

EPA Federal Facilities Enforcement Highlights

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EPA is sharing Federal Facility Enforcement Highlights to raise awareness within the federal community of the types of issues that have contributed to non-compliance and EPA enforcement at federal facilities.

For information on environmental regulations associated with common activities at federal facilities, see FedCenter federal facility tour: <https://www.fedcenter.gov/assistance/facilitytour/>.

In addition there are compliance assistance resources available on the EPA Compliance Assistance Corner at FedCenter: <https://www.fedcenter.gov/epacorner/>.

* Most recently added items

Resource Conservation and Recovery Act (RCRA)

*** Eielson Air Force Base, Consent Agreement and Final Order, US Air Force**

On September 23, 2021, Region 10 settled with the United States Air Force at Eielson Air Force Base (AK) for violations of Subtitle C of the Resource Conservation and Recovery Act (RCRA). The implementing regulations of RCRA require that generators of hazardous waste must manage the hazardous waste in compliance with RCRA requirements to protect human health and the environment. The violations are based on an October 2020 inspection of Eielson Air Force Base and include 1) failure to make a hazardous waste determination; 2) failure to comply with the conditions to store hazardous waste without a permit or interim status by not performing weekly inspections nor complying with the satellite accumulation requirements; 3) failure to properly manage universal waste lamps; and 4) failure to properly label a container of used oil. The Air Force will pay a penalty of \$23,354.

Alliant Techsystems Operations, LLC, Consent Agreement and Final Order, US Navy

On May 17, 2021, EPA Region 3 filed a Consent Agreement and Final Order (CAFO) with Alliant Techsystems Operations, LLC (ATO) to resolve violations under the Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA) and the Clean Water Act (CWA) at U.S. Navy owned Allegany Ballistics Laboratory in Keyser, WV. The ATO operated facility is a large quantity generator (LQG) and permitted as a Treatment, Storage, and Disposal Facility (TSDF) with open burning grounds for the treatment of energetic hazardous waste. This multimedia CAFO includes a \$350,000 penalty order, and a RCRA compliance order which requires ATO to submit RCRA permit modifications to WVDEP, obtain approval for changes to the facility's waste analysis plans, and mitigate hazardous waste runoff from their open burning grounds.

Memphis VA Medical Center, Consent Agreement and Final Order, US Veterans Affairs

On February 5, 2021, EPA Region 4 finalized a CAFO with the U.S. Department of Veterans Affairs for violations of the Resource Conservation and Recovery Act (RCRA) and the Tennessee Hazardous Waste Management Act at the Memphis VA Medical Center. VA Memphis failed to comply with certain RCRA Large Quantity Generator requirements relating to labeling, storage, management of hazardous waste, and contingency planning. EPA assessed a penalty of \$42,720 for these violations. VA Memphis is in compliance with the CAFO issued on February 5, 2021.

Harry K. Dupree National Aquaculture Center, Administrative Compliance Order on Consent, US Department of Agriculture

On October 1, 2019, EPA Region 6 settled with the US Department of Agriculture (USDA) to resolve Resource Conservation and Recovery Act (RCRA) hazardous waste violations at the Harry K. Dupree National Aquaculture Center in Arkansas. As part of the settlement, USDA agreed to certify that it has assessed all of its solid waste streams to accurately determine whether each waste stream is hazardous, to develop and implement Standard Operating Procedures to ensure compliance with RCRA, and to certify compliance with the RCRA Section 3010 Notification requirement.

Dale Bumpers National Rice Research Center, Administrative Compliance Order on Consent, US Department of Agriculture

On October 1, 2019, EPA Region 6 settled with the US Department of Agriculture (USDA) to resolve Resource Conservation and Recovery Act (RCRA) hazardous waste violations at the Dale Bumpers National Rice Research Center in Arkansas. As part of the settlement, USDA agreed to certify that it has assessed all of its solid waste streams to accurately determine whether each waste stream is hazardous, to develop and implement Standard Operating Procedures to ensure compliance with RCRA, and to certify compliance with the RCRA Section 3010 Notification requirement.

Joint Base Elmendorf-Richardson, Consent Agreement Final Order, US Air Force

On September 16, 2020, EPA Region 10 settled with the US Air Force to resolve Resource Conservation and Recovery Act (RCRA) violations at Joint Base Elmendorf-Richardson (JBER). On October 9, 2019, JBER disclosed to EPA Region 10 that it had speculatively accumulated 200,000 lbs of expended brass small-arms cartridge casings (ESACCs) that exhibit the toxicity characteristic for lead. Under the terms of the Consent Agreement Final Order (CAFO), EPA is allowing JBER to recycle the brass ESACCs versus disposing of it in a permitted RCRA treatment, storage, and disposal facility. The settlement also resolves universal waste management violations identified during an October 7-9, 2019, EPA inspection. JBER will spend \$486,500 to come into compliance, but will save \$460,000 by recycling rather than disposing of the waste ESACCs. JBER will pay a penalty of \$61,554 as part of the settlement.

Little Rock Air Force Base, Consent Agreement and Final Order, US Air Force

On August 17, 2020, EPA Region 6 settled with the US Air Force to resolve Resource Conservation and Recovery Act (RCRA) hazardous waste violations at the Little Rock Air Force Base in Arkansas. As part of the settlement, the Air Force agreed to pay a penalty of \$35,229 and to certify: assessment of all relevant waste streams, use of accurate waste codes to address relevant alleged violations, and that it has met contingency plan requirements of RCRA for the preparation of standard operating procedures.

White Sands Missile Range, Consent Agreement and Final Order, US Army

On March 5, 2020, EPA Region 6 settled with the US Army White Sands Missile Range (White Sands), located in New Mexico to resolve Resource Conservation and Recovery Act (RCRA) violations. White Sands failed to properly manage universal waste, make accurate hazardous waste determinations, prepare manifests per the instructions, maintain aisle space to allow the unobstructed movement of personnel and fire protection equipment, list all emergency equipment and its location as required of a contingency plan, and failed to submit a one-time land disposal restriction notification. The findings resulted from an onsite compliance evaluation inspection (CEI) conducted in March 2018. A penalty was assessed in the amount of \$24,614 and the facility is required to provide evidence of compliance within 30 days.

Garrison Fort Detrick, Consent Agreement Final Order, US Army

On January 23, 2020, EPA Region 3 filed a Consent Agreement Final Order (CAFO) to resolve RCRA Hazardous Waste violations of RCRA and Clean Air Act violations at US Army Garrison Fort Detrick in Maryland. EPA Region 3 coordinated with Maryland Department of the Environment. As part of the settlement agreement, the US Army agreed to pay \$440,399, close four incinerators (medical and solid waste), and began the construction process for a new incinerator for medical/infectious waste.

Naval Support Activity Bethesda, Expedited Settlement Agreement, US Navy

On May 5, 2020, EPA Region 3 filed an Expedited Settlement Agreement (ESA) with the US Navy to resolve RCRA Subtitle I Underground Storage Tank violations at the Naval Support Activity Bethesda in Maryland. The violations were due to failures to test fuel lines in accordance with Maryland regulations. The US Navy agreed to pay a penalty of \$2,820.

Five Facilities in New York and New Jersey, Consent Agreement Final Order, US Veterans Affairs

On February 8, 2019, EPA Region 2 settled with the US Veterans Affairs (VA) Environmental Attorney pertaining to five VA facilities in New York and New Jersey: VA Northport, VA Bronx, VA Syracuse, VA Castle Point and VA East Orange. The Consent Agreement Final Order was issued for RCRA Subtitle C Hazardous Waste violations at all five facilities, RCRA Subtitle I Underground Storage Tank violations at the VA Northport, and universal waste violations at VA Northport, VA Bronx, and VA Castle Point. The settlement amount pertaining to all violations presented in the CAFO is for \$118,000, and the correspondent agreed to settle.

USPS Albany and USPS Bellmawr, Expedited Settlement Agreement, US Postal Service

On April 18, 2019, EPA Region 2 settled with the US Postal Service (USPS) for RCRA Subtitle I Underground Storage Tank violations at USPS Albany in New York and USPS Bellmawr in New Jersey. The Expedited Settlement Agreement includes a settlement of \$1,870 for the violations found during the inspection.

Fort Hood Facility, Consent Agreement Final Order, US Army

On June 5, 2019, EPA Region 6 settled with the US Army for RCRA violations by the Army at Fort Hood in Texas. The violations included storage of hazardous waste without a permit; failure to make a hazardous waste determination; treatment of hazardous waste without a permit; failure to comply with standards for spent lead-acid batteries; failure to comply with standards for large quantity handlers of universal waste; and failure to comply with standards for used oil generators. The Army agreed to a penalty of \$250,000.

Puget Sound Health Care System Seattle Division, Expedited Settlement Agreement Opportunity, US Veterans Affairs

On April 3, 2019, EPA Region 10 settled with Veterans Affairs (VA) on February 15, 2019 for minor RCRA Subtitle C violations identified at the Puget Sound Health Care System Seattle Division in Washington. The VA corrected the violations and paid the assessed penalty of \$15,000.

Clean Water Act (CWA)

Newport Naval Station, Federal Facility Compliance Agreement, US Navy

On March 11, 2021, EPA Region 1 signed a Federal Facility Compliance Agreement (FFCA) with the Navy requiring more than \$39 million in repairs at Newport Naval Station in Road Island that will ensure the facility is in compliance with laws regulating the discharge of stormwater into Coddington Cove, an

embayment of Narragansett Bay. Under the terms the FFCA, the Navy will complete stormwater discharge infrastructure improvements by 2030 at the former Derecktor Shipyard, settling EPA allegations that the facility was in violation of the Clean Water Act.

San Clemente Island, Federal Facility Compliance Agreement, US Navy

On November 20, 2020, EPA Region 9 finalized a Federal Facility Compliance Agreement (FFCA) with the US Navy at San Clemente Island in San Clemente Island, California to address Clean Water Act violations at the wastewater treatment plant tied to discharge of pollutants, failure to properly operate and maintain all facilities, and failure to perform maintenance on all monitoring instruments. The Navy agreed under the FFCA to complete major upgrades to the wastewater treatment plant, which will help protect water quality and ocean wildlife.

Puget Sound Naval Shipyard & Intermediate Maintenance Facility, Federal Facility Compliance Agreement, US Navy

On September 10, 2020, EPA Region 10 finalized a Federal Facility Compliance Agreement with the Puget Sound Naval Shipyard & Intermediate Maintenance Facility in Bremerton, Washington to address wastewater discharges that have exceeded the copper limit. This agreement requires the Navy to take corrective action measures to reduce the amount of copper being discharged from the facility, which will improve water quality in the Sinclair Inlet, an anadromous fish passage water.

Little Rock Air Force Base, Federal Facility Compliance Agreement, US Air Force

On June 11, 2019, EPA Region 6 settled with the US Air Force to resolve violations of CWA Section 404, which included filling and rerouting a stream outside of the authorized permit limitations. The Federal Facility Compliance Agreement (FFCA) required a site visit to document current conditions, that the US Air Force obtain any necessary Section 404 permits prior to initiating any future projects that involve discharge of fill material into Waters of the U.S., and the submittal of a written status report to EPA. At the time of the FFCA signing, US Air Force had returned to compliance.

Safe Drinking Water Act (SDWA)

Crow Agency Public Water System, Administrative Order, US Bureau of Indian Affairs

On January 20, 2021, EPA Region 8 issued a Safe Drinking Water Act (SDWA) 1414 order to the US Bureau of Indian Affairs (BIA) for violations of the drinking water regulations at the Crow Agency Public Water System, including failure to reduce the total organic carbon (TOC) between the System's source water and its combined filter effluent by at least 25 percent. In addition, BIA failed to notify the public of this violation and to report it to EPA within 48 hours as required by the regulations. The order requires BIA to achieve a reduction of at least 25 percent of TOC and to submit to EPA, within 30 days, a proposed plan and schedule to bring the public water system into compliance. The System serves approximately 1300 individuals year-round. EPA took this action because EPA directly implements the public water supply protection program on the Crow Reservation.

Blackfeet Community Hospital Public Water System, Consent Agreement and Final Order, Indian Health Service

On August 27, 2020, EPA Region 8 settled with the Indian Health Service (IHS) to address Safe Drinking Water Act violations at the Blackfeet Community Hospital Public Water System on the Blackfeet Indian Reservation. The IHS agreed to pay a civil penalty of \$33,500 to resolve violations of a 2019 EPA

Administrative Order, as well as other SDWA violations including failures to report violations, and failure to monitor for lead and copper, nitrate, and total coliform.

South Brush Creek Campground Public Water System, Administrative Order, US Forest Service

On October 8, 2019, EPA Region 8 issued a Safe Drinking Water Act 1414 compliance order to the US Forest Service to take action to address violations at the South Brush Creek Campground Public Water System in Wyoming. The US Forest Service failed to monitor annually for nitrate and monthly for total coliform bacteria, and to report these violations to EPA. The Order required the US Forest Service to conduct the required monitoring, and to report the results to EPA.

Crow Agency Public Water System, Emergency Administrative Order, US Bureau of Indian Affairs

On April 22, 2020, EPA Region 8 issued a SDWA 1431 Order to the US Bureau of Indian Affairs due to a loss of pressure in the Crow Public Water System. The Order required the US Bureau of Indian Affairs to provide an alternate source of water until notified by EPA to discontinue, disinfect and flush systems, and take total coliform samples.

Cooks in-Lieu Tribal Fishing Access Site Public Water System, Emergency Administrative Order, US Bureau of Indian Affairs

On December 18, 2019, EPA Region 10 issued a SDWA 1431 Order to the US Bureau of Indian Affairs (BIA) to address persistent E. coli at the Cooks-In-Lieu Public Water System, which is a tribal fishing site in Washington. The Order required BIA to provide alternate water until the E. coli issues are resolved, increase monitoring at the system, and implement an EPA plan to fix the system deficiencies within 12 months. BIA complied with the Order.

Joint Base Anacostia- Bolling Public Water System, Administrative Consent Order, US Navy

On February 21, 2019, EPA Region 3 settled with the US Navy to resolve several significant SDWA deficiencies associated with meter vaults and cross-contamination control. The Administrative Consent Order required the US Navy to issue a public notice about the violations and implement a Corrective Plan to address the deficiencies which have the potential to cause contamination of water delivered to consumers.

Crow Agency Water System, Emergency Administrative Order, US Department of Interior, Bureau of Indian Affairs

On March 15, 2019, EPA Region 8 issued a SDWA 1431 Order to the US Department of Interior- Bureau of Indian Affairs (BIA) for a system loss of pressure regarding the BIA Crow Agency Public Water System. The Order required BIA to issue a boil water advisory and provide an alternate source of water until notified by EPA to discontinue, provide EPA with a plan to address pressure loss, disinfect and flush the system, and take additional total coliform samples.

Blackfeet Community Hospital Public Water System, Administrative Order, US Indian Health Service

On May 20, 2019, EPA Region 8 issued a SDWA 1414 Order to the U.S. Department of Health and Human Services-Indian Health Service (IHS) for failure to comply with nitrate, lead and copper, and total coliform bacteria monitoring requirements. The Order required the system to monitor the public water system for lead and copper, nitrate, and total coliform bacteria, and report results, to notify the public of the prior violations, to report any violations of drinking water regulations, and to provide notice of the Order to any contractor the party contracts with.

Ryan Park Campground, Emergency Administrative Order, US Forest Service

On July 3, 2019, EPA Region 8 issued a SDWA 1431 Emergency Administrative Order to US Department of Agriculture -Forest Service regarding E.coli contamination in drinking water systems at Ryan Park Campground in Wyoming. The order required the system to provide an alternate source of water until notified by EPA to discontinue, disinfect and flush system and take additional total coliform samples.

Administrative Order on Consent, US Forest Service

On June 24, 2019, Region 9 settled with the US Forest Service for failure to close large capacity cesspools (LCCs) by an April 2005 deadline. The Order required the US Forest Service to close most LCCs by December 31, 2022, to close the final two LCCs by December 31, 2024, and to submit a closure schedule, and verify existing closures.

Chemawa Indian School, Administrative Compliance Order, US Bureau of Indian Affairs

On July 1, 2019, EPA Region 10 issued a SDWA 1414 Administrative Compliance Order to the Bureau of Indian Affairs (BIA) to take action to address high copper levels in the drinking water at their BIA Chemawa Indian School public water system (PWS). The PWS serves approximately 400 resident boarding students belonging to different tribes, plus 150 staff and nearly 30,000 patients at the associated health clinic. The Order required BIA to submit an optimal corrosion control treatment recommendation for EPA approval.

Bureau of Indian Affairs North Idaho PWS, Emergency Administrative Order, US Bureau of Indian Affairs

On October 9, 2018, EPA Region 10 issued a SDWA Section 1431 emergency order to the Bureau of Indian Affairs (BIA) to address an imminent and substantial endangerment regarding the BIA North Idaho public water system (PWS) it owns and operates on the Nez Perce Reservation. The System suffered a loss of pressure in August 2018. EPA issued the Emergency Order to BIA to mitigate the risk of a total system failure. In the summer of 2019, the Region received the Order's required engineering assessment, and it found widespread deficiencies throughout the PWS which are much more extensive than what the Region cited in the emergency order.

Fort Simcoe Job Corps Center Drinking Water System, Unilateral Administrative Compliance Order, US Forest Service

On February 6, 2019, EPA Region 10 issued a Safe Drinking Water Act (SDWA) Section 1414 Unilateral Administrative Compliance Order to the Forest Service for violations of the SDWA and the National Primary Drinking Water Regulations at a drinking water system it operates on the Yakima National Reservation in Washington. The Order was issued to Forest Service to correct significant deficiencies pertaining to the system, to conduct required monitoring for nitrate, and to sample at the correct locations for nitrate and coliform.

Clean Air Act (CAA)

Washington Navy Yard and U.S. Naval Observatory, Administrative Orders on Consent, US Navy

On September 18, 2020, EPA Region 3 settled with the U.S. Navy under section 1414 of the Safe Drinking Water Act (SDWA) to resolve failures to adhere to a Corrective Action Plan to remedy significant deficiencies identified in past sanitary surveys at two installations under Naval Support Activity

Washington. The Navy agreed to submit Supplemental Corrective Action Plans to remedy the underlying cross-connection control deficiencies and return to compliance with the SDWA.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Jeehdeez'a Elementary School, Federal Facility Compliance Agreement, US Department of Interior, Bureau of Indian Education

On September 21, 2020, EPA Region 9 finalized a Federal Facility Compliance Agreement (FFCA) addressing the use of pesticides regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) at the Bureau of Indian Education (BIE) Jeehdeez'a Elementary School in Arizona. The violations involved the misapplication of an herbicidal product to school grounds. Under the FFCA, BIE agreed to compliance actions including: manual removal of unwanted plants in place of herbicide use; application of herbicides by certified applicators only, where herbicide use is required; not keeping, storing, or maintaining any chemical regulated under FIFRA on school grounds, except under certain circumstances; and reporting requirements.

Multi-media

U.S. Government Publishing Office, Consent Agreement and Final Order

On July 25, 2019, EPA Region 3 settled with the US Government Printing Office (GPO) in Washington, DC to resolve violations of the Clean Air Act and Resource Conservation and Recovery Act hazardous waste requirements, coordinating with the District of Columbia Department of Energy and the Environment (DOEE) throughout the enforcement process. As a result of this case, the enforcement team was able to resolve spill prevention, control, and countermeasure (SPCC) and stormwater violations. As part of the Consent Agreement Final Order, GPO agreed to incorporate the following: reduction of volatile organic compounds (VOCs) and particulate matter emissions; improved management of hazardous waste storage through training; improved oil management system; a new SPCC plan, and payment of a \$140,000 penalty.

* Most recently added items