RIVER and NAVREGMEDCEN CAMP LEJEUNE.

d. As discussed during the Base Maintenance Officer debriefing, EPA recommends that the abandoned New River Wastewater Treatment Plant, and Camp Geiger Water Treatment Plant be demolished and/or the tanks filled in.

e. EPA also recommends that an environmental billet be established, especially since state involvement and various environmental programs will be expanding (e.g. hazardous waste, Safe Drinking Water Act, air pollution, NPDES, operator certification, solid waste, in addition to increased waste oil collection and oil-water separator operation/maintenance responsibilities).

f. As many of these issues were addressed via reference (b), please advise LANTNAVFACENCOM, Code 114 as to actions being taken on the reference (b) recommendations.

4. In addition to providing technical assistance as requested on the above items, LANTNAVFACENCOM Code 114 will also request and provide technical assistance on the following actions:

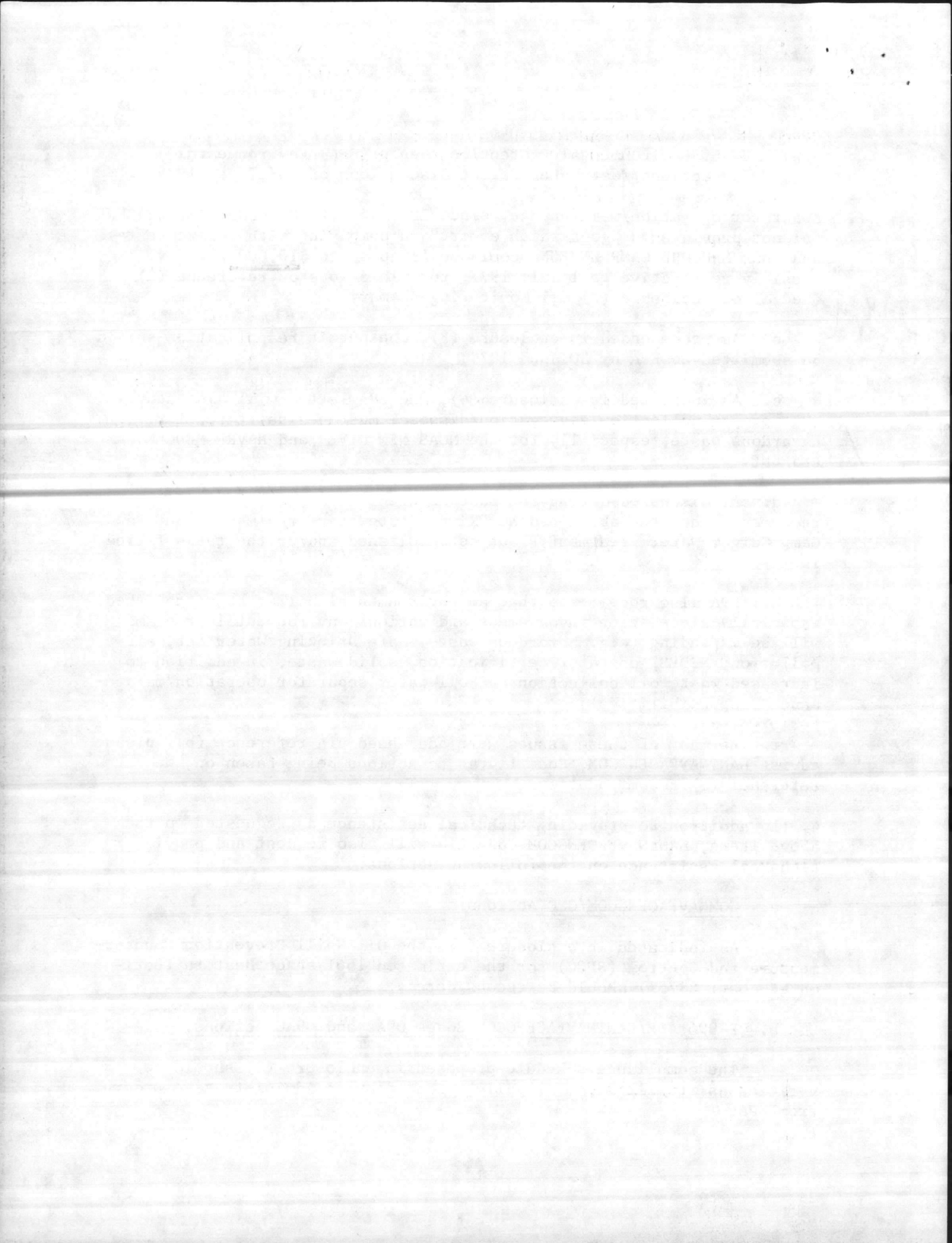
a. COMNAVFACENCOM/CMC Actions:

As indicated in enclosure (1), the Oil Spill Prevention Countermeasure and Control (SPCC) for the estimated 1561 space heaters (estimated cost: \$375K) should be reconsidered.

b. P-996 A&E/LANTNAVFACENCOM Codes 09A2 and 09AC Actions:

The compliance schedule proposed in enclosure (3) should be verified as it will become legally mandated by an Administrative Order from EPA.

Send to
LANT DIV
will return
✓



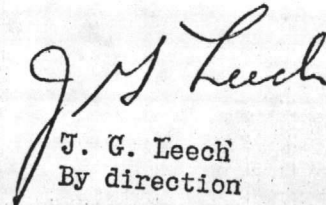
Subj: U. S. Environmental Protection Agency (EPA) Environmental
Inspections/Wastewater Permit Discussions of 16/17 May 1979

c. Code 09A2 Actions:

Copies of the 90% design of P-996 should be forwarded to EPA
Region IV and North Carolina (Raleigh office).

d. NESO Actions:

During the permit discussions, summarized in enclosure (2), EPA
stated that starting in January 1980, the Discharge Monitoring Reports
(DMRs) must be submitted on the 8½ x 11 size forms by the 28th of the
month. This requirement will require NESO action to modify the computer
printout format and procure 8½ x 11 forms suitable for computer printout.


J. G. Leech
By direction

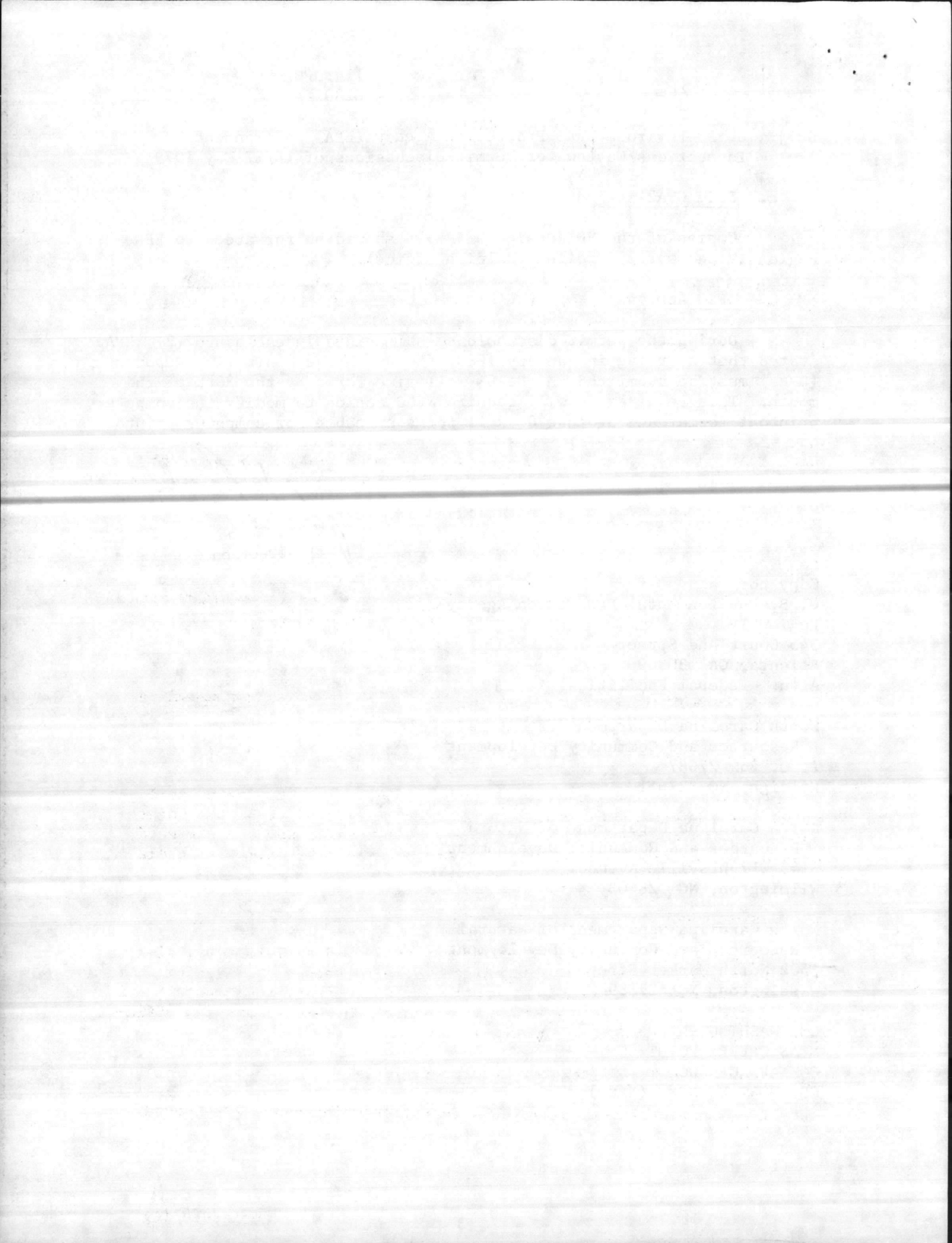
Copy to:
U. S. Environmental Protection Agency
Region IV
345 Courtland Street
Atlanta, GA 30309
Attn: Federal Facilities

North Carolina Department of Natural
Resources and Community Development
P. O. Box 27687
Raleigh, NC 27611

North Carolina Department of Natural
Resources and Community Development
3143 Wrightsville Avenue
Wilmington, NC 28403

North Carolina Department of Natural
Resources and Community Development
1502 North Market Street
Washington, NC 27889

CMC WASHINGTON
MCAS CHERRY POINT
COMNAVFACENGCOM
CBC PORT HUENEME (NESO)



MARINE CORPS BASE, CAMP LEJEUNE
EPA 16 MAY 1979 (1300-1600 HOURS)
INSPECTION SUMMARY

1. Space Heaters:

Trails of oil were noted from the fuel drums of several space heaters to the storm drainage system. The P-996 A/E has provided a 30% design to connect the fuel drums directly to the estimated 1561 space heaters (estimated cost: \$375K), but this item was later deleted as not being specifically required by the NPDES/SPCC requirements.

2. Building 1817:

The heavy equipment (heavy duty forklifts, cranes, etc.) maintenance area was inspected and (a) the newly installed washrack/oil-water separator containment wall had been deliberately damaged in order to bypass the oil-water separator and (b) the soil throughout the area is severely contaminated with oil apparently from deliberate spills and an inadequate maintenance facility.

3. 1800 Area:

Considerable oil contaminated soil was also noted in the 1800 area tank ~~area~~ maintenance area apparently for similar reasons.

4. Storm Drain:

The storm drain monitoring point for the above areas was examined (see also enclosure (2): Oil Monitoring Summary).

5. Amphib Area:

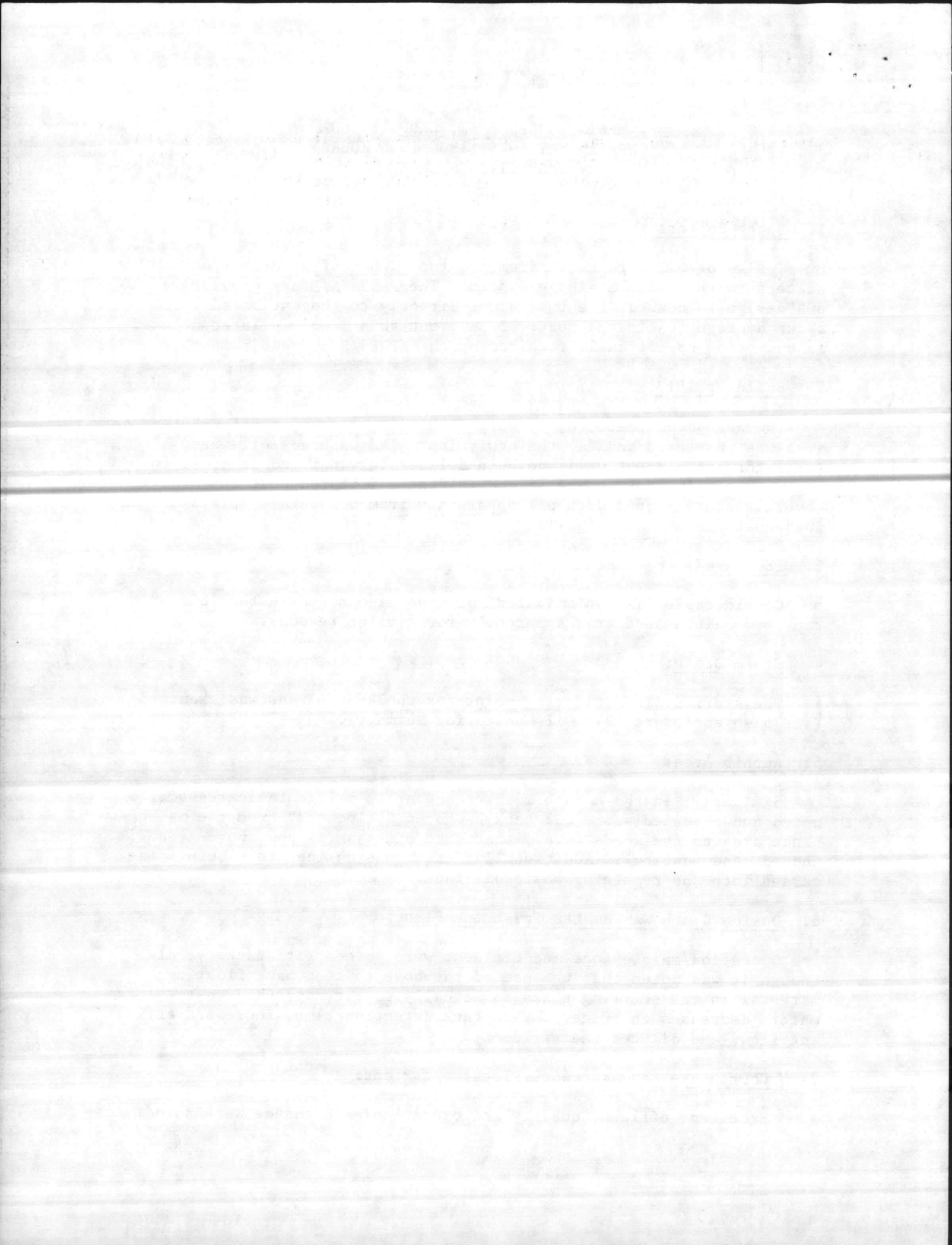
Similarly, in the Amphib maintenance area, oil contaminated soil was noted and a buried waste oil tank had been "relocated" from the maintenance area to the woods (i.e., the waste oil tank is now above-ground, unused, and rusting). Additionally, trash was deliberately being discarded into the remaining waste oil tank.

6. Onslow Beach Wastewater Treatment Plant:

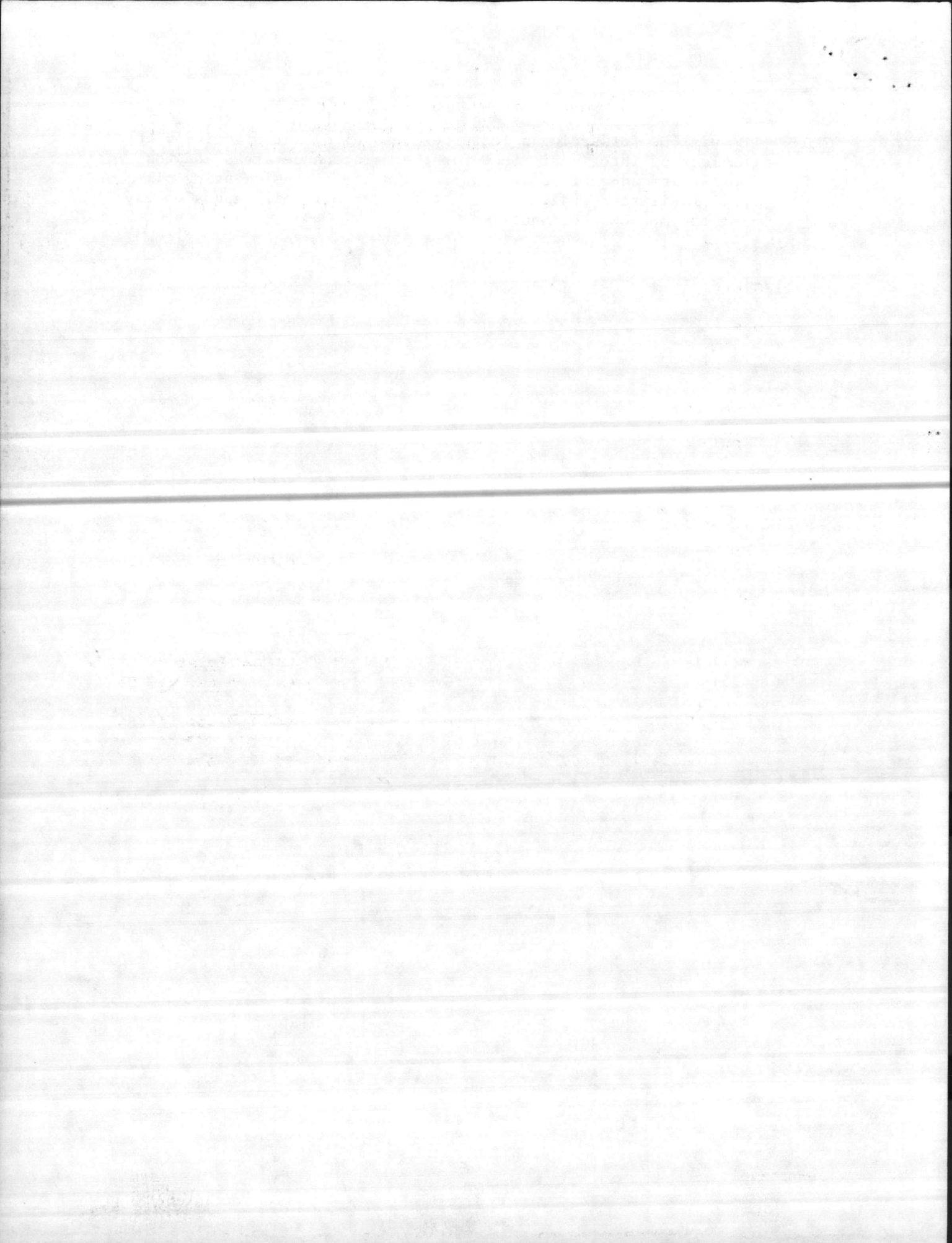
Operation/maintenance and effluent were judged satisfactory, although it was noted that the use of the hose to keep back floating material in the settling tanks is actually unnecessary (and waste water, decreases chlorine contact tank detention time, increases effluent flow, and dilutes the effluent).

7. Courthouse Bay Wastewater Treatment Plant:

Excellent effluent quality and operation/maintenance were noted.



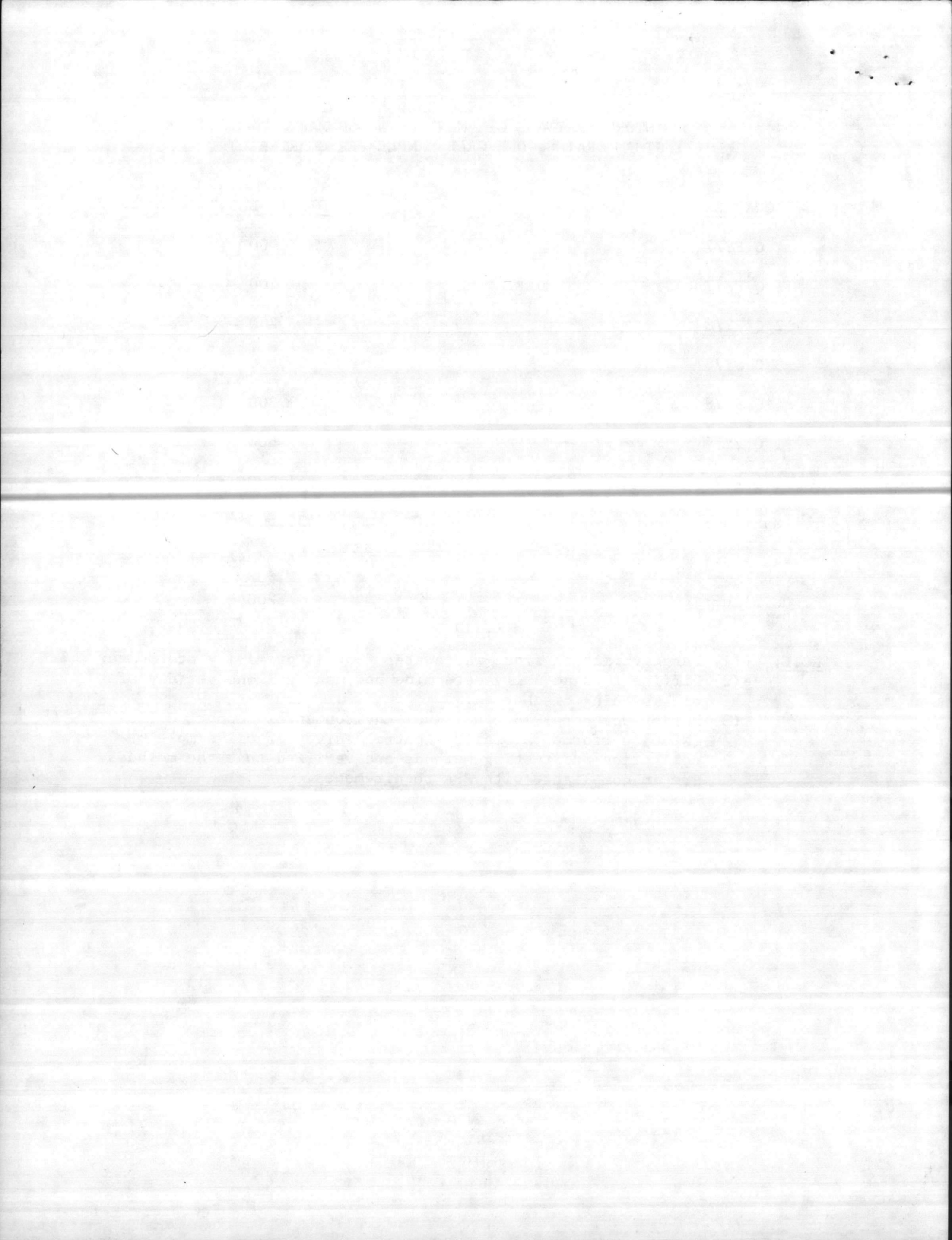
NOTE: EPA will be forwarding a letter expressing dissatisfaction with the lack of interim oil SPCC for the maintenance areas and that the lack of adequate operation/maintenance of the existing oil spill facilities indicates that the P-996 oil spill upgrades may also become nonfunctional.



MARINE CORPS BASE, CAMP LEJEUNE
STORM DRAINAGE OIL MONITORING SUMMARY
(71 STORM DRAINS, ONE GRAB SAMPLE PER QUARTER)

<u>QUARTER</u>	<u>OIL (GALLONS)</u>
4 Q FY77	1,000
1 Q FY77	200
2 Q FY78	3,200
3 Q FY78	35,500
4 Q FY78	300
1 Q FY79	600
<u>2 Q FY79</u>	<u>1,000</u>
Maximum:	35,500*
Average:	6,000**
Minimum:	200*

- NOTE: *(1) Large variation since wastewater flow is primarily stormwater.
**(2) Difficult to actually determine how many gallons per day of oil is being discharged.
(3) During October 1978, the Naval Environmental Support Office (NESO) performed a Quality Control survey of oil sample collection and testing methods and verified that the methods are in compliance with EPA requirements.



OFFICE OF THE STAFF JUDGE ADVOCATE
Marine Corps Base
Camp Lejeune, North Carolina 28542

Date: 31 July

From: Staff Judge Advocate

To: CC

Subj:

Info in case Gen Smith
should call to talk
about this.

US
J. K. Motulenk.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Case No. 88-10123

March 31, 1988

111

Dear Mr. [Name]:
I have received your letter of March 24, 1988, regarding the [Subject].
I am sorry that I cannot provide you with a more definitive answer at this time.
The [Subject] is currently under review and I will contact you again once a final decision has been reached.

Sincerely,
[Signature]

SUMMARY OF PENALTY PROVISIONS

1. Endangered Species Act of 1973

a. Penalties & enforcement found in 16 U.S. Code §1540

1. Criminal penalties: knowing violations of the law or regulations: 5 yrs/\$20,000 fine or both; other violations: six months/\$10,000 fine or both
2. Civil penalties imposable by Secretary of the Interior: For knowing violations of the law or regulations protecting the species and its habitat: \$10,000 per violation; for other violations \$5,000 or \$500

2. Clean ~~Air~~ ^{WATER} Act

a. Liability for spills of oil or hazardous substances found in 33 U. S. Code §1321

1. Failure to notify EPA ^{and CMC} of discharge
 - (a) Criminal: \$10,000 fine, one year or both
 - (b) Civil penalty imposed by Secretary of Commerce: \$5,000
 - (c) Civil court action by EPA:
 - (1) \$50,000 fine for spill caused by simple negligence
 - (2) \$250,000 fine for spill caused by wilful negligence with privity of knowledge to area commander

2. Plus costs of cleanup

Note: The scope of the Clean Water Act, which prohibits pollution of navigable waters, includes prohibition of discharge of pollutants anywhere that such pollutants might reasonably be expected to end up in navigable waters. This includes all dry land at Comphejaine and New River.

Note: §1323 of the Clean Water Act grants employees of the U.S. immunity from personal liability for any civil penalty arising from performance of his official duties. This should be of little comfort since failure to notify is a criminal offense, and any wilful violation is probably ultra vires, and not within official duties.

DEPARTMENT OF THE NAVY

Memorandum

DATE: 31 July 1979

FROM

Staff Judge Advocate

TO

Commanding General

SUBJ

As you requested Friday enclosed is a summary of the civil and criminal violations for water pollution and violation of the Endangered Species Act. Penalties can also be imposed under Art. 15 and Art. 92 (violation of MCB regulations).

Colonel Bohlen, STA for COMCABEAST, called yesterday to tell me he disagrees with paragraph 2 of your 17 July letter concerning the New River oil spill. He has advised Major General SMITH that the criminal penalties of the Clean Water Act don't apply to Federal employees. After checking the statutes, I advised him it's my opinion the letter is correct. There are civil and criminal penalties that can be imposed.

Major Rountree
Deputy

11 July 1971

Staff Judge Advocate

Commanding General

As you requested, attached is a summary of the trial and summary violation for your information and violation of the Rules of War. The summary is attached to the summary of the trial. The summary of the trial is attached to the summary of the trial.

Major General Smith that the summary of the trial of the summary of the trial is attached to the summary of the trial. The summary of the trial is attached to the summary of the trial. The summary of the trial is attached to the summary of the trial.

Major General Smith
Signature