



*File 13 Jan 88  
Hazard Waste  
J d W*

UNITED STATES MARINE CORPS  
MARINE CORPS BASE  
EUNE, NORTH CAROLINA 28542-5001

IN REPLY REFER TO:

6280  
FAC  
17 DEC 1987

From: ~~Commanding General~~, Marine Corps Base, Camp Lejeune

Subj: COMMANDING OFFICERS' ENVIRONMENTAL RESPONSIBILITIES AND  
LIABILITIES

Encl: (1) CO, LANTNAVFACENGCOM ltr 6280 1142PBP of 31 Mar 86  
w/encls  
(2) Hazardous Waste Class I Violations List

1. Environmental management is a responsibility of all commanding officers, subordinate commanders, and civilian managers. Enclosure (1) discusses civil and criminal penalties which may be imposed on you and me for violation of environmental laws and regulations. As Commanding General of Marine Corps Base, Camp Lejeune, I am legally responsible for actions which may lead to violations aboard this Base including the actions of other commands. However, it must be understood that any person in responsible charge of a unit's operation or activity can be held personally liable for violations of environmental laws by individuals under their supervision "if they know or should have known" the action was a violation.

2. Recent additions to the North Carolina hazardous waste regulations will significantly impact on hazardous waste management aboard MCB, Camp Lejeune. The most important regulatory change is the introduction of Class I violations to the state hazardous waste enforcement regulations. Class I violations will normally result in a compliance order for correction of violations within a specified time limit and assessment of a financial penalty. The penalty can include jail sentences and fines of up to \$10,000 per day per violation. Definitions of Class I violations and examples of such violations found at Camp Lejeune are listed in enclosure (2). During past hazardous waste inspections, the Base was given a grace period to correct violations. We will no longer be afforded this luxury; penalties will be assessed for each violation the state identifies.

3. The state has informed us that its inspection frequency has been dramatically reduced due to cuts in federal funding. Consequently, although the inspections will be less frequent, the intensity of the inspections and the penalties imposed for violations will increase. An additional concern is that the state has announced that a high percentage of hazardous waste inspections in FY88 will be unannounced. We have been advised that the next hazardous waste inspection will be a joint effort by the North Carolina Solid and Hazardous Waste Management Branch and the United States Environmental Protection Agency. Both of these agencies may act independent of each other in the imposition of penalties against Camp Lejeune for Class I violations.





UNITED STATES MARINE CORPS  
MARINE CORPS BASE  
CAMP LEJEUNE, NORTH CAROLINA 28542-5001

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From: Commanding General, Marine Corps Base, Camp Lejeune

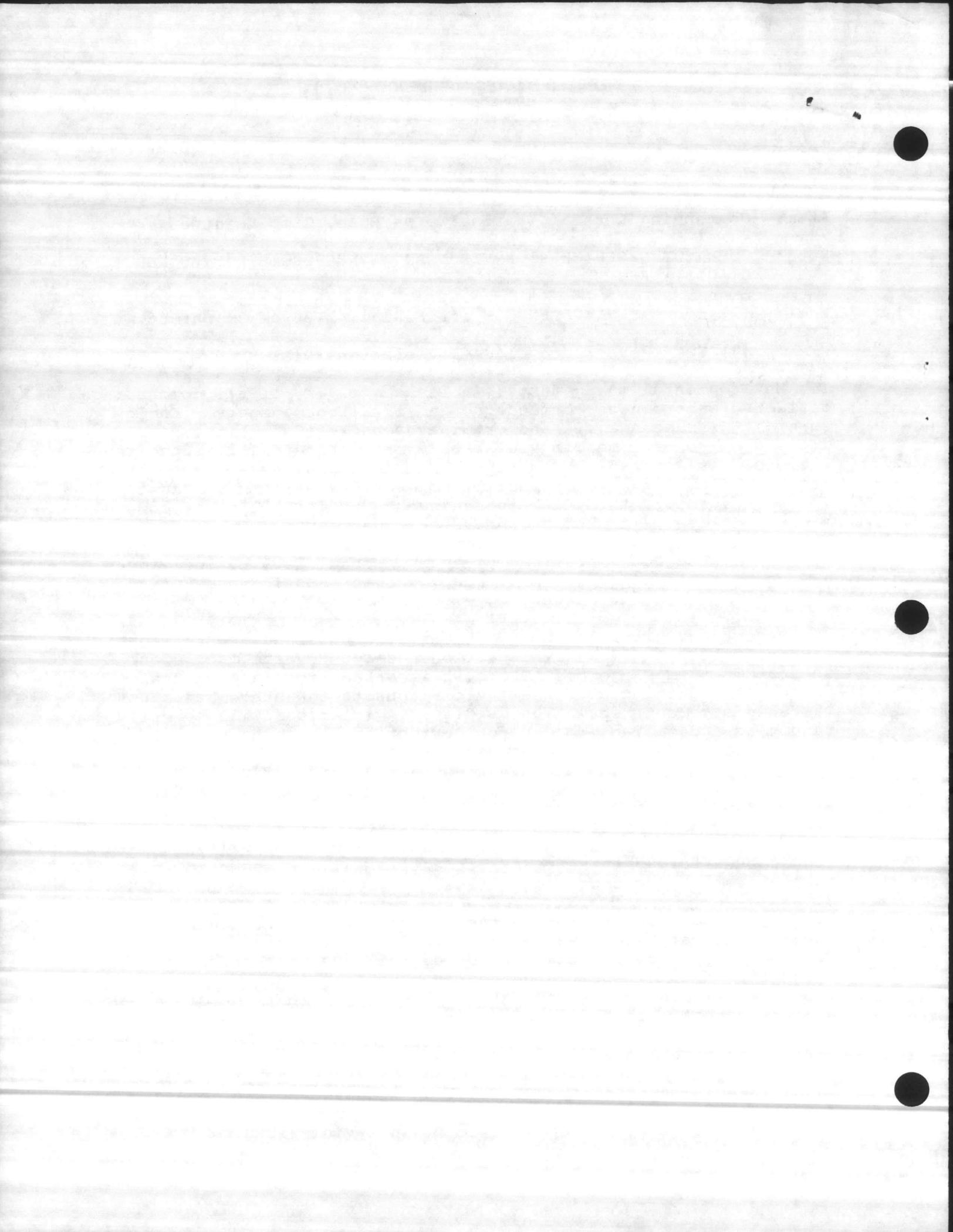
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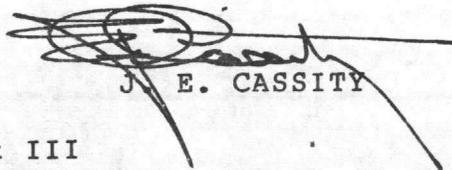
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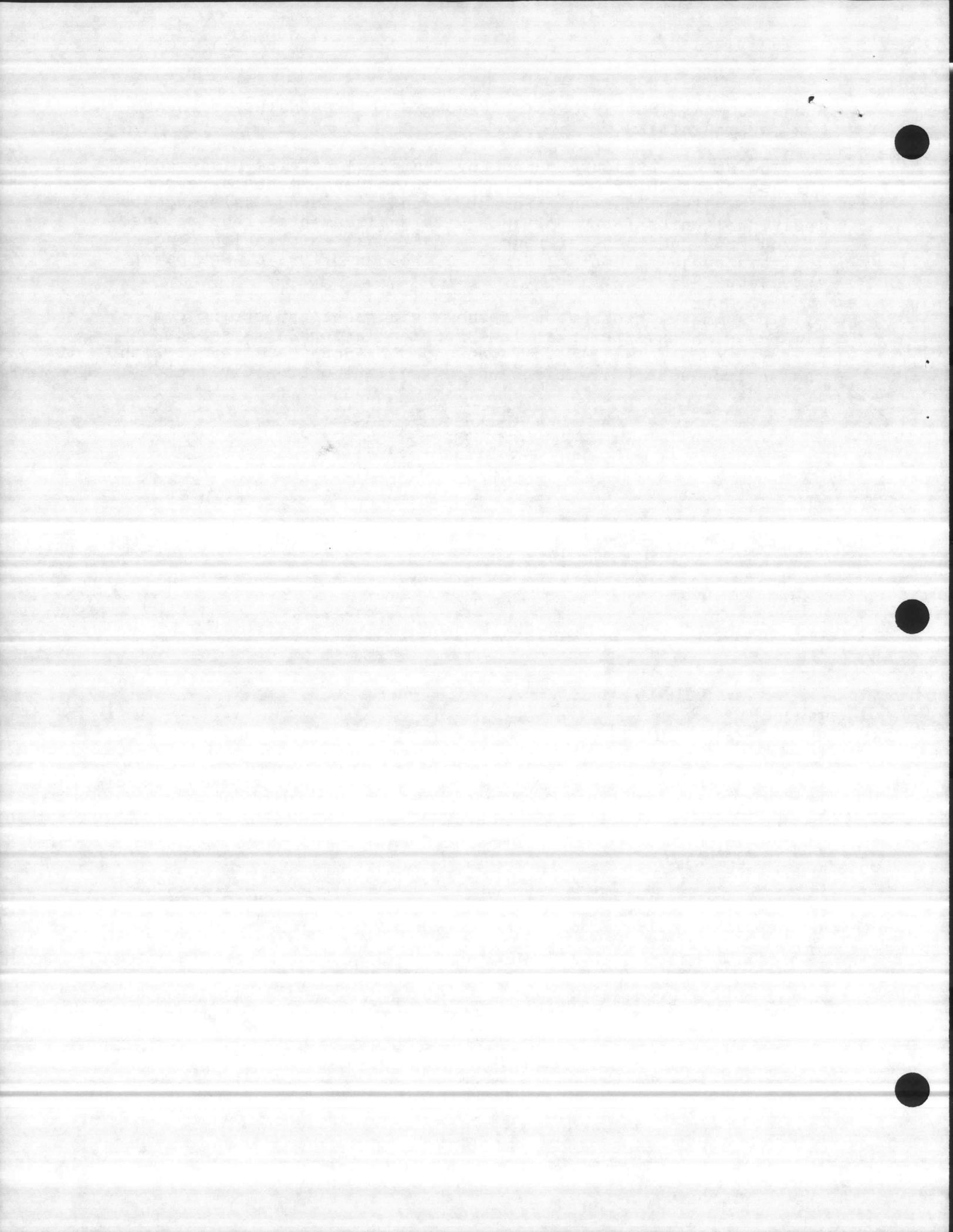
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4. The Natural Resources and Environmental Affairs Division of the Assistant Chief of Staff, Facilities Department is responsible for disseminating information and providing assistance to individual units for compliance with environmental regulations. If you have questions or require additional information concerning this subject, contact Mr. J. I. Wooten or Mr. D. Sharpe at extension 2083/5003.

5. In summary, protection of the environment and strict compliance with environmental laws and regulations is a serious matter. Become familiar, if you have not done so already, with the environmental directives which regulate unit activities.

  
J. E. CASSITY

Distribution: A Less Cat III





DEPARTMENT OF THE NAVY

ATLANTIC DIVISION  
NAVAL FACILITIES ENGINEERING COMMAND  
NORFOLK, VIRGINIA 23511-6287

TELEPHONE NO.

(804) 445-2933

IN REPLY REFER TO:

6280

1142PBP

31 MAR 1986

From: Commander, Atlantic Division, Naval Facilities Engineering Command

Subj: COMMANDING OFFICER RESPONSIBILITIES AND LIABILITIES IN THE ENVIRONMENTAL ARENA

Ref: (a) OPNAVINST 5090.1 of 26 May 83

Encl: (1) List of Federal Environmental Laws and Authorized Penalties for Violations

(2) Environmental Quality Branch Organization Chart

1. As control of environmental programs transfers from the U.S. Environmental Protection Agency to various state and local agencies, the administration and enforcement of these programs becomes more and more aggressive. I would anticipate this trend to continue and perhaps accelerate. Considering this, I believe it is necessary to review with you the responsibilities and liabilities all of you have as activity Commanding Officers.
2. Reference (a), Chapter 1, Paragraph 1307.b sets forth the responsibilities of activity Commanding Officers regarding environmental protection. You are required to coordinate and cooperate with federal, state, interstate, and local pollution control agencies and to adhere to the standards with respect to the control and abatement of environmental pollution. In carrying out these responsibilities, you must insure that the necessary resources to plan, program, and execute these program requirements are available at your activity. We will continue to provide Engineering Field Division support and project funding to you through our environmental office.
3. In addition to the fiscal responsibilities in implementing environmental quality programs, you may be held personally liable under many of the existing federal environmental laws for action you take or fail to take with regard to environmental matters at your activity. Enclosure (1) is a list of federal environmental laws and some authorized penalties for violations of these statutes. Liability may be either civil or criminal. Civil liability for noncompliance is levied against the Navy. An example of civil liability would be a violation at a permitted sewage treatment plant due to equipment malfunction with no particular individual held liable. In criminal liability, you and anyone else involved in the violation could be cited for criminal violations for noncompliance with environmental laws and regulations. Criminal charges may be levied for knowingly or willfully violating the standards established in many environmental regulations or for withholding or falsifying information in connection therewith. Examples would include knowing of (or should have known of) a violation and failing to allocate resources to abate the violation, or falsifying documents that must be submitted to a regulatory agency. If you are a criminal defendant in an environmental case, you will normally have to obtain defense counsel at your own expense and will not be reimbursed by the Government for such expense.

Subj: COMMANDING OFFICER RESPONSIBILITIES AND LIABILITIES IN THE ENVIRONMENTAL ARENA

4. In one incident in another engineering field division, a state was preparing to file criminal charges against a Commanding Officer for knowingly and willfully violating both state and federal environmental standards. The possible penalty was a fine of \$100K and/or five years imprisonment. It is important to note that while the Commanding Officer had no personal knowledge of the environmental problem, he was still considered personally responsible by the state for the actions at his activity. In this particular case, the Navy and the state reached an agreement for immediate corrective action that resolved the situation short of court action.

5. I urge you to review enclosure (1) with your environmental staff and familiarize yourself with it. My staff is available to assist you and to provide further explanation of these laws. If you would like assistance, please contact our environmental office at the telephone numbers listed in enclosure (2).



D. E. BOTTORFF

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Subj: COMMANDING OFFICER RESPONSIBILITIES AND LIABILITIES IN THE ENVIRONMENTAL ARENA

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Maximum Penalties For Environmental Violations

STATUTE	CIVIL CHARGES		CRIMINAL CHARGES	
	NONCOMPLIANCE		WILLFULLY OR NEGLIGENTLY VIOLATING	WITHHOLD OR FALSIFY INFORMATION
-Clean Air Act	\$25K/Day Injunction		\$25K/Day, 1 Yr. Jail	\$10K/Day, 6 Mo. Jail
-Federal Water Pollution Control Act, as Amended by the Clean Water Act of 1977	Injunction		\$25K/Day, 1 Yr. Jail	\$10K/Day, 6 Mo. Jail
-Resource Conservation and Recovery Act of 1976	\$25K/Day, Injunction		\$50K/Day, 2 Yr. Jail	\$25K/Day, 1 Yr. Jail
-Comprehensive Environmental Response, Compensation, and Liability Act of 1980	N/A		\$10K/Day, 1 Yr. Jail	\$20K/Day, 1 Yr. Jail
-Safe Drinking Water Act	Compliance order;\$5K/Day		N/A	N/A
-Marine Protection, Research, and Sanctuaries Act of 1972	\$50K/Day		\$50K/Day, 1 Yr. Jail	N/A
-Rivers and Harbors Act of 1899	Injunction		\$2.5K 1 Yr. Jail	N/A
-Toxic Substances Control Act	\$25K/Day, Injunction		\$25K/Day, 1 Yr. Jail	N/A
-Federal Insecticide, Fungicide, and Rodenticide Act	\$1K		\$1K, 30 Days Jail	N/A
-Noise Control Act of 1972	\$10K/Day		\$25K/Day, 1 Yr. Jail	N/A
-National Ocean Pollution Planning Act of 1978	N/A		N/A	N/A
-The National Environmental Policy Act	N/A		N/A	N/A
-The Coastal Zone Management Act of 1972	N/A		N/A	N/A

17 MAR 1985



TELEPHONE: (804) 445 + EXT.  
AUTOVON: 565 + EXT.  
FTS: 875 + EXT.  
LOCATION: BLDG. I-AA

ENVIRONMENTAL QUALITY BRANCH, CODE 114  
J. R. BAILEY, P.E., BRANCH HEAD, 445-1893

APPLIED BIOLOGY AND WATER TREATMENT (POTABLE, BOILER, INDUSTRIAL) SECTION, CODE 1141  
(Safe Drinking Water Act/Potable Water Systems; Industrial Water Treatment; Applied Biology)

B. I. Azar, P.E., Section Head (Env. Eng.) (445-2929)  
J. J. Harwood, P.E., (Env. Eng.), Water Distribution Systems (Conservation, Backflow Cross Connection, Leak Surveys, Hydraulic Analyses) (445-2930)  
J. J. Chen, P.E., (Env. Eng.), Industrial Water Trtmt. (Boilers, Cooling Towers, Pools), Potable Water (445-2930)  
D. C. Maiello, Ph.D., Senior Entomologist Applied Biology (445-2931)  
A. G. Michael, Entomologist, Applied Biology (445-2931)  
J. Eversole, Entomologist, Applied Biology (445-2931)

CODE 114A

B. W. Howard, (Mgmt. Assist.), Pollution Abatement and NAVOSH Project Coordinator (445-1892)

CODE 114S

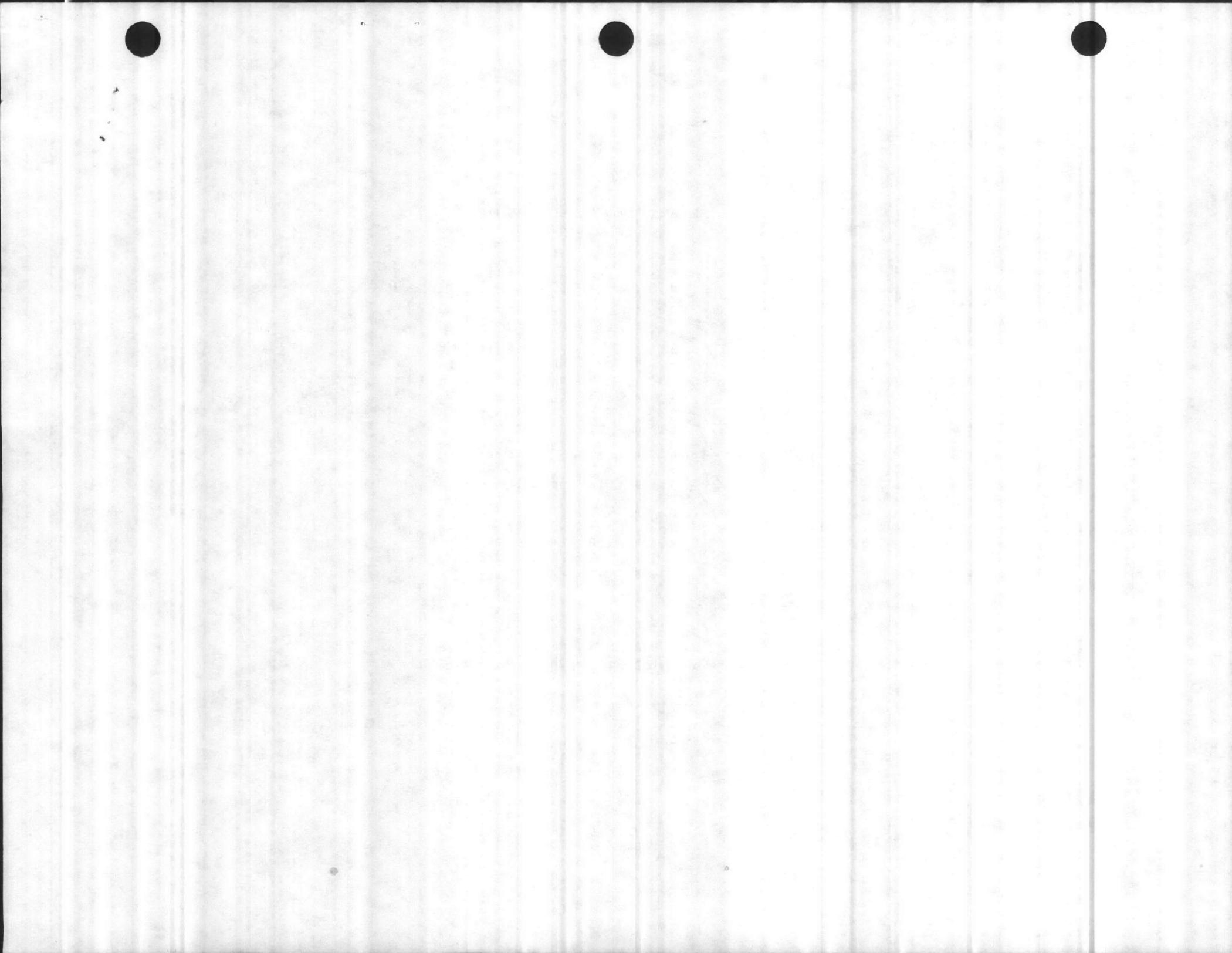
D. R. DuBose, (Secretary), (444-0001)

HAZARDOUS MATERIALS/WASTES AND SOLID WASTES SECTION, CODE 1143  
(Resource Conservation & Recovery Act (RCRA); Toxic Substance Control Act (TOSCA); Comprehensive Environmental Response; Compensation & Liability Act 1980 (CERCLA))

P. A. Rakowski, P.E., Section Head (Env. Eng.) (445-2936)  
S. G. Olson, (Env. Prot. Spec.), Hazardous Waste, PCBs (445-2935)  
C. F. Barnett, (Env. Eng.), NACIP, Solid Waste (445-1814)  
J. H. Parrish, (Phy. Sc. Tech) (444-9528)(N-2)  
D. R. Viau, (PDC Trainee) (445-1814)  
Used Solvent Elimination (USE) Program

WASTEWATER TREATMENT AND AIR POLLUTION CONTROL SECTION, CODE 1142  
(Clean Water Act; Clean Air Act; Wastewater Utilities; Oil Spill Control/Oily Waste Management)

D. P. Goodwin, P.E., Section Head (Env. Eng.), Lab Contracts (445-2932)  
S. Mitro, (Env. Eng.), Air Pollution, (NAPSIS) (445-2934)  
W. L. Carter, (Env. Eng.), Sewage Collection and Treatment, Infiltration/Inflow, Oil Spill Plans (SPCC), Leaking Underground Storage Tanks (LUST) (445-2933)  
P. B. Parker, (Env. Eng.), Industrial Wastewater Trtmt. and Pretrtmt., Oil and Oily Waste Management, Oil Spill Equipment (A<sup>2</sup>R<sup>2</sup>), Leaking Underground Storage Tanks (LUST) (445-2933)



## HAZARDOUS WASTE CLASS I VIOLATIONS LIST

CLASS I VIOLATIONS - A violation that:

- A. results in a release or serious threat of release of hazardous waste to the environment, or
- B. involves the failure to assure that groundwater will be protected,
- C. involves improper closure and post-closure activities, or
- D. involves the failure of hazardous wastes destined for permitted or interim status facilities to be delivered.

### EXAMPLES OF CLASS I VIOLATIONS

- A. Failure to conduct required waste analyses.
- B. Failure to properly handle or store ignitable, reactive or incompatible wastes.
- C. Storage of wastes in containers that are not in good condition or have begun to leak.
- D. Failure to meet applicable general operating requirements.
  - 1. Failure to properly label drums of hazardous waste.
  - 2. Failure to move drums of hazardous waste to DRMO within 90 days.

