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LETTER REGARDING THE HOUSE ARMED SERVICES SUBCOMMITTEE ON
INVESTIGATIONS REPORT ON HAZARDOUS WASTE AT NS MAYPORT FL
8/9/1989
HOUSE OF REPRESENTATIVES

CHARLES E. BENNETT

MEMBER

30 DISTRICT, FLORIDA

ARMED SERVICES COMMITTEE

CHAIRMAN OF SEAPOWERS SUBCOMMITTEE

MEMBER OF RESEARCH AND DEVELOPMENT SUBCOMMITTEE

MERCHANT MARINE AND FISHERIES COMMITTEE

DEAN OF FLORIDA CONGRESSIONAL DELEGATION

NAVSTA Mayport Administrative Record
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Congress of the United States

House of Representatives

Washington, DC 20515

August 9, 1989

Captain Morris Steen, USN
Commanding Officer
Naval Station

Mayport, Florida 32228-5000

Dear Captain Steen:

*PCO NAS
MYP*

Enclosed please find a copy of the House Armed Services Subcommittee on Investigations report on hazardous waste at the Jacksonville area Naval facilities. According to the report, Mayport Naval Station has initiated hazardous waste management programs to correct the problem areas. I applaud your efforts in this area and encourage you to keep moving forward.

Unfortunately, the report also notes several violations discovered as recently as February 1989. Would you provide me with an update on your progress in hazardous waste management programs?

With kindest regards, I am

Sincerely,



Charles E. Bennett

CEB:jlm
Enclosure

The Investigations Subcommittee staff has completed its inquiry into the Navy's management of hazardous waste (HW) at Naval facilities in the Jacksonville, Florida, area which include Naval Air Station (NAS) Jacksonville, NAS Cecil Field, and Naval Station Mayport. Environmental compliance inspections are conducted annually at these installations by the Florida Department of Environmental Regulation (FDER) and the Environmental Protection Agency (EPA). This investigation focused on violations found during the latest inspections and corrective actions taken or planned by the Navy to address the problems.

Inspections were conducted at all three Jacksonville area Naval facilities during February 1989 and violations were found at each location. Most of the violations involved breakdowns in day-to-day administration of the HW program. Naval Station Mayport was also cited for using untrained personnel for handling hazardous waste. Staff interviews with several HW coordinators at temporary storage sites at Mayport confirmed that they had not received formal training in waste management procedures. Mayport has now initiated training programs for these personnel.

In addition, NAS Jacksonville and Mayport have HW deficiencies which require Military Construction (MILCON) funding to alleviate the problems. These projects are currently underway or planned, and deal with issues such as closure and removal of unused HW storage tanks, upgrading wastewater treatment plants, and building new HW storage facilities.

Conclusions

1. NAS Jacksonville and NAS Cecil Field have shown marked improvement in their HW management programs. NAS Jacksonville has increased its full-time HW management staff from 4 to 14 personnel since August 1988. NAS Cecil Field had relatively few violations in the last inspection and was cited for a vast improvement in its compliance with regulations by the FDER.
2. Naval Station Mayport requires an increase in its full-time HW management staff, and formal training for personnel involved with the waste program. The FDER is concerned with the continuing high number of violations found at Mayport and attributes the problem to the lack of training and the small staff assigned to HW management. To address this problem, Mayport has initiated HW management training programs for shipboard and shore-based HW personnel, and plans to increase its full-time HW staff from 3 to 8 personnel.
3. NAS Jacksonville and Mayport have several MILCON projects planned through 1992 to correct deficiencies in their HW treatment, handling and storage systems. These projects are necessary for the facilities to be in compliance with environmental regulations.

NAS Jacksonville and Mayport have several MILCON projects underway or planned to correct major deficiencies in their HW handling, treatment and storage systems. These projects are required to keep the facilities in compliance with various environmental regulations. Specific violations, MILCON projects and corrective action taken or planned for each facility are discussed below.

NAS Jacksonville

NAS Jacksonville is a major operating base for patrol aircraft and has a Naval Aviation Depot for the repair and overhaul of airframes and engines of naval aircraft. The installation has a long-term HW storage facility with a permitted capacity of 278 55 gallon drums, and 79 temporary waste accumulation and storage sites.

Violations

- Open containers
- Containers unlabeled and undated
- Containers of unknown wastes require analysis
- Failure to conduct regular HW site inspections
- Spillage at accumulation areas
- Storage of unpermitted waste
- Lack of groundwater monitoring wells at closed polishing pond and domestic sludge drying beds

MILCON Projects

- Closure and removal of underground waste storage tanks at Hanger 1000
FY-89 funding approved
- Cease flow of industrial waste to domestic wastewater plant as of August 1992
FY-91/92 program funding
- Upgrade wastewater treatment plant
FY-91 program funding
- Repair storm drainage system
FY-90 program funding
- New domestic sludge drying bed
FY-90 program funding
- Replace PCB transformers
FY-90 program funding
- Construct larger waste storage facility
Unprogrammed

NAS Jacksonville officials stated that all administrative violations were corrected immediately after the inspection, and a permit modification has been submitted to allow for storage of currently unpermitted waste. Installation of groundwater monitoring wells at the closed polishing pond and domestic sludge drying bed is in process.

Violations

- Containers undated and unlabeled
- Open containers
- Spillate in accumulation areas
- Storage of unpermitted waste
- Incompatible wastes stored together
- Containers kept in temporary storage areas over 90 days
- Inspections not conducted on regular basis
- Hazardous waste personnel not trained and working unsupervised

MILCON Projects

- Upgrade wastewater treatment plant
FY-89 program (in process)
- Construct new HW storage facility
FY-92 program funding

Mayport officials stated that all administrative violations were corrected immediately and a permit modification has been submitted to allow for storage of additional types of waste.

In response to the violation regarding lack of training for HW personnel, Mayport conducted training in April for all shipboard HW coordinators and has scheduled similar training for all shore-based HW personnel in July.

Shortages in staffing for full-time HW management positions and an inadequate HW waste storage facility are considered program deficiencies by Mayport officials. On-board staffing presently consists of three personnel as contrasted with a recent staffing study recommendation of eight employees. Officials stated that additional employees will be added as soon as possible.

The existing HW storage facility is too small for Mayport's requirements and also lacks adequate space for safety equipment. A MILCON project is presently programmed for FY-92 to construct a larger storage facility. Also of concern is a projected shortfall in FY-90 funding for HW disposal. Currently, only 90 percent of the required funding is expected.

FDER Comments

An FDER official stated that the HW management programs at NAS Jacksonville and NAS Cecil Field have shown marked improvement in the recent past while Mayport continues to have a substantial number of the same violations year after year. Of particular concern at Mayport is the small number of personnel assigned to HW management, and the lack of training of some HW workers. He noted that NAS Jacksonville has increased its HW

DER moving to punish Navy for Mayport wastes

By Gray Thomas

Florida officials have taken the first steps to have Mayport Naval Station punished in court for environmental violations.

The Navy has resisted proposed alternatives to fines, state Department of Environmental Regulation officials say. Now the agency has given the case to its lawyers to seek a court order to correct the environmental problems at Mayport.

"The main problem is the violations are recurring," said Ashwin Patel, DER hazardous waste supervisor in Jacksonville. "Every time we go out there, the problems are the same again and again."

Violations include the improper storage of hazardous materials, but the Navy says the problems have been taken care of.

More well-known and longstanding problems with hazardous waste disposal at Jacksonville and Cecil Field naval air stations are covered by state and federal cleanup agreements, and Patel said only occasional minor violations are found at the two Westside bases.

But at Mayport, the Navy proposed an agreement without fines or donated work

to settle a DER citation, said Cmdr. Tim Taylor, a base spokesman.

The resistance at Mayport has led DER to refer the matter to its general counsel, seeking a court order to correct the violations and prevent them in the future, said Ernie Frey, DER deputy assistant secretary in Jacksonville.

The agency lawyers will assess whether a suit against the federal government has any greater chance of success than prior cases against the federal government that languished in the courts.

Since a May directive from DER Secretary Dale Twachtmann, the state has sought "in-kind" contributions from federal agencies that routinely refuse to pay fines to the state and have stalled attempts to impose fines through the courts.

Alternatives available for settlements under Twachtmann's May memo include actions or programs "to do something that would benefit the environment" beyond correcting a violation, Frey said.

For instance, a federal agency might satisfy the DER by providing additional training in waste handling for its staff at an

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METRO/STATE

DER warns it may take base to court over wastes

(From Page A-3)

expense greater than the proposed state fine, Twachtmann said.

In August, the Navy told the DER that federal law and policy prevented "an agreement that includes cash or in-kind civil penalties" at Mayport, Taylor said.

But the Navy tries to comply with states' environmental policies and has kept "a good relationship" with DER in trying to settle the dispute, Taylor said.

Violations at Mayport include improper storage and labeling of hazardous materials, inadequate training for workers handling the substances, a lack of regular inspections and storage of some materials not covered by DER permits, Patel said.

The base's state waste permit allowed handling of lead, but the the presence of cadmium and chromium, as well as an apparent leak of ethylene glycol, violated the permit conditions, Patel said. The materials result in part from stripping paint from ships.

Taylor said all violations had been corrected by the time the Navy responded to the DER in August, except for expanding the permit to include the substances omitted earlier.

Twachtmann said he allowed "in-kind" actions by environmental offenders as an alternative for DER field agents to counter federal agencies' refusal to pay fines.

"They say they are immune from paying fines," Twachtmann said. "If they don't want to give us the money in that way [fines], make them give us 1 1/2 times the money in in-kind work above and beyond fixing the problem. ... Curiously enough, these things get done."

Frey said the Navy has cooperated with state environmental enforcers in problems at other bases, particularly at Jacksonville and Cecil Field naval air stations. But the Mayport situation is different, he said.

"They were unwilling to settle for any in-kind settlement and were unwilling to settle for any kind of fine," he said.

"The violations cited at Mayport are much more major violations, and there are a lot more violations than at the other two bases [in Jacksonville]," Patel said.

"Mayport, like the other two bases, is trying to comply with the regulations, but they don't have enough manpower. But that doesn't give them any reason not to comply."

ENCLOSURE