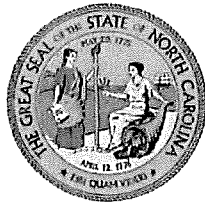


Enclosure 2

A Notice of Regulatory Requirement for Contaminant Assessment and Cleanup that was sent by NCDEQ to USACE and the US Navy, dated April 17, 2024



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

April 17, 2024

Ms. S. Gayle Garland
SheridanGayle.F.Garland@USACE.army.mil
USACE Savannah District
100 W. Oglethorpe Avenue
Savannah, GA 31401

Ms. Nicole Cowand
Nicole.s.cowand.civ@us.navy.mil
9324 Virginia Avenue
Building N26, Code EV3
Norfolk, VA 23511

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT
ASSESSMENT AND CLEANUP**

Buxton Navy Facility (Former)
Old Lighthouse Road
Buxton, Dare County, NC
Site ID: NC9799F4825

Dear Ms. Cowand:

The North Carolina Department of Environmental Quality (NCDEQ) has information indicating that the above identified site is contaminated with petroleum substances. Numerous reports from beach visitors and National Park Service personnel indicate that oil sheens and petroleum odors are present at the site. Residents of Dare County have also expressed concerns with the site including the Dare County Commissioners who recently passed a resolution requesting immediate action at the site. NCDEQ staff observed oil sheens and smelled strong petroleum odors around the former Building 19 during a recent coastal flooding/erosion event. Records indicate that the Navy and Coast Guard occupied the facility and owned and operated numerous petroleum product storage tanks at the site and some of these tanks had releases. The US Army Corps of Engineers (USACE) assumed responsibility to investigate and remediate the releases related to the Navy's operation at the site.

North Carolina law requires you assess and clean up this contamination. 15A NCAC 2L-, - Groundwater Classifications and Standards- requires corrective action be taken by any person



North Carolina Department of Environmental Quality
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

who has conducted or controlled an activity which has resulted in a discharge of contamination and/or which has caused an exceedance of applicable groundwater standards. **The following actions are required in order to comply with North Carolina state statutes and regulations:**

- **Immediate action requirements:**

- Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Accordingly, you must take immediate response actions to abate known or visible releases of controlled substances and to identify and eliminate current exposure(s) to contamination as required under 15 A NCAC 02L .0106(b).
- Pursuant to 15A NCAC 2L .0106(f), which defines the immediate response actions required of any person conducting or controlling an activity which results in an exceedance of applicable groundwater standards, you must: take steps to prevent fire, explosion, or the spread of noxious fumes; abate, contain, or control the migration of contaminants; remove, treat, or control any primary pollution source such as buried waste, waste stockpiles, or surficial accumulation of free products; remove, treat, or control secondary pollution sources that would be potential continuing sources of pollutants to the groundwaters, such as contaminated soils and non-aqueous phase liquids. Contaminated soils that threaten the quality of groundwaters shall be treated, contained, or disposed of in accordance with applicable Rules. Pursuant to 15A NCAC 2L .0106(c), these immediate action requirements must be performed prior to, or concurrently with the site assessment required in 15A NCAC 2L .0106(c), set forth below.

- **Site Assessment requirements:**

- In addition to the initial response actions detailed above, pursuant to 15A NCAC 2L .0106(c), you must: implement a monitoring program which complies with the requirements of 15A NCAC 2L .0110; submit a site assessment report to the Director in accordance with 15A NCAC 2L .0111; and, if required, submit a corrective action plan for approval of the Secretary of NCDEQ in accordance with 15A NCAC 2L .0111, and implement said plan upon receipt of approval.



- **Additional requirements:**

- Should the assessment activities required pursuant to 15A NCAC 2L reveal the presence of non-petroleum contamination at the site, you are required, pursuant to NCGS 130A-310.1, to provide all available site data to the Inactive Hazardous Sites Branch of the North Carolina Department of Environmental Quality within 90 days.

Pursuant to the Department of Defense and State Memorandum of Agreement (DSMOA) executed on June 6, 1991, you are hereby requested to notify the Department within 10 days of your receipt of this NORR whether you intend to comply with the required corrective action described herein, and provide a work plan containing a proposed schedule for the completion of the required corrective detailed herein. If you do not notify the Department within 10 days of your receipt of this NORR that you intend to comply with the required corrective action described herein, then this matter will be referred to the installation commander and the chief of the designated program office of NC DEQ, or their mutually agreed upon representatives, as set forth in Section IV of the DSMOA.

The Division of Water Resources has also fielded citizen inquiries related to water quality concerns raised over a petroleum like substance in surface water and an oily sheen on top of surface waters adjacent to the former Buxton Navy Facility's Building 19. Such conditions, if documented by staff, may constitute violations of surface water quality standards set forth in 15A NCAC 2B .0220(10) Tidal Salt Water Quality Standards for Class SC Waters as well as NCGS 143-215.1.(a)(6) Discharge Without a Permit. Such a determination may result in enforcement action to enforce these regulations.

Please note, the remedial measures required to address soil, sediment, and groundwater contamination must be extended to the level necessary to ensure that surface waters along the beachfront and site in general are protected and surface water quality violations are prevented. We would like to emphasize the importance of this matter and need for an expedited response leading to the beach being returned to public use. Please direct your responses and further inquiries to Michael Scott at (919) 707-8246 or michael.scott@deq.nc.gov.

Sincerely,



Sushma Masemore, P.E.
Assistant Secretary, NC DEQ

cc: Mr. Andrew Haley, U.S. Coast Guard
Mr. David Hallac, National Parks of Eastern NC
Mr. Robert Outten, Dare County Attorney and Manager



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