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08.01-12/23/98-85

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

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Dennis H. Treacy
Director

John Paul Woodley, Jr.
Secretary of Natural Resources

Francis L. Daniel
Tidewater Regional Director

FAX (757) 518-2003

LETTER OF NONCOMPLIANCE

December 23, 1998

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ms. Lesa D. Archie-Barnes
Supervisory, Environmental Protection Specialist
Norfolk Naval Shipyard, OSHE
Code 106.321, Building M-22
Portsmouth, Virginia 23709

RE: PC 99-7289, Unpermitted Solid Waste Disposal-IRP Site 4, St. Julians Creek Annex, Portsmouth

Dear Ms. Barnes:

On December 2, 1998, while accompanying the USEPA on site inspections of IRP Sites on St. Julians Creek Annex, Department of Environmental Quality, Tidewater Regional Office staff was informed debris generated during the cleanup of Hurricane Bonnie was currently being stored on IRP Site 4. This condition is an apparent violation of State Solid Waste Law and regulations, VA Code § 10.1-1408.1.A and 9 VAC 20-80-90.A.1.

Please submit within 10 days of receipt of this letter, a written explanation of corrective actions your facility intends to take or has taken to correct the identified compliance deficiencies. Please include a time schedule for these corrective actions.

Your letter will assist our staff in maintaining a complete and accurate record of the compliance status of your facility. Compliance may be verified by on-site inspection or other appropriate means. If correction of these deficiencies will take longer than 90 days, please submit a plan and schedule for inclusion in a Letter of Agreement or Consent Order. Failure to respond may result in enforcement action by DEQ.

Enclosure (2)

Ms. Barnes

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This Letter of Noncompliance is not an agency proceeding or determination which may be considered a case decision under the Virginia Administrative Process Act, Va. Code § 9-6.14:1 *et seq.* Please contact me at (757) 518-2180 if you have any questions about the content of this letter or need additional guidance in achieving or maintaining compliance.

Sincerely,



Kerita L. Kegler

WC Enforcement/Compliance Specialist Sr.

cc: Mr. Gary Koerber, COMNAVBASE
TRO Prep File