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NORTHERN REGIONAL OFFICE
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VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
United States Marine Corps, Marine Corps Base Quantico
FOR
United States Marine Corps Base Quantico
EPA ID No. VA1170024722

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and United States Marine Corps, Marine Corps Base Quantico, regarding the United States Marine Corps Base Quantico, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.

2. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

5. "EPA" means the United States Environmental Protection Agency.

6. "Facility" or "Site" or "Base" means the United States Marine Corps Base Quantico military base, located at in Quantico, Prince William County, VA 22134.

7. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.

8. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.

9. "HWMP" means Hazardous Waste Management Plan.

10. "Landfill" or "Russel Road Landfill" means the post-closure care permitted Russel Road Hazardous Waste Landfill, located at the United States Marine Corps Base Quantico. The Landfill is associated with the same EPA ID, VA1170024722, utilized in the rest of the Facility.

11. "LQG" means large quantity generator, a hazardous waste generator that generates 1000 kilograms (2200 pounds) or greater of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(a)-(b) and (g)-(l).

12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.

13. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.

14. "Order" means this document, also known as a "Consent Order" or "Order by Consent."

15. "Permit" means the Hazardous Waste Management Post-Closure Permit No. VA1170024722, which was issued under the Virginia Waste Management Act and the Regulations to USMCBQ on September 28, 2011, and which expires on October 28, 2021.

16. "Regulations" or "VHWMR" means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effective date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.

17. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.

18. "SQG" means a small quantity generator, a hazardous waste generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(d)-(f).

19. "Universal waste" means hazardous waste subject to the universal waste requirements of 40 CFR § 273, including batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans.

20. "USMCBQ" means the United States Marine Corps, Marine Corps Base Quantico, the responsible party of the base. USMCBQ is analogous to the United States Marine Corps, the amphibious warfare service branch of the United States Department of Defense, and a component of the Department of the Navy. The USMCBQ is a "person" within the meaning of Va. Code § 10.1-1400.

21. "Va. Code" means the Code of Virginia (1950), as amended.

22. "VAC" means the Virginia Administrative Code.

23. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.

SECTION C: Findings of Fact and Conclusions of Law

1. USMCBQ owns and operates the Facility in Quantico, Prince William County, Virginia. The Marine Corps Base Quantico is an approximately 60,000 acre federal military base that trains and houses Marine and Navy personnel, their families, and other Base tenants. Additional activities occurring at the Base include vehicle and machine repair, veterinary care and healthcare, firearm shooting and cleaning, as well as the operation of educational facilities, gas stations, retail shops, and athletic facilities. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.

2. USMCBQ submitted a RCRA Subtitle C Site Identification Form (received September 16, 1981) that gave notice of regulated waste activity at the Facility as a Large Quantity Generator of hazardous waste. USMCBQ was issued EPA ID No. VA1170024722 for the Facility. Updates to this original notification were received on May 22, 2013, and September 30, 2019. USMCBQ is also listed as a Large Quantity Handler for universal wastes, a Used Oil Generator, and as a Land Disposal Facility, for its permitted post-closure care Landfill.

3. At the Facility, USMCBQ generates the following waste types across the base, which are classified as solid wastes.

a. Compressed gas, used aerosol cans, mercury containing equipment, lead waste, laboratory wastes, motor pool waste, paint waste/paint booth filters, solvents, sealant debris, spent carbon remover, dental epoxy and varnish wastes, pharmaceutical wastes, expired/unused products, broken lamps, broken lead acid batteries, fuel spill debris, contaminated gasoline, F24 fuel contaminated rags, and landfill leachate, universal waste fluorescent lamps, and universal waste batteries.

4. These wastes are also hazardous wastes – listed wastes as described in 40 CFR § 261.30 et seq., and/or an ignitable/corrosive/reactive/toxic characteristic waste as described in 40 CFR § 261.20 et seq. These hazardous wastes are accumulated in various tanks and/or containers at the Facility after generation, and collection and transport/disposal/storage is managed by the USMCBQ's Natural Resources and Environmental Affairs ("NREA") division.

   a. Waste Codes: D001, D002, D003, D005, D006, D007, D008, D009, D010, D011, D018, D023, D024, D026, D035, F002, F003, F005, F039, P001, P075, P204, U122, and U154.

5. On August 7, 8, and 9, 2019, Department staff inspected the Facility for compliance with the requirements of the Virginia Waste Management Act and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:

   a. Navy medical clinic Hematology Analyzer Beckman Coulter Cellular Analysis System sample machine discharged waste directly into sink/sanitary sewer. No waste determination was made on this, or other reagents/solvents used in the medical clinic lab.

   b. Navy medical clinic swabs and containers contaminated with warfarin were disposed of in general trash. No waste determinations were made on these wastes.

   c. On the Base's middle/high school: adhesives, stains, paints, solvents, varnishes, contaminated rags, paper towels, metal shavings, spill debris, welding leather gloves with metal inlays, aerosol cans, and cleaners generated in the shop have not had waste determinations made.

   d. On the Base's middle/high school: chemicals and specimens generated in the science labs had not had waste determinations made.

   e. On the Base's middle/high school: chemicals, metals, adhesives, stains, paints, solvents, and varnishes from the art classrooms have not had waste determinations made.

      i. 40 CFR §262.11 (as referenced by 9VAC20-60-262) states, "Hazardous waste determination and recordkeeping. A person who generates a solid

waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations."

f. Various expired chemicals, products, and containers with signs of extensive age and hold the potential for alternation of the constituents/reactions, were observed within the middle/high school's shop room, science classrooms, and art rooms. Hazardous wastes had been accumulated for > 90 days (the LQG requirement).

   i. 40 CFR §262.17 states, "Conditions for exemption for a large quantity generator that accumulates hazardous waste. A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of section 3010 of RCRA, provided that all of the following conditions for exemption are met: (a) Accumulation. A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section."

g. No documentation exists demonstrating the arrangement (or attempt thereof) with local police, fire, and other emergency response teams/contractors/suppliers, or local hospitals, as to the layout of the facility, properties of hazardous waste handled and associated hazards, places where personnel would be working, entrances to roads within the facility, possible evacuation routes, and types of injuries/illnesses resulting from fires/explosions/releases at the facility.

   i. 40 CFR §262.256 states, "Arrangements with Local Authorities. (a) The large quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements…"

h. Facility's 2017 Hazardous Waste Management Plan (HWMP) and 2017 Spill Prevention, Control, and Countermeasure Plan (SPCCP), used to meet the requirements of the hazardous waste contingency plan, did not include arrangements made with local authorities, an updated list of names/numbers of emergency coordinators or primary coordinator, locations of emergency equipment, or an evacuation plan with evacuation signals and routes.

   i. 40 CFR §262.261 states, "Content of a Contingency Plan. (c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the

Local Emergency Planning Committee, pursuant to § 262.256. (d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see § 262.264), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times. (e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities. (f) The plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires)."

i. Facility's HWMP and SPCCP had not been submitted to all local emergency responders.

   i. 40 CFR §262.262 states, "Copies of Contingency Plan. A copy of the contingency plan and all revisions to the plan must be maintained at the large quantity generator and - (a) The large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate."

j. Facility's HWMP and SPCCP have not been reviewed or amended when applicable regulations have changed.

   i. 40 CFR §262.263 states, "Amendment of Contingency Plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever: (a) Applicable regulations are revised; (b) The plan fails in an emergency; (c) The generator facility changes - in its design, construction, operation, maintenance, or other circumstances - in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency; (d) The list of emergency coordinators

changes; or (e) The list of emergency equipment changes."

k. Facility's HWMP and SPCCP do not appear to include procedures for identification of released materials or the procedures/criteria to assess possible hazards to human health and the environment from a release/fire/explosion.

l. Facility's HWMP and SPCCP do not appear to include requirement that the emergency equipment must be cleaned and fit for use before operations resume.

   i. 40 CFR §262.265 states, "Emergency Procedures… (b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis. (c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions)… (h) The emergency coordinator must ensure that, in the affected area(s) of the facility: (1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and (2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed."

m. Two used oil collection caddies for the storage of used oil prior to transfer to the aboveground storage tank (AST) were not labeled "Used Oil."

   i. 40 CFR §279.22 (as referenced by 9VAC20-60-279) states, "Used Oil Storage. (c) Labels. (1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil.'"

n. A five-gallon bucket was labeled as "Non-Regulated Waste, Manganese-Dioxide," with the SDS-stated waste code D001 and no accumulation date.

o. A 10-gallon container of blast media was labeled "Non-Hazardous Waste Awaiting Analysis," it appears that the container is not properly labeled "Hazardous Waste Awaiting Analysis".

   i. 40 CFR §262.17 states, "Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste. (5) Labeling and marking of containers and tanks - (i) Containers. A large quantity generator must mark or label its containers with the following: (A) The words "Hazardous

Waste"; (B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and (C) The date upon which each period of accumulation begins clearly visible for inspection on each container."

p. The management of aerosol cans is not uniform throughout the facility. Aerosol cans are not always managed at or near the point of generation where wastes initially accumulate (which is under the control of the operator of the process generating the waste). Generating sites on base that infrequently generate hazardous wastes are directed to store waste aerosol cans in unidentified "SAA's," to later be determined and collected by base personnel.

    i. 40 CFR §262.15 states, "Satellite accumulation area regulations for small and large quantity generators. (a) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in § 261.31 or § 261.33(e) of this chapter or 1 kg (2.2 lbs) of solid acute hazardous waste listed in § 261.31 or § 261.33(e) of this chapter in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in § 262.16(b) or § 262.17(a), except as required in § 262.15(a)(7) and (8)."

q. A 20-gallon "red can" container used to collect used rags, including solvent-contaminated wipes used during auto repair activities, was not labeled "Excluded Solvent-Contaminated Wipes."

r. Potentially solvent-contaminated wipes/rags used throughout the base were sent for disposal through the general trash.

s. No documentation exists describing the process used to ensure that solvent-contaminated wipes contain no free liquids at the point of on-site laundering, transportation for off-site laundering, dry-cleaning, or disposal. Solvent-contaminated wipe exemption does not apply, due to rags not being stored/accumulated in sealed and labeled containers, no records kept on the

disposal of the rags, and some wipes being disposed of still containing free liquids.

i. 40 CFR §261.4 (as referenced by 9VAC20-60-261) states, "Exclusions. (b) Solid Wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes: (18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that (i) The Solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled 'Excluded Solvent-Contaminated Wipes.' … (v) Generators must maintain at their site the following documentation: (A) Name and address of the landfill or combustor that is receiving the solvent-contaminated wipes; (B) Documentation that the 180 day accumulation time limit in 40 CFR 261.4(b)(18)(ii) is being met; (C) Description of the process the generator is using to ensure solvent contaminated wipes contain no free liquids at the point of being transported for disposal…"

6. On August 7, 8, and 9, 2019, Department staff inspected the Russell Road Landfill for compliance with the requirements of the Virginia Waste Management Act and the Regulations and the Permit. Based on the inspection and follow-up information, Department staff made the following observations:

a. Several monitoring wells associated with the Russell Road Landfill were observed with no labels, and USMCBQ was unable to ID the number without a map or locate the remaining well locations within the monitoring well network. The monitoring wells were locked but showed signs of rust and cracks within the concrete aprons.

i. Permit Part III.C.2 of the Permit states, "The Permittee shall maintain and monitor the cap, the monitoring system, and all related structures in accordance with this Permit and the approved Post-closure Plan. The Permittee shall also monitor the groundwater and comply with all other applicable requirements of 40 CFR § 264.90 during the post-closure care period in accordance with 40 CFR § 264.117(a)."

ii. 40 CFR §264.117 (as referenced by 9VAC20-60-264) states, "Post-closure care and use of property. (a)(1) Post-closure care for each hazardous waste management unit subject to the requirements of §§246.117 through 264.120 must begin after completion of closure of the unit and continue for 30 years after that date and must consist of at least the following: (i) Monitoring and reporting in accordance with the requirements of subparts F, K, L, M, N, and X of this part; and ii) Maintenance and monitoring of waste containment systems in accordance with the requirements of

subparts F, K, L, M, N, and X of this part."

b. The landfill exhibited areas of poor vegetation coverage, slumping, tree sapling growth, and erosion.

   i. Permit Attachment E.9 states in part, "The final cover of the RCRA cap will be inspected monthly and after major rainfall events (defined as 2 inches in an 8-hour period) throughout the post-closure care of 30 years. The inspector will look for evidence of settlement, subsidence, or displacement; drainage and ponding of surface water; damaged vegetation; presence of undesirable vegetation; and erosion… Any erosion problems identified during inspections are to be corrected promptly. Existing erosion controls are to be repaired or improved as necessary. Additional erosion control measures will be installed if the existing measures prove to be inadequate."

   ii. 40 CFR §264.310 states, "Closure and post-closure care. (b) After final closure, the owner or operator must comply with all post-closure requirements contained in §§264.117 through 264.120, including maintenance and monitoring throughout the post-closure care period (specified in the permit under §264.117). The owner or operator must: … (5) Prevent run-on and run-off from eroding or otherwise damaging the final cover…"

c. USMCBQ did not initiate corrective action within 14 days of the receipt of the annual report with identified deficiencies related to the post-closure requirements of the landfill.

   i. Permit Part I.E.3 and Attachment E.8.a.7 and Attachment H.2 state in part, "A professional engineer, registered in the Commonwealth of Virginia, shall inspect the site annually to assess the condition of the landfill with regards to the approved Closure Plan and Permit Post-Closure Plan requirements, and plans and specifications, and shall report any identified deficiencies in a written and certified Report. This Report with the engineer's certification shall be submitted to the Director in accordance with Permit Condition I.E.3. If the engineer discovers a deficiency in the landfill cap, this deficiency will be noted and corrective action will be initiated within 14 days."

   ii. 40 CFR §264.310 states, "Closure and post-closure care. (b) After final closure, the owner and operator must comply with all post-closure requirements contained in §§264.117 through 264.120, including maintenance and monitoring throughout the post closure care period (specified in the permit under §264.117). The owner or operator must: (l) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling,

partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the facility's monitoring systems, unless the Regional Administrator finds that the disturbance: (1) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or (2) Is necessary to reduce a threat to human health or the environment."

7. On February 20, 2020, based on the inspection and follow-up information, the Department issued Notice of Violation No. 2020-NRO-0001 to the USMCBQ for the violations described in paragraphs C(1) through C(6), above.

8. On April 14, 2020, USMCBQ submitted a written response to the NOV.

9. On April 15, 2020, Department staff met with representatives of USMCBQ to discuss the violations, including USMCBQ's written response.

10. Based on the results of August 7, 8, and 9, 2019, inspection, the documentation submitted on April 14, 2020, and the April 15, 2020, meeting, the Board concludes that USMCBQ has violated the following, as described in paragraphs C(1) through C(9):

    a. Permit Condition Part III.C.2; Permit Attachment E.8.a; Permit Part II.C; Permit Attachment E.7; Permit Attachment G; Permit Attachment E.9; Permit Part I.E.3; Permit Attachment E.8.a.7; and Permit Attachment H.2;

    b. and Regulations 9 VAC 20-60-261, 9 VAC 20-60-262, 9 VAC 20-60-264, 9 VAC 20-60-268, and 9 VAC 20-60-279.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders USMCBQ, and USMCBQ agrees to pay a civil charge of $140,135 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

USMCBQ shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

subsidence, erosion, or other events…"

d. The leachate sump associated with the Russell Road Landfill featured rusted clasps, a broken-off clasp, and a missing electrical component cover.

   i. Permit Attachment E.8.a states in part, "In accordance with 40 CFR § 264.15, the Permittee is to follow a written inspection schedule for inspections and identification of malfunctions, deterioration, or operational errors in the final landfill cap, the leachate collection systems, and leachate collection sump, the gas vents, the gas and groundwater monitoring systems, and the runoff management systems for the landfill. The MCB Quantico Facility is to implement the necessary operation and maintenance and/or remedial action when necessary for any malfunctions or deterioration of equipment or systems is identified."

   ii. 40 CFR §264.117 states, "Post-closure care and use of property. (a)(1) Post-closure care for each hazardous waste management unit subject to the requirements of §§246.117 through 264.120 must begin after completion of closure of the unit and continue for 30 years after that date and must consist of at least the following: (i) Monitoring and reporting in accordance with the requirements of subparts F, K, L, M, N, and X of this part; and ii) Maintenance and monitoring of waste containment systems in accordance with the requirements of subparts F, K, L, M, N, and X of this part."

e. No signage stating "Warning – Disturbing Soil Surface Prohibited" was present at the landfill.

   i. Permit Part II.C and Attachments E.7 and Attachment G state in part, "Warning signs are placed around the landfill gates, fencing, and perimeter warning against unauthorized entry to the RRL Facility. The warning signs state: 'Warning-Disturbing Soil Surface Prohibited' locations at the capped disposal area to ensure the area is not disturbed. Additional warning signs state: 'Danger - Keep Out Authorized Personnel Only' are posted at the south entrance gates to the landfill adjacent to the gravel access road. A fence with gates at the perimeter access roads is installed along the south perimeter of the capped landfill to control access from the adjacent road."

   ii. 40 CFR §264.117 states, "Post-closure care and use of property. (b) The Regional Administrator may require, at partial and final closure, continuation of any of the security requirements of §264.14 during part or all of the post-closure period when: (1) Hazardous wastes may remain exposed after completion of partial or final closure; or (2) Access by the public or domestic livestock may pose a hazard to human health. (c) Post-closure use of property on or in which hazardous wastes remain after

If the Department has to refer collection of moneys due under this Order to the Department of Law, USMCBQ shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of USMCBQ for good cause shown by USMCBQ, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, USMCBQ admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. USMCBQ consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. USMCBQ declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by USMCBQ to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

8. USMCBQ shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. USMCBQ shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. USMCBQ shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are

occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

a. the reasons for the delay or noncompliance;

b. the projected duration of any such delay or noncompliance;

c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and USMCBQ. Nevertheless, USMCBQ agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

a. The Director or his designee terminates the Order after USMCBQ has completed all of the requirements of the Order;

b. USMCBQ petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to USMCBQ.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve USMCBQ from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. In accordance with the Federal Anti-Deficiency Act, the obligations of the USMCBQ under this section are expressly conditioned on the availability of Congressional appropriations, which the USMCBQ agrees to seek in amounts sufficient to timely accomplish these undertakings. If sufficient appropriations are not available and cannot be obtained, the

United States Marine Corps, Marine Corps Base Quantico voluntarily agrees to the issuance of this Order.

Date: 8 JUN 2021 By: WC Bentley III, CO, MCBQ
(Person) (Title)
United States Marine Corps, Marine Corps Base Quantico

Commonwealth of Virginia
City/County of PRINCE WILLIAM

The foregoing document was signed and acknowledged before me this 8th day of JUNE, 2021, by WILLIAM C. BENTLEY III who is COMMANDING OFFICER of United States Marine Corps, Marine Corps Base Quantico, on behalf of the organization.

David S. Nasca DAVID S. NASCA, LTCOL USMC
Notary Public

1047006542
Registration No.

My commission expires: INDEF

Notary seal:

DS Nasca
DAVID S. NASCA
LTCOL USMC

USMCBQ will promptly inform the DEQ Regional Director. In such case, the Director may terminate the Order and take other action, if so desired, or amend the Order with USMCBQ's consent or in accordance with the Administrative Process Act.

13. Any plans, reports, schedules or specifications attached hereto or submitted by USMCBQ and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

14. The undersigned representative of USMCBQ certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind USMCBQ to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of USMCBQ.

15. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

16. By its signature below, USMCBQ voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 20_____.

_____
Thomas A. Faha, Regional Director
Department of Environmental Quality

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