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NSB KINGS BAY
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LETTER OUTLINING CONSENT ORDER CONDITIONS TO CONTINUE TO OPERATE
EXISTING HAZARDOUS WASTE STORAGE FACILITY AT NSB KINGS BAY GA
9/29/1983
GEORGIA DEPARTMENT OF NATURAL RESOURCES



Department of Natural Resources

ENVIRONMENTAL PROTECTION DIVISION

270 WASHINGTON
ATLANTA, GA

0033

JOE D. TANNER
Commissioner

31547.000
09.01.00.0002

J. LEONARD LEDBETTER
Division Director

September 29, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Glenn C. Bradley, P.E.
Acting Head, Environmental Branch
Department of Navy, Southern Division
Naval Facilities Engineering Command
2144 Melbourne Street, P.O. Box 10068
Charleston, SC 29411

Re: Consent Order

Dear Mr. Bradley:

In response to your letter of September 2, 1983, enclosed is a Consent Order which specifies the conditions under which the Naval Submarine Base (SUBASE), Kings Bay, will be allowed to continue operation of its existing hazardous waste storage facility. As long as the terms of this Order are complied with, the Naval Submarine Base may continue existing operations until such time as a permit is granted or denied. Please note that the Order requires SUBASE to submit a Part B permit application within six months of the date of the Order.

I am aware that SUBASE is working in a cooperative manner with EPD to meet the various environmental requirements of Georgia laws. The attached Consent Order is based on this continued cooperation and effective action on the part of SUBASE.

Please review and sign the Consent Order and return it to me within ten days of receipt of this letter. I will then have the Order finalized and will provide a copy to you for your files.

Questions regarding this matter should be directed to me at 404/656-2833.

Sincerely,

John D. Taylor, Sr.
Program Manager
Industrial & Hazardous Waste
Management Program

JDT:jdj:2809B
File: Naval Submarine Base (R)

ENVIRONMENTAL PROTECTION DIVISION
DEPARTMENT OF NATURAL RESOURCES
STATE OF GEORGIA

IN RE: NAVAL SUBMARINE BASE *
 *
 KINGS BAY * RECORD NO. EPD-HW-_____
 *
 CAMDEN COUNTY, GEORGIA *

CONSENT ORDER

WHEREAS, the Naval Submarine Base, (hereinafter the "Respondent") presently operates a hazardous waste storage facility located at Kings Bay, Georgia, which facility is identified as GA4170090001, and further identified on the Part A permit application dated November 23, 1982; and

WHEREAS, Section 8 (1) of the Georgia Hazardous Waste Management Act states that it is unlawful to operate a hazardous waste facility without first obtaining and possessing a hazardous waste facility permit from the Director of the Environmental Protection Division (hereinafter the "EPD"); and

WHEREAS, Section 6(14) of the Georgia Hazardous Waste Management Act authorizes the Director to grant variances in accordance with the provision of this Act provided such variances are not inconsistent with the Federal Act and rules and regulations promulgated thereunder; and

WHEREAS, the Respondent was granted a variance on May 18, 1981, to continue existing hazardous waste storage operation during the permit review process; and

WHEREAS, the EPD on June 18, 1982, renewed the Respondent's variance enabling the Respondent to continue the existing hazardous waste storage operation until May, 18, 1983; and

WHEREAS, the Respondent's variance renewal has expired; and

WHEREAS, Section 11 (2) states that under no circumstances shall an

original variance, plus renewal, ever exceed a total period of two (2) years;
and

WHEREAS, the continued operation of this storage facility is considered to be in the best interest of the State; and

WHEREAS, Section 6 (11) of the Georgia Hazardous Waste Management Act authorizes the Director to issue an ORDER necessary to insure and enforce compliance with provisions of the Georgia Hazardous Waste Management Act; and

WHEREAS, an amicable disposition of this matter is considered to be in the best interests of the citizens of the State of Georgia;

NOW, THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions in this matter, the parties hereby resolve the issues in this case by agreement and upon the order of the Director and the Respondent as follows:

- (1) The Respondent shall comply with Chapter 391-3-11-.10 (1) and 391-3-11.05 (40 CFR Part 265) of the Georgia Rules for Hazardous Waste Management - "Standards Applicable to the Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities";
- (2) The Respondent shall comply with Chapter 391-3-11-.11 of the Georgia Rules for Hazardous Waste Management - "Hazardous Waste Facility Permits"; and
- (3) The Respondent shall submit a Part B permit application to EPD within 6 months of execution of this Order and submit a progress report on preparing the application within 3 months of this Order.

Notwithstanding any other provisions of this Order, an enforcement action may be brought pursuant to the Georgia Hazardous Waste Management Act, Section 18, Emergency Powers, or other statutory authority, should EPD find that treatment, storage, or disposal of hazardous waste by the Respondent presents an imminent and substantial endangerment to human health or the environment.

This Consent Order shall not constitute a finding or adjudication of a violation of any State Law by the Respondent, nor does said Respondent through

his agreement to this Consent Order admit any violation of any State Law or any liability to any third party or parties.

It is expressly understood by the parties that nothing herein is intended to release any claims, causes of action, demands in law or equity which the Environmental Protection Division may have against any person or entity not a party to this Consent Order for any liability they may have arising at, out of, or relating to in any way the storage, treatment, handling, disposal or transport of any hazardous waste or other waste at, to, from or near this facility.

By agreement of the parties, this Order shall be considered final and effective immediately and shall not be appealable, administratively or judicially, and the Respondent does hereby waive any hearing on the terms and conditions of same.

It is so Ordered, Consented and Agreed to this _____ day of _____, 1983.

J. Leonard Ledbetter, Director
Environmental Protection Division

Date: _____

Notary Public

Naval Submarine Base

By: _____

Title: _____

Date: _____

Notary Public