



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

April 17, 2024

Mr. Andrew Haley
Office of Environmental Management
U.S. Coast Guard Headquarters, Stop 7714
2703 Martin Luther King Jr. Ave. SE
Washington, DC 20593
Andrew.s.haley@uscg.mil

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 Commandant Haley:

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 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:**



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- **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.

Within 10 days of your receipt of this NORR, please notify the Department whether you intend to comply with the required corrective action detailed herein and provide the Department with work plan containing a proposed schedule for the completion of the required corrective action detailed herein. Failure to take the initial abatement and assessment steps required in 15A NCAC 2L may result in the initiation of enforcement action as authorized by law, including the initiation of an action for injunctive relief to compel compliance with 15A NCAC 2L. We would also request that preliminary environmental assessment data be shared with DEQ as soon as it is available.

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: Ms. Gayle Garland, USACE Savannah District
Ms. Nicole Cowand, US Navy
Mr. David E. Hallac, National Parks of Eastern NC
Mr. Robert Outten, Dare County Attorney and Manager



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