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NCBC GULFPORT  
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LETTER REGARDING ESTIMATE FOR POTENTIAL FINES FOR POTENTIAL RESOURCE  
CONSERVATION AND RECOVERY ACT VIOLATIONS AT THE HERBICIDE ORANGE SITE  
NCBC GULFPORT MS  
9/7/1992  
ENVIRONMENTAL MANAGEMENT SERVICES

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September 7, 1992

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NCBC Gulfport Administrative Record  
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**39501-SITE 8 INCINERATION**  
**19.01.08.0018**

Dear Will:

As we discussed at our meeting with the Navy last Friday, this letter is to estimate the potential for fines at the Gulfport facility for potential RCRA violations. This estimate is based on a number of assumptions, notably:

- \* Ash is stored in 100 (or more) piles at Site A.
- \* Ash has been stored at Site A in this manner since at least November 1988.
- \* The R & D permit for the mobile incinerator does not allow for the on-going storage of the ash once the incineration activity has been completed.

**Potential RCRA Violations**

1. EPA and State were not notified regarding on-going hazardous waste management activity at the site. The site has not obtained a RCRA identification number.
2. The waste piles have been operated without interim status or a final permit.
3. The facility has not maintained a waste analysis plan.
4. The piles do not comply with RCRA security requirements, including the posting of signs.
5. The facility has not made arrangements with local authorities for emergency response.
6. The facility does not maintain an adequate contingency plan.
7. The facility has not designated an emergency coordinator.
8. The contingency plan has not been distributed to local authorities.

9. The facility does not maintain an adequate operating record of waste management activities.

10. The facility has not submitted biennial reports to EPA or the State.

11. The facility has not developed a closure plan.

12. The facility has not installed and operated a ground water monitoring system.

13. The piles are not lined to prevent migration.

14. The piles do not have leachate collection and removal.

15. The piles do not have run-off control systems.

16. The piles have not been inspected on a weekly basis.

17. The facility has not demonstrated/documentated that the ash met the land disposal restrictions before placement in the piles.

18. The facility has not provided adequate personnel training or maintained records of same.

#### Calculation of Potential Fine

EPA can levy fines of up to \$25,000 per day per violation. Thus, one estimate of the potential fine would be:

100 piles x 18 violations x 1300 days (approx.) x \$25,000 = more than \$58 million.

EPA and/or the State would likely settle for much less than this figure. However, this provides some idea of the potential for fines from the existing operation.

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If you have any questions, or if you wish to discuss this matter further, please call. I look forward to seeing you again soon.

Sincerely,

  
Phillip J. Stapleton  
Consultant