

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and U.S. Department of Navy Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and the United States Department of Navy (“Navy”) entered into a June 4th Consent Agreement and Final Order (“Consent Agreement”) addressing alleged violations of the federal and Texas hazardous waste regulations. See Docket No. RCRA-06-2018-0922.

The Consent Agreement addresses alleged violations at the Naval Air Station (“NAS”) in Corpus Christie, Texas.

The NAS is stated to be a facility (“Facility”) as defined by certain Texas regulations related to hazardous waste. The Navy is stated to have reported to the Texas Commission on Environmental Quality as a Large Quantity Generator (“LQG”) of Hazardous Waste.

EPA is stated to have conducted an onsite inspection of the NAS from August 3, 2015, to August 7, 2015. The purpose of the inspection was to evaluate compliance with the Resource Conservation and Recovery Act (“RCRA”) regulations for generators of hazardous waste.

The Navy is stated to have provided EPA information indicating an Air Pollution Control Device (“APCD”) unit was taken out of service on February 25, 2014. The filters containing hazardous waste inside the APCD were not removed from the unit and stored in a 90-day storage area when the unit was taken out of service. It is further stated that on or about May 25, 2014 (90 days after the APCD was taken out of service) the contaminated filters remained attached to the unit – and had not been disposed off-site.

The filters from the APCD are described as the storage of sludge (therefore a solid waste). Samples of the sludge are stated to have contained cadmium and chromium concentrations above regulatory levels of 1.0mg/l and 5.0 mg/l, respectively. As a result, the sludge is deemed to have exhibited the hazardous characteristic for toxicity as dictated by the relevant Texas hazardous waste regulations.

The Navy contends that the APCD unit was ready to be removed on August 18, 2015. The time period from May 25, 2014, until August 18, 2015, is stated to be approximately 448 days. The APCD unit was dismantled in December 2015 and the materials removed from the unit were sampled for hazardous waste in March 2016.

The Consent Agreement describes the unit as a tank once its intended use could no longer be served (i.e., when it was taken out of commission – but continued to contain hazardous waste). Therefore, this

allegedly constituted the storage of hazardous waste from the APCD unit for 448 days without a permit. Further, the Navy is alleged to have failed to acquire a RCRA permit to store hazardous waste.

The Navy is stated to have provided EPA documentation describing how NAS has addressed the violations (including details of corrective actions). It is further required to take certain actions within 180 calendar days of the effective date of the Consent Agreement, which includes addressing training deficiencies and fill key environmental program vacancies at the Facility.

A \$271,600 civil penalty is assessed.

A [copy of the Consent Agreement](#) can be downloaded here.