

M00146.AR.001029
MCAS CHERRY POINT
5090.3a

LETTER REGARDING EMERGENCY PERMIT TO STORE AND TREAT MATERIAL
POTENTIALLY PRESENTING AN EXPLOSIVE HAZARD MCAS CHERRY POINT NC
10/15/2010
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

October 15, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

G.W. Radford
Environmental Affairs Officer
Marine Corps Air Station Cherry Point
PCS Box 8003
Cherry Point, NC 28533-0003

Reference: Emergency Permit
Marine Corps Air Station Cherry Point and
Department of the Navy Naval Facilities Engineering Command
ID # NCP 101 510 052

Attn: Mr. Erik Delaney

Dear Mr. Radford:

Enclosed is the Emergency Permit issued to the Marine Corps Air Station Cherry Point and the Department of the Navy Naval Facilities Engineering Command to store and treat Material Potentially Presenting an Explosive Hazard (MPPEH) recovered from range clearance activities on Wood Island at Bogue Airfield, Carteret County, North Carolina. Please note the specific conditions of the permit as they must be addressed. The public notice must be printed in the local newspaper within five (5) days of receipt of this written permit. Also, you must report the information specified in Condition eleven (11) of the permit within thirty (30) days after the termination of this permit.

If you have any questions, please contact Katherine O'Neal at (919) 508-8556.

Sincerely,


Elizabeth W. Cannon, Chief
Hazardous Waste Section

Enclosure

cc: Dick Denton
John Johnston, US EPA, Region 4

rc: Bud McCarty
Vance Jackson
Katherine O'Neal

Permit No. NCP 101 510 052
Date Issued: October 15, 2010

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

EMERGENCY HAZARDOUS WASTE PERMIT

OPERATOR

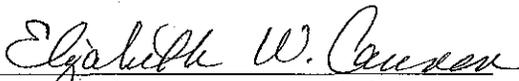
AND

OWNER

Department of the Navy
Naval Facilities Engineering Command
Mid-Atlantic
6506 Hampton Blvd.
Building C
Norfolk, VA 23508-1278

Marine Corps Air Station Cherry Point
PCS Box 8003
Cherry Point, NC 28533-0003

are hereby issued a permit pursuant to 40 CFR 270.61 as adopted in 15A NCAC 13A .0113 to process Material Potentially Presenting an Explosive Hazard (MPPEH) at Bogue Airfield, Carteret County, North Carolina. The MPPEH will be generated during range clearance activities on Wood Island, N.C., site of the Former Cat Island Bomb Target BT-2 associated with MCAS Cherry Point. Treatment activities are subject to the conditions set forth in this permit and in N. C. General Statutes 130A-294(c) and all applicable rules promulgated there under.


Elizabeth W. Cannon, Chief
Hazardous Waste Section

10/15/10
Date

Conditions of Permit

The issuance of this permit will result in environmental benefits and the listed conditions are designed to protect public health and the environment. Issuance under 40 CFR 270.61 as adopted in 15A NCAC 13A .0113 is warranted because there is an imminent and substantial endangerment to human health and the environment.

1. Duration of Permit [40 CFR 270.61 as adopted in 15A NCAC 13A .0113]

This permit is issued for a period of 90 days, October 25, 2010 through January 22, 2011. This permit may be terminated by the issuing authority at any time if he or she determines that the termination is appropriate and necessary to protect human health and the environment.

2. Duty to Comply [40 CFR 270.30(a) as adopted in 15A NCAC 13A .0113]

The Permittee shall comply with all conditions of this permit. All words used in this permit shall have the meaning and definitions set forth in 40 CFR Parts 260.10 and 270.2 as adopted in 15A NCAC 13A .0102 and .0113. The filing of a request by the Permittee for a permit modification, revocation, and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any condition of this permit. Any permit non-compliance constitutes a violation of the Act and is ground for enforcement action including permit termination, revocation, and reissuance, or modification or for denial of a permit renewal application. In addition, a criminal or civil action may be brought in appropriate instances.

3. Duty to Mitigate [40 CFR 270.30(d) as adopted in 15A NCAC 13A .0113]

The Permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from non-compliance with this permit.

4. Personnel Training [40 CFR 264.16 as adopted in 15A NCAC 13A .0109]

Contact with wastes shall be limited to personnel adequately trained in handling of hazardous wastes. UXO personnel shall be qualified and certified as described on pages 4 and 5 of the Temporary Emergency RCRA Permit Application dated July 2010.

5. Emergency Coordinator [40 CFR 264.55 as adopted in 15A NCAC 13A .0109]

The Permittee will ensure that at all times there will be at least one employee on the premises with responsibility for coordinating all emergency response measures. The emergency coordinator must, in addition to carrying out the responsibilities specified in 40 CFR 264.56 as adopted in 15A NCAC 13A .0109, be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, and

the location layout. This person must have the authority to commit the resources needed to carry out contingency action.

6. Operation and Maintenance [40 CFR 264.31 as adopted in 15A NCAC 13A .0109]

The Permittee must maintain and operate the facility to minimize the possibility of unplanned fire, explosion, or sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. There must be a clear zone for maximum protection from any potential shrapnel and hazardous waste releases.

7. Security [40 CFR 264.14 as adopted in 15A NCAC 13A .0109]

The Permittee must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portions of the facility by providing a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility or the Permittee must have an artificial or natural barrier which completely surrounds the active portion of the facility and a means to control entry, at all times, through the gates or other entrances to the active portion of the facility.

8. Access to Communications or Alarm System [40 CFR 264.34 as adopted in 15A NCAC 13A .0109]

Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, the Permittee must ensure that all personnel involved in the operation will have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee.

9. **Waste management activities will consist of the following: Material Potentially Presenting an Explosive Hazard (MPPEH) will be transported from Wood Island in the Bogue Sound to Bogue Airfield in Carteret County, North Carolina and stored in two storage containers . MPPEH that cannot be certified and verified as safe will be demilitarized using a shredding machine . The shredded material will be inspected by a UXO Technician III and a UXO Quality Control Specialist to document that the MPPEH is free of explosive hazards. Treatment will be performed by qualified UXO personnel. Treatment activities shall be as described on pages 3 and 4 of the Temporary Emergency RCRA Permit Application dated July 2010. UXO personnel shall be qualified and certified as described on pages 4 and 5 of the Temporary Emergency RCRA Permit Application dated July 2010.**

10. Arrangements with Local Authorities [40 CFR 264.37 as adopted in 15A NCAC 13A .0109]

The Permittee shall notify local police and fire departments of details of the treatment activity for treatment activities taking place off base.

11. Reporting

The Permittee shall submit to the North Carolina Department of Environment and Natural Resources, Hazardous Waste Section within 30 days after the termination of this permit, the following information in writing:

- (a) Emergency Permit number
- (b) Actual dates of treatment
- (c) Description and quantity of waste
- (d) Name of emergency coordinator
- (e) A certification that the public notice condition (item 14) was complied with
- (f) A certification that the emergency has been alleviated and no residue remains at the treatment facility
- (g) A copy of the manifest for wastes disposed of or treated off-site
- (h) Soil analysis before and after treatment (dependent on type of waste treated)

12. Property Rights [40 CFR 270.30(g) as adopted in 15A NCAC 13A .0113]

The issuance of this permit does not convey any property rights of any sort or any exclusive privilege.

13. Duty to Reapply [40 CFR 270.30(b) as adopted in 15A NCAC 13A .0113]

This Permittee shall apply for a new permit if the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit.

14. Public Notice [40 CFR 270.61 and 124.10 as adopted in 15A NCAC 13A .0113 and .0105]

The enclosed public notice shall be run within five (5) days of the receipt of this written permit in a major local newspaper of general circulation.

PUBLIC NOTICE
STATE OF NORTH CAROLINA
HAZARDOUS WASTE SECTION
DIVISION OF WASTE MANAGEMENT
1646 Mail Service Center
RALEIGH, N.C. 27699-1646
TELEPHONE: (919) 508-8400

NOTICE OF ISSUANCE OF EMERGENCY PERMIT UNDER THE NORTH CAROLINA
HAZARDOUS WASTE MANAGEMENT RULES.

The NC Department of Environment and Natural Resources has issued a temporary emergency permit under 40 CFR 270.61 as adopted in 15A NCAC 13A .0113 to MCAS Cherry Point and the Department of the Navy Naval Facilities Engineering Command to treat Material Potentially Presenting an Explosive Hazard (MPPEH) at Bogue Airfield, Carteret County, North Carolina. The MPPEH will be generated during range clearance activities on Wood Island, N.C., site of the Former Cat Island Bomb Target BT-2 associated with MCAS Cherry Point. Treatment of MPPEH at Bogue Airfield will consist of demilitarization by shredding. The permit was drafted in accordance with the North Carolina Hazardous Waste Management Rules. The permit is effective for a period of 90 days, October 25, 2010 through January 22, 2011.

Comments concerning the permit issuance or the permit conditions may be submitted to the permitting office, ATTENTION: Ms. Elizabeth Cannon. All comments will be considered in the formulation of future emergency permits.