

MAIN/DDS/th
6280/5

Mr. William Ross, Jr., Director
Office of Legal Affairs
North Carolina Department of Human Resources &
Community Development
Post Office Box 27687
Raleigh, North Carolina 27611

Dear Mr. Ross:

This letter is in response to your letter of 9 September 1980, regarding an alleged failure of this Command to notify your department of an oil spill which occurred on 22 July 1980 at the Marine Corps Air Station (H), New River.

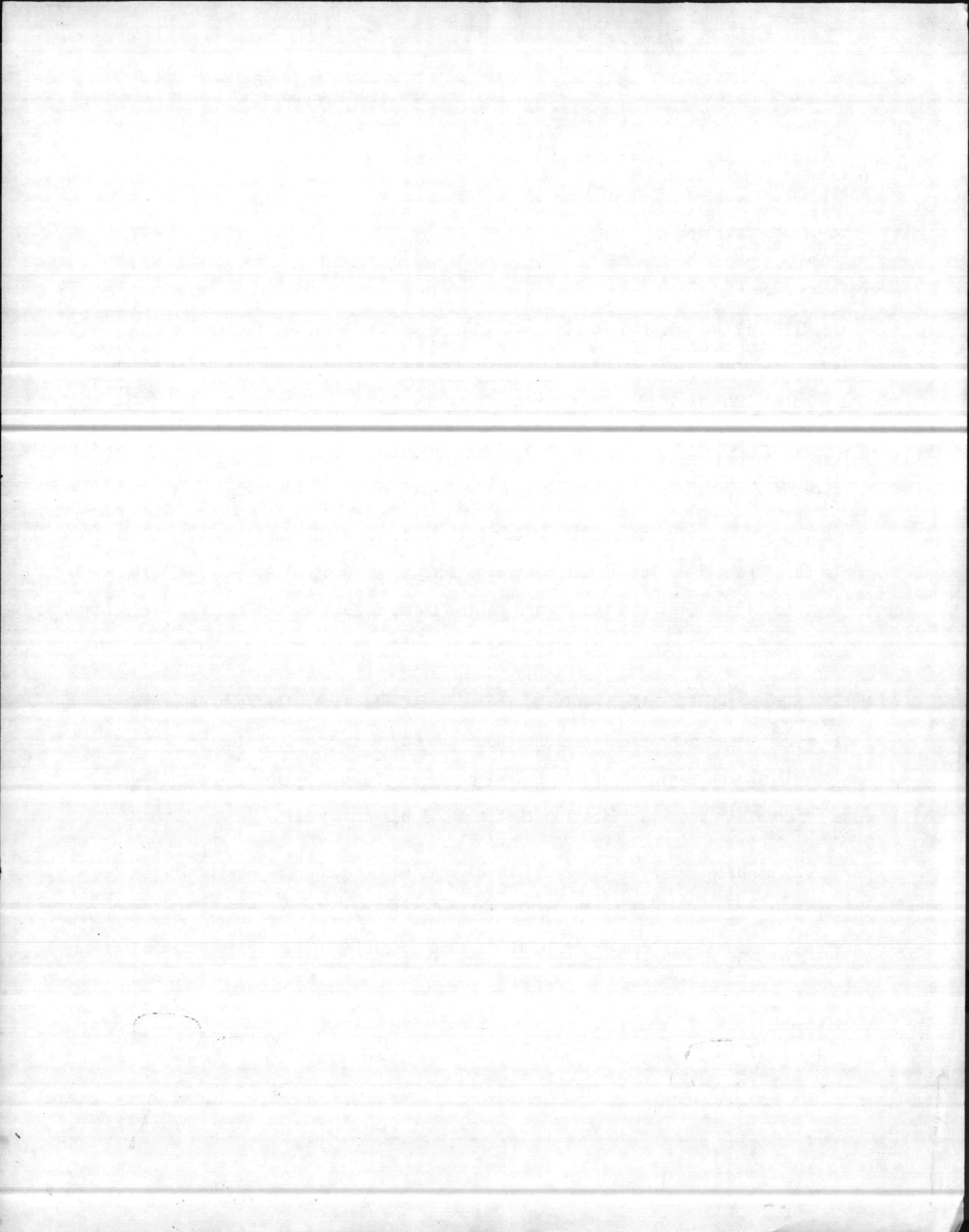
Oil spill procedures followed by this Command do not include calling, writing, or otherwise notifying your department. The base legal staff is currently reviewing your letter and related material to determine the applicability of the North Carolina Oil Pollution and Hazardous Substances Control Act, 143-215.75 et seq. to oil spill incidents aboard Marine Corps Base and Marine Corps Air Station (H), New River.

Until this matter is fully resolved, the Marine Corps Base will as a courtesy, notify your department's Enforcement and Emergency Response Coordinator located in the Wilmington Regional Office by telephone at (919) 256-4161. The call will be made immediately upon verification that a spill has occurred.

Marine Corps Base reserves the right to discontinue the courtesy calls if the law cited above is determined to not apply to the facility. In any event, Marine Corps Base Camp Lejeune will cooperate, to the extent possible, in the implementation of the intent of your regulations.

Sincerely,





ASSISTANT CHIEF OF STAFF, FACILITIES
HEADQUARTERS, MARINE CORPS BASE

DATE 9-15-80

TO:

[BASE MAINT O]

DIR, FAMILY HOUSING

PUBLIC WORKS O

DIR, BACHELOR HOUSING

COMM-ELECT O

BASE FIRE CHIEF

MOTOR TRANSPORT O

ATTN: _____

1. Attached is forwarded for info/action

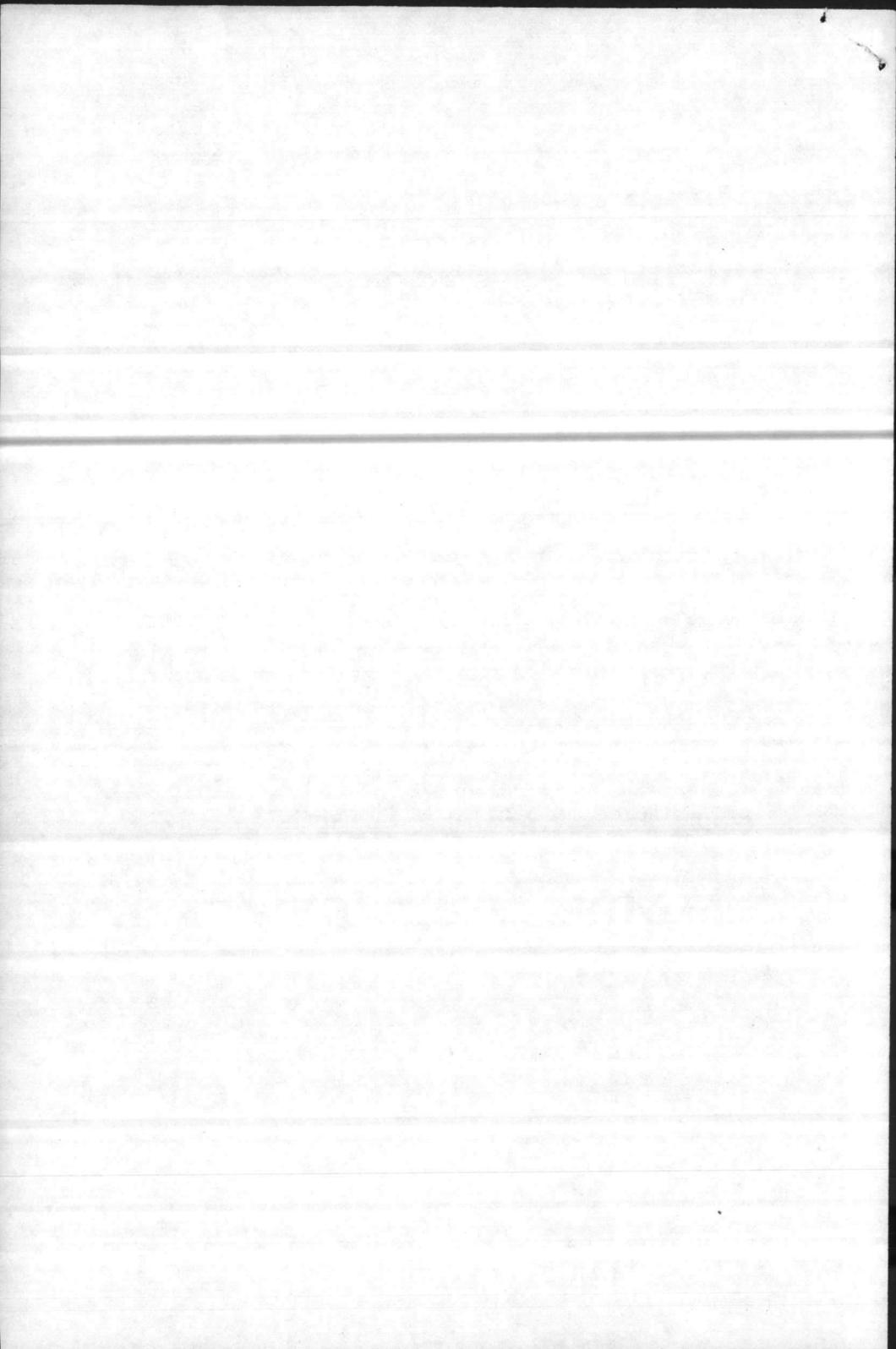
Please discuss with ~~the~~ SJA
and advise me when we can brief
the C6. What happened?

2. Please initial, or comment, and return all papers to this office.

3. Your file copy.

K. R. Mulline

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



HEADQUARTERS, MARINE CORPS BASE
MAIL CONTROL FORM

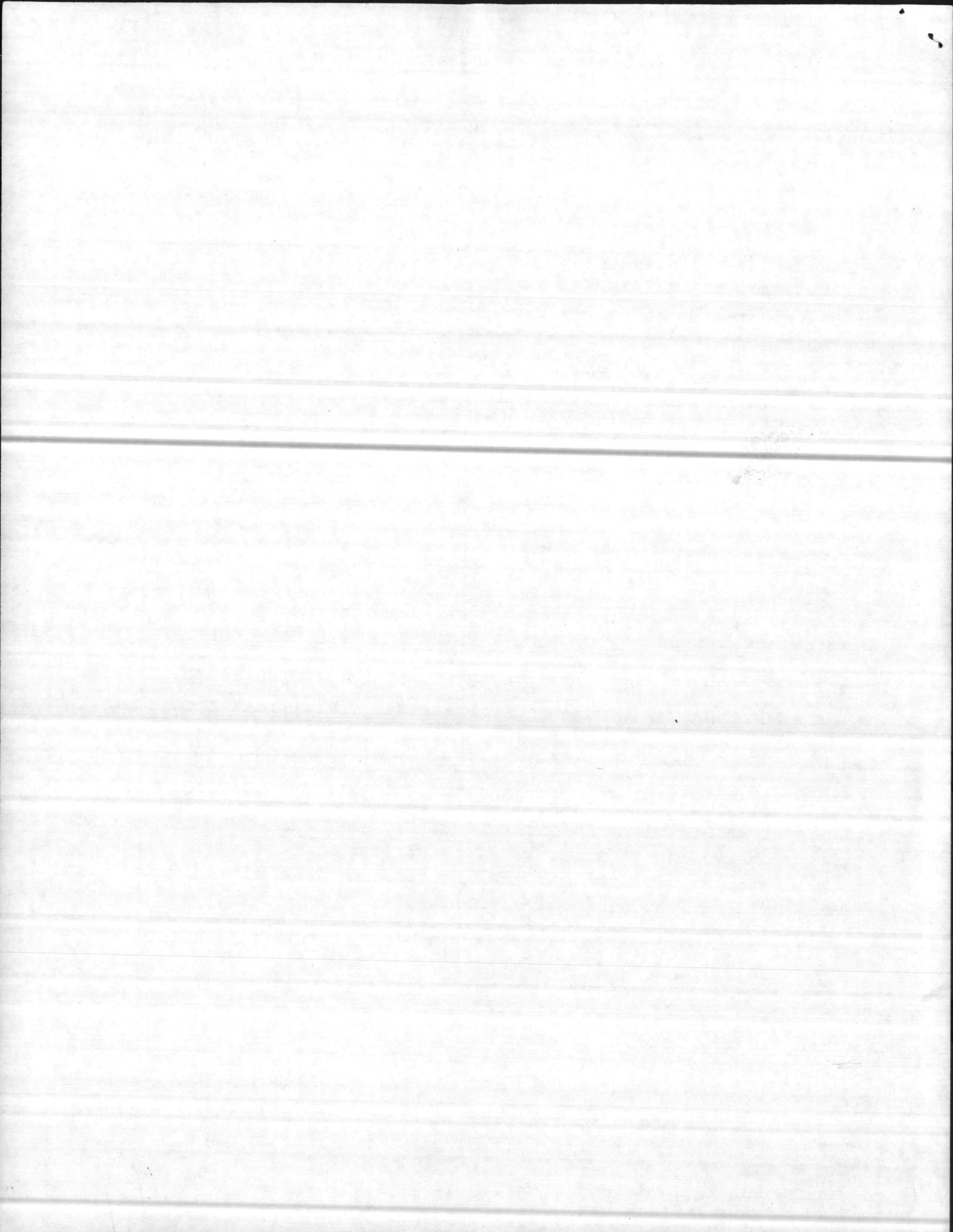
RETURN THIS FORM AND ATTACHED CORRESPONDENCE TO BASE CENTRAL FILES

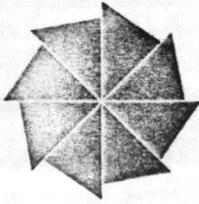
CONTROL NUMBER: NA
(Assigned by Adjutant)

FROM: NC Dept of Natural Resources		REPLY DUE:		
DATE OF CORRESPONDENCE: 9Sep		CROSS REFERENCE #:		
DATE RECEIVED: 11Sep		ORIGINATORS SYMBOL: WR: CW: APH: FSL: aj		
SUBJECT: Warning for Unlawful Discharge and Failure to Notify				
	ACTION	INFO	INITIAL	COMMENTS
COMMANDING GENERAL				<i>Why wasn't this reported? Sey pl</i>
CHIEF OF STAFF		2	♀	
INSPECTOR				
AC/S MANPOWER				
AC/S TRAINING				
AC/S FACILITIES	3			
AC/S COMPTROLLER				
AC/S PERSONNEL SERVICES				
AC/S SUPPLY SERVICES				
AC/S MANAGEMENT SERVICES				
PMO				
SJA		4	#	
ADJUTANT		1 ^N	♂	

MCBCL 5216/3

NUMBERS INDICATE ORDER OF ROUTE





North Carolina Department of Natural Resources & Community Development

James B. Hunt, Jr., Governor

Howard N. Lee, Secretary

Office of Legal Affairs

September 9, 1980

Commanding General
United States Marine Corps
Marine Corps Base
Camp Lejeune, NC 28542

SUBJECT: Warning for Unlawful Discharge
and Failure to Notify
July 22, 1980
Camp Lejeune, NC
Onslow County

Dear Sir:

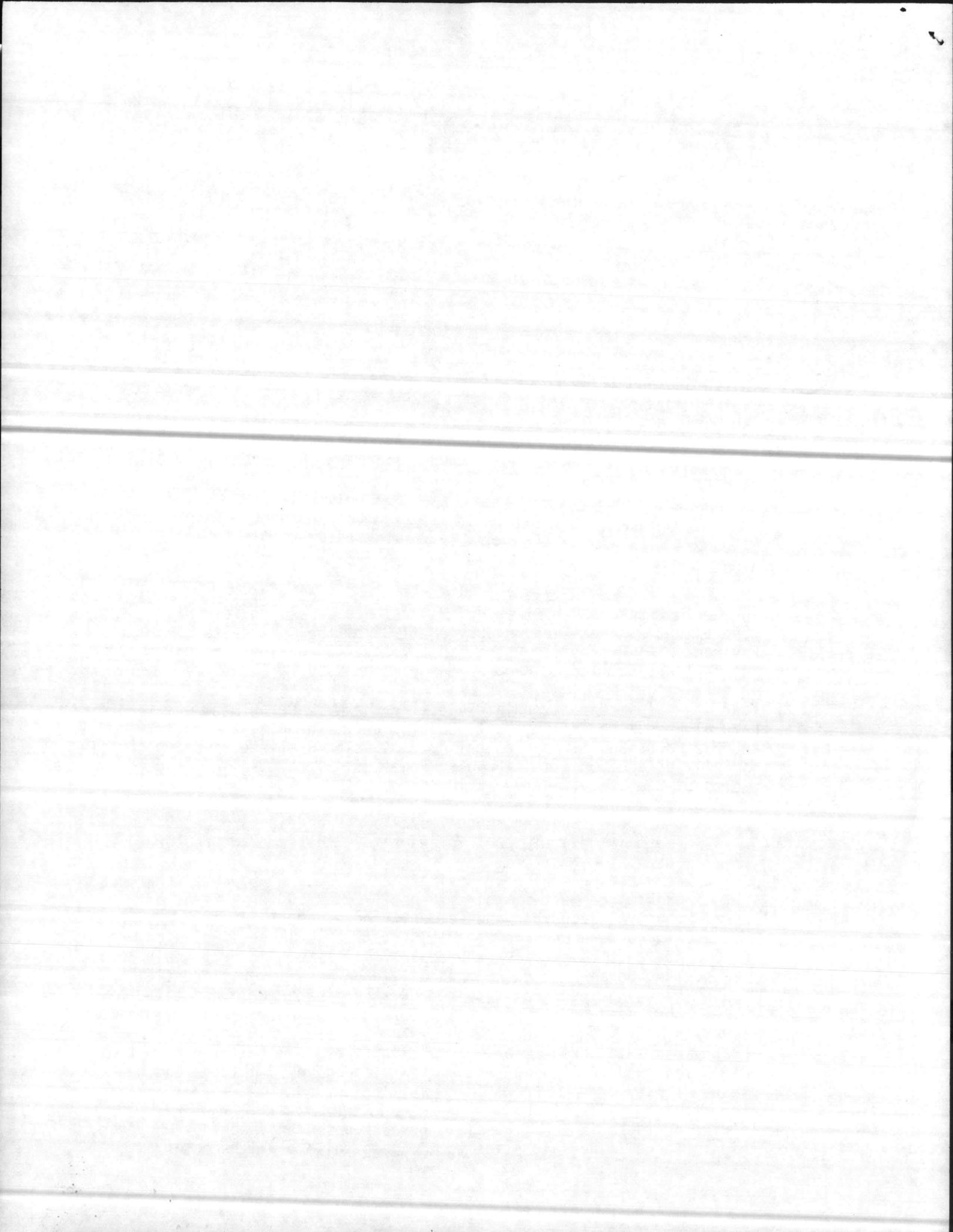
The North Carolina Department of Natural Resources and Community Development was notified on July 28, 1980 by the United States Environmental Protection Agency that forty (40) gallons of JP-5 jet fuel was spilled at Camp Lejeune, NC on July 22, 1980.

Your staff failed to immediately notify the N.C. Department of Natural Resources and Community Development. The N.C. Oil Pollution and Hazardous Substances Control Act, 143-215.75 et seq. imposes certain liabilities and penalties for discharges of oil to the lands and waters of the State. These include:

1. Any person having control over any such discharged substance must immediately contain and remove the same and restore area.
2. Any person owning or having control over any such discharged substance must immediately notify the N.C. Department of Natural Resources and Community Development.
3. Any person who violates this statute shall be liable for damages to public resources as well as public or private property.
4. Any person who discharges oil intentionally, negligently, or knowingly; or fails to report said discharge immediately, may be assessed a civil penalty of up to \$5,000 for each violation.

The Environmental Protection Agency report revealed that the amount of JP-5 discharged was minimal and a crew cleaned up 20 gallons on the ground.

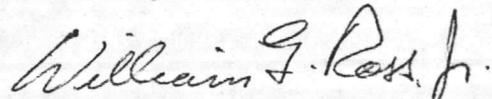
In view of these factors, no civil penalty has been assessed. However, this is to call your attention to the need to take all necessary



USMC: Camp Lejeune
Oil Spill Warning Letter
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precautions to avoid similar occurrences and to immediately notify the North Carolina Department of Natural Resources and Community Development in the event of future oil discharges. If we can be of assistance in this area, please do not hesitate to contact our office or the Wilmington Regional Office at 7225 Wrightsville Avenue, Wilmington, NC, 28403 Telephone (919) 256-4161.

Sincerely,


William Ross, Jr., Director
Office of Legal Affairs

cc: Office of Legal Affairs
Enf. & Emerg. Resp. Coord.
Wilmington Regional Office

WR:CW:APH:FSL:aj

