



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Brigadier General Kevin J. Killea
Commanding General
Marine Corps Installation West – Marine Corps Base Camp Pendleton
Box 555010
MCB Camp Pendleton, CA 92055-5010

Subject: Federal Administrative Order on Consent
EPA Docket No. PWS-AOC-2017-6003
Camp Pendleton South (PWS ID No. CA3710702) and North (PWS ID No.
CA3710700) Public Water Systems

Dear Brigadier General Killea:

Please find enclosed a copy of the Administrative Order on Consent (“Consent Order”) issued by the United States Environmental Protection Agency (“EPA”) to the United States Marine Corps, Marine Corps Installations West-Marine Corps Base, Camp Pendleton (“Camp Pendleton”) pursuant to Section 1414(g) of the federal Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300g-3(g). EPA and Camp Pendleton have entered into this Consent Order for the purpose of bringing the Camp Pendleton South and North public water systems into compliance with the requirements of the SDWA, 42 U.S.C. § 300f *et seq.* Violation of any term of this Order may subject Camp Pendleton to an administrative penalty of up to \$38,175 under SDWA Sections 1414(g)(3) and 1447(b), 42 U.S.C. §§ 300g-3(g)(3) and 300j-6(b). *See also* 40 C.F.R. § 19.4.

We appreciate your cooperation and look forward to working together to meet the timeframes set forth within the Consent Order. If you or anyone on your staff has technical questions, please contact Christopher Chen at (808) 541-2723 or via email to chen.christopher@epa.gov. Legal questions should be directed to Kimberly Wells in our Office of Regional Counsel at (415) 972-3056, or via e-mail to wells.kimberly@epa.gov.

Sincerely,


Alexis Strauss
Acting Regional Administrator
20 Sept. 2017

Enclosure:

Administrative Order on Consent

**cc: Commander Russ Rang, Assistant Chief of Staff – Facilities, Camp Pendleton
Jeffery Paull, Assistant Chief of Staff – Environmental Security, Camp Pendleton
Darren Jump, Counsel – Western Area, Camp Pendleton
Tomás Torres, Director, Water Division, EPA R9
Ava Azad, Federal Facilities Enforcement Office, EPA HQ
Carol King, Office of Civil Enforcement, EPA HQ
Darrin Polhemus, Deputy Director, State Water Resources Control Board (“SWRCB”)
Kurt Souza, Southern CA Principal Engineer, SWRCB
Sean McCarthy, South Coast Section Chief, SWRCB**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105-3901

IN THE MATTER OF:)
)
 United States Marine Corps,)
)
 Camp Pendleton South System)
 California PWS ID No. CA3710702,)
)
 Camp Pendleton North System)
 California PWS ID No. CA3710700,)
)
 Respondent.)
)
 Proceedings pursuant to Section 1414(g) of the Safe)
 Drinking Water Act, 42 U.S.C. § 300g-3(g).)

Docket No. PWS-AOC-2017-6003

**ADMINISTRATIVE ORDER
 ON CONSENT**

I. INTRODUCTION

1. The United States Environmental Protection Agency, Region IX (“EPA”) and the United States Marine Corps, Marine Corps Installations West-Marine Corps Base, Camp Pendleton (“Respondent” or “USMC”), enter into this Administrative Order on Consent (“Consent Order”) for the purpose of bringing Respondent’s Camp Pendleton South Public Water System (“South System”) and Camp Pendleton North Public Water System (“North System”) (collectively “Systems”), located in San Diego County, California, into compliance with the requirements of the federal Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300f *et seq.*, and its National Primary Drinking Water Regulations (“NPDWRs”) at 40 C.F.R. Part 141.

2. EPA and Respondent recognize that this Consent Order was negotiated in good faith and that Respondent has fully cooperated with EPA.

II. JURISDICTION

3. EPA enters into and issues this Consent Order under the authority vested in the EPA Administrator by Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), which has been delegated to the Regional Administrator of EPA Region IX.

4. EPA and Respondent enter into this Consent Order voluntarily. Respondent agrees not to contest EPA's authority or jurisdiction to issue this Consent Order in this proceeding or in any subsequent proceeding to enforce the terms of this Consent Order. This Consent Order constitutes an enforceable agreement between Respondent and EPA.

5. California has primary enforcement responsibility under Section 1413 of the SDWA, 42 U.S.C. § 300g-2, for the public water system program. EPA has authority to enforce the NPDWRs including the Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors Rule, 40 C.F.R. § 140 Subpart L ("Disinfection Byproducts Rule"). California has received notice of the violations alleged in this Consent Order.

6. Each department, agency, and instrumentality of the federal government that owns or operates a public water system is subject to, and must comply with all federal and State requirements respecting public water systems pursuant to Section 1447(a) of the SDWA, 42 U.S.C. § 300j-6(a).

III. DEFINITIONS

7. "Consent Order" shall mean this document, all attachments hereto, all subsequent modifications, and all submissions required by this Consent Order and approved by EPA.

8. "Day" shall mean a calendar day unless otherwise specified. In computing a prescribed period of time, the day of the event shall not be included. In computing any period of time under this Consent Order, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next working day.

9. "State" shall mean the California State Water Resources Control Board's Division of Drinking Water.

IV. EPA FINDINGS OF FACTS AND CONCLUSIONS OF LAW

EPA makes the following findings of facts and conclusions of law:

10. EPA conducted inspections of the Systems June 26-30, 2017. The inspections were led by an EPA credentialed inspector. The State also participated in the inspections. See Attachment 6, Camp Pendleton Inspection Report Appendix 4, Attendance Logs. The State issued Respondent citations with compliance directives on August 22, 2017 based on the inspections.

11. Respondent is a federal agency and thus a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2; and subject to the SDWA and NPDWRs pursuant to Section 1447(a) of the SDWA, 42 U.S.C. § 300j-6(a).

12. Respondent’s South System provides water service to approximately 3,630 service connections and approximately 39,400 customers in two sections, the Santa Margarita Basin and the Las Pulgas Basin, at Marine Corps Base, Camp Pendleton.

13. Respondent’s North System provides water service to approximately 944 service connections and approximately 15,600 customers at Marine Corps Base, Camp Pendleton.

14. Each System provides water for human consumption through pipes and has at least 15 service connections and therefore meets the definition of a “public water system” in Section 1401(4)(A) of the SDWA, 42 U.S.C. § 300f(4)(A).

15. Each System serves at least 25 year-round residents and thus qualifies as a “community water system” (“CWS”) as defined in Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2.

16. The source of drinking water for the Systems is groundwater.

17. The Systems collectively use at least 34 reservoirs for water storage.

18. The Systems add a chemical disinfectant to the water as part of the drinking water treatment process and pursuant to 40 C.F.R. § 141.130(a)(1) are subject to the requirements of the Disinfection Byproducts Rule.

19. Respondent owns and operates the Systems and thus is a “supplier of water” as defined in Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. As a “supplier of water” Respondent must comply with the requirements of Part B of the SDWA, 42 U.S.C. § 300g *et seq.*, and its NPDWRs, including the Disinfection Byproducts Rule.

20. Pursuant to the Disinfection Byproducts Rule any CWS that adds a chemical disinfectant to the water in any part of the drinking water treatment process must be operated by qualified personnel who meet the requirements specified by the State and are included in a State register of qualified operators. 40 C.F.R. § 141.130(c).

21. State requirements for the South System are found in California Department of Public Health Services, Division of Drinking Water and Environmental Management, Water Permit No. 04-14-96P-021 (July 1996), as amended, including Amendment No. 05-14-17PA-006 (February 2017) (“South System Permit”), and State requirements for the North System are found in California Department of Public Health Division of Drinking Water and Environmental Management, Water Permit No. 05-14-07P-011 (August 2008), as amended, including Amendment No. 05-14-13PA-042 (September 2013) (“North System Permit”), (collectively “Permits”).

22. The South System Permit requires Respondent to designate at least one Chief Distribution Operator with at least a Distribution Level 4 certification. Respondent must also designate at least one Shift Distribution Operator with at least a Distribution Level 3 certification per operating shift. The South System has four treatment facilities, three of which require at least a Treatment Level 2 certified Chief Treatment Operator and at least a Treatment Level 1 certified Shift Treatment Operator for each operating shift. The fourth is required to have at least a Treatment Level 3 certified Chief Treatment Operator and at least a Treatment Level 2 certified Shift Treatment Operator for each operating shift. Higher levels of certification are required when certain facilities are operated together, as defined in the South System Permit. The South System has a booster disinfection station which requires at least a Treatment Level 1 or Distribution Level 1 certified Chief Treatment Operator and at least a Treatment

Level 1 or Distribution Level 1 certified Shift Treatment Operator for each operating shift. The South System also has a Blending Operation to treat 1,2,3-trichloropropane which requires at least a Treatment Level 2 certified Chief Treatment Operator and at least a Treatment Level 1 certified Shift Treatment Operator for each operating shift. South System Permit, Amendment No. 05-14-17PA-006, General Conditions 10-11.

23. The North System Permit requires 24-hour daily supervision of the facility by a Chief Operator with at least Treatment Level 1 and Distribution Level 4 certification. The North System Permit also requires a Shift Operator with at least a Treatment Level 1 and Distribution Level 3 certification for each operating shift. The North System has four corrosion control and disinfection facilities which collectively require at least a Treatment Level 1 certified Chief Treatment Operator and at least a Treatment Level 1 certified Shift Treatment Operator for each operating shift. North System Permit, Amendment No. 05-14-13PA-042, General Condition 10-11.

24. Respondent lacks adequately qualified operators for treatment and distribution, lacks adequately qualified shift operators at the North System, and had no permanent, qualified chief operators for either of the Systems as of June 30, 2017.

25. Respondent has violated certain NPDWRs, including the operator requirements of the Disinfection Byproducts Rule.

26. During inspections of the Systems conducted June 26-30, 2017, EPA inspectors identified significant operation and maintenance concerns arising from the insufficient number of qualified operators and the lack of any chief operators to oversee the Systems, including:

a. Inadequate Systems maintenance, which resulted in several minor and major deficiencies identified by EPA at both Systems. Major deficiencies include small animal remains found in Reservoirs 43610, 63210, and 52698. As of the date of the inspection, the Systems' water quality monitoring did not indicate an exceedance of any maximum contaminant level.

b. Inadequate inspection of reservoirs. Respondent has failed to inspect reservoirs at the frequency required under the Permits and permit implementation plans and failed to identify concerns such as lack of adequate seals and vent meshes and small animal remains in the finished water.

c. Inadequately completed reservoir inspection reports.

d. Periodic shutdown of the advanced water treatment plant due to lack of qualified operators.

e. Insufficient coverage by qualified operators. While each Permit requires at least one qualified operator to cover each shift, only one operator worked during the night shift to cover both Systems. During the day, the North System did not have a designated, qualified operator and relied on an operator who also operated a portion of the South System.

f. Failure to complete requirements such as annual valve exercising due to lack of qualified operators.

g. Inadequate installation of autodialers to alert operators in the event of an emergency.

27. Respondent has undertaken the following actions to address the concerns identified during the inspections conducted June 26-30:

a. On June 30, 2017 Respondent removed small animal remains from a reservoir ladder inside of Reservoir 63210 without further corrective action. EPA was informed on July 11, 2017, by Ms. Tracy L. Sahagun on behalf of Respondent that the remains had been removed.

b. On June 30, 2017 Respondent removed small animal remains from inside Reservoir 52698. After removing the remains on June 30, 2017, Respondent measured the chlorine residual at 1.3 mg/L. On June 30, 2017 Respondent cleaned a step with one cup (i.e., approximately eight ounces) of 12.5% chlorine. Then, Respondent measured the chlorine residual at 1.69 mg/L. After approximately 15 minutes, Respondent measured the chlorine residual at 1.3 mg/L. On July 12, 2017 Respondent took the reservoir out of service, drained it, and refilled it on July 14, 2017. Then, on July 14, 2017 Respondent measured the chlorine residual at 0.99 mg/L.

c. On July 20, 2017 Respondent removed small animal remains from the top of the reservoir overflow vent screen in Reservoir 43610. After removing the remains on July 20, 2017, Respondent measured the chlorine residual at 0.8 mg/L. On July 20, 2017, Respondent drained the reservoir, refilled it, and added one gallon of 12.5 percent chlorine to the water. Then, Respondent sprayed the screen within the reservoir with approximately 16 ounces of approximately 200 ppm chlorine. After completing the corrective action on July 20, 2017, Respondent measured the chlorine residual at 1.53 mg/L. On July 21, 2017, Respondent measured the chlorine residual at 1.17 mg/L.

V. COMPLIANCE PROVISIONS

Respondent agrees and is hereby ORDERED to conduct the following activities:

28. **Reservoirs 63210, 52698, and 43610:** Respondent shall:

a. Within 14 days after the effective date of this Consent Order, collect at least one sample from each of the three reservoirs and analyze for each of the following contaminants:

- i. Total Coliform
- ii. Salmonella
- iii. Cryptosporidium
- iv. Giardia

b. Give priority to these three reservoirs for contractor inspection pursuant to Paragraph 31.c.

29. **Public Notice:** Respondent shall notify the public, as soon as possible but no later than ten days after the effective date of this Consent Order, of the situation described in this Consent Order and corrective actions being taken, by distributing a public notice to persons served by the Systems. Respondent must submit a draft notice to the EPA and State points of contact identified in Paragraph 48 and obtain written approval from EPA prior to distribution of the notice. Respondent must carry out the

public notice and other notice requirements as required by 40 C.F.R. Part 141, Subpart Q, and submit a copy of the public notice with certification to EPA within ten days after its distribution.

30. **Provision of Alternative Water:** If any water sample collected pursuant to this Consent Order tests positive for any of the contaminants listed in Paragraph 28.a, Respondent shall notify the public pursuant to 40 C.F.R. Part 141, Subpart Q and immediately make alternative water available to each person served by the System or section served by the contaminated reservoir. Alternative drinking water shall be supplied in a quantity sufficient to meet each person's daily needs until the reservoir(s) that tested positive for any contaminant listed in Paragraph 28.a has been inspected, all major deficiencies identified have been addressed as required by Paragraph 31.d-g, and resampling of the reservoir(s) yields no positive results for any contaminant listed in Paragraph 28.a. For purposes of providing alternative water, the North System, the Santa Margarita Basin, and the Las Pulgas Basin shall be considered separate sections. Respondent must notify the users of the System served by the contaminated reservoir that alternative water is available in accordance with the public notice requirements of Paragraph 29. The alternative water must meet all requirements of the NPDWRs found in 40 C.F.R. Part 141.

31. **Compliance with the SDWA:** Respondent must implement the following measures:

a. **Initial Visual Inspection of all Reservoirs in the System:** Respondent shall visually inspect each reservoir (including Reservoirs 63210, 52698, and 43610) for potential contamination and sample each reservoir for total coliform according to the following schedule until such reservoir has been inspected pursuant to Paragraph 31.c:

i. Respondent shall conduct a visual inspection of each reservoir within 30 days after the effective date of this Consent Order. Documentation of each inspection, including photographs, shall be submitted to EPA within five days after the inspection.

ii. Those reservoirs for which the visual inspection does not reveal potential for contamination shall be sampled for total coliform biweekly until the reservoir has been inspected by a contractor pursuant to Paragraph 31.c.

iii. A reservoir for which the visual inspection reveals potential for contamination shall be given priority for contractor inspection pursuant to Paragraph 31.c and shall be sampled for total coliform weekly until the contractor inspection for the reservoir is complete.

iv. A reservoir for which the visual inspection reveals actual contamination shall be cleaned in the same manner as Reservoirs 63210, 52698, and 43610, as described in Paragraph 27, and shall be subject to the sampling and prioritization requirements of Paragraph 28.

b. Oversight of both Systems by qualified operators meeting the requirements of the Permits, as determined by the State, no later than April 1, 2018.

c. **Full Inspection of all Reservoirs in the Systems:** Respondent must inspect and clean all reservoirs in the Systems no later than 180 days after the effective date of this Consent Order. Inspection must be completed by a contractor with expertise in public water systems. Reservoirs shall be taken out of service to facilitate full inspection. Inspections must be conducted in accordance with the American Water Works Association standards. At a minimum, each finished water reservoir or storage tank inspection must include:

i. Evaluation of vents; overflows; hatches; roof to sidewall connections; electrical components; connecting appurtenances; leaks; interior coatings; sedimentation build up; security; and structural design and integrity (i.e., roof, ladders and foundation);

ii. At least one total coliform sample must be taken from each reservoir not more than five days before each inspection; and

iii. All samples must be analyzed by a state-certified laboratory pursuant to 40 C.F.R. § 141.28(a).

d. If any major deficiency is identified during the inspection required by Paragraph 31.c (including but not limited to animal remains, structural unsoundness, or unprotected openings), a plan and schedule must be developed within ten days after identifying the deficiency and submitted to EPA

and the State. The plan must include steps, such as repairs and cleaning the reservoir, to resolve the deficiency as soon as possible.

e. If any major deficiency cannot be resolved with cleaning and repairs, the reservoir must remain out of service until EPA and the State approve a temporary solution and a long-term plan for resolving the deficiency.

f. Before bringing any reservoir back into service, the reservoir must be equipped with a sampling tap where technically feasible. The sampling tap shall be connected to the reservoir or any appurtenance(s) that will provide Respondent the ability to monitor water quality for the reservoir while the reservoir is isolated from the distribution system. Installation of a sampling tap within an underground concrete reservoir would not be technically feasible. Lack of a sampling tap does not excuse Respondent from conducting any required sampling.

g. Before bringing any reservoir back into service, and immediately after bringing each reservoir back into service, a total coliform sample must be taken at the reservoir and at the entry point from the reservoir back to the distribution system.

h. Respondent shall comply with all other requirements of the Permits, as determined by the State.

32. Within five days after each reservoir is inspected pursuant to Paragraph 31.c, Respondent shall provide EPA and the State a completed "Finished Water Storage Tank Inspection/Cleaning Checklist" for each reservoir inspected. See Attachment 8, Finished Water Storage Tank Inspection/Cleaning Checklist.

33. Within 30 days after each reservoir inspection, Respondent shall provide EPA and the State a reservoir tank inspection report for each reservoir inspected.

34. **Continuous Compliance with the Disinfection Byproducts Rule:** Following Respondent's initial compliance with the Disinfection Byproducts Rule, Respondent shall maintain continuous

compliance with the Disinfection Byproducts Rule for all water the Systems serve to customers for human consumption.

35. Chlorine residual shall be analyzed every time a total coliform sample is collected.

36. **Increased Sampling and Analysis:** Respondent shall comply with any EPA order for additional or more frequent total coliform sampling and analysis requirements determined necessary by EPA following written notice by EPA.

37. If any of the total coliform samples collected pursuant to this Consent Order have a positive result, the sample must also be analyzed for Escherichia coli in accordance with 40 C.F.R. § 141.858.

38. **Reporting of the Sample Results:** Respondent shall ensure the analytical results of all sampling required by this Consent Order, and any additional samples that Respondent may choose to collect, are submitted to EPA and the State within five days after receipt from a state-certified laboratory.

39. **Meetings:** Respondent must convene meetings in October and November of 2017 and January of 2018 followed by quarterly meetings starting the first quarter of 2018. Quarterly meetings must be convened before the last week of the last month of every quarter (i.e., March, June, September, December), unless otherwise agreed upon by EPA and the State. The meetings shall be conducted by teleconference or at a centralized meeting location and shall include representatives from Marine Corps Base, Camp Pendleton and EPA. At a minimum, Respondent must invite all required invitees and the meetings shall include all required attendees listed in Attachment 9, Required Attendees List. Invitations must be provided at least 15 days before each meeting. The agenda for each meeting shall include:

- a. Discussion of the adequacy of Respondent's compliance with this Consent Order and
- b. Discussion of how to best promote long-term and efficient drinking water compliance at the Systems.

40. **Progress Reports:** Prior to each meeting convened pursuant to Paragraph 39, Respondent must submit a written report to EPA and the State that describes Respondent's progress implementing this Consent Order since the last report. The first Progress Report is due before October 15, 2017 and shall include all progress to date implementing this Consent Order. Subsequent reports are due ten days before each meeting convened pursuant to Paragraph 39. Respondent must submit Progress Reports until otherwise directed by EPA or the termination of this Consent Order.

41. **Delays:** If any event occurs that causes or is likely to cause delay in the achievement of any requirement or time frame specified in this Consent Order, Respondent shall notify EPA in writing, within ten business days after learning of such event, of the anticipated length and cause of the delay, whether Respondent believes the delay or anticipated delay constitutes a *force majeure* event, as defined in Paragraph 44, the measures Respondent has taken and/or will take to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures and achieve the requirement or meet the time frame. Respondent shall adopt all reasonable measures to avoid or minimize delay. Submittal of the notice to EPA required by this paragraph does not by itself extend the deadline or timeframe for any requirement specified in this Consent Order.

42. If, upon receiving the notice required under Paragraph 41, EPA agrees that the delay or anticipated delay in compliance with this Consent Order has been or will be caused by circumstances that constitute a *force majeure* event as defined in Paragraph 44, EPA may grant an extension of time for compliance for a period of time no longer than any delay resulting from the circumstances causing the delay or anticipated delay.

43. Respondent has the burden of demonstrating, by a preponderance of the evidence, that the actual or anticipated delay has been or will be caused by a *force majeure* event, that the duration of the delay was or will be warranted under the circumstances, that Respondent exercised or is using its best efforts to avoid and mitigate the effects of the delay or anticipated delay, and that Respondent complied with the requirements of this Consent Order.

44. "Force majeure," for purposes of this Consent Order, is defined as any event arising from causes beyond Respondent's control, or of any entity controlled by Respondent, or of Respondent's contractors, which delays or prevents the performance of any obligation under this Consent Order despite Respondent's reasonable best efforts to fulfill the obligation. The requirement that Respondent exercise "reasonable best efforts to fulfill the obligation" includes using reasonable best efforts to anticipate any potential *force majeure* event and reasonable best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. Examples of events that are not *force majeure* include, but are not limited to, increased costs or expenses of any work to be performed under this Consent Order; failure to diligently pursue funding source(s) for work to be performed under this Consent Order, including federal and state funding sources; and normal inclement weather.

45. In the event that EPA does not agree that a delay or anticipated delay in achieving compliance with the requirements of this Consent Order have been or will be caused by a *force majeure* event, EPA will notify Respondent in writing of EPA's decision and the delay or anticipated delay will not be excused.

46. **Additional Information:** Respondent shall submit to EPA and the State such additional documents and information as EPA may reasonably request to determine Respondent's compliance with this Consent Order.

47. All submittals to EPA made pursuant to this Consent Order must be accompanied by the following certification signed by Respondent's representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person(s) who managed the system, or of person(s) directly responsible for gathering the information, I certify that the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

48. Respondent must submit all information required under this Consent Order to:

Christopher Chen, Enforcement Officer
SDWA/FIFRA Enforcement Office
U.S. Environmental Protection Agency – Region IX
300 Ala Moana Blvd., #5-152 (ENF-3-3)
Honolulu, HI 96850
Phone: (808) 541-2723
E-mail: chen.christopher@epa.gov

Sean McCarthy, Chief
South Coast Section, Division of Drinking Water
State Water Resources Control Board
464 W. 4th St., Room 437
San Bernardino, CA 92401
Phone: (909) 388-2602
E-mail: Sean.McCarthy@Waterboards.ca.gov

VI. GENERAL PROVISIONS

49. Except where an extension is granted pursuant to Paragraph 42, Respondent shall fully implement each item of this Consent Order. Where an extension is granted pursuant to Paragraph 42, Respondent shall meet the schedule established by EPA in the extension. Respondent's failure to fully implement all requirements of this Consent Order in the manner and time periods required by this Consent Order shall be deemed a violation of this Consent Order and the SDWA.

50. Respondent's failure to comply with the applicable requirements of the SDWA, including 40 C.F.R. Part 141, may subject it to additional enforcement actions, including but not limited to administrative actions.

51. This Consent Order constitutes the entire agreement of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Order. This Consent Order, however, will not prohibit, prevent, or otherwise preclude EPA from taking any action(s) it deems appropriate to enforce the SDWA in any manner and will not prohibit, prevent, or otherwise preclude EPA from enforcing or using this Consent Order in subsequent administrative proceedings. Nothing in this Consent Order constitutes a waiver, suspension or modification of the requirements of the SDWA, or the rules and regulations promulgated thereunder, which remain in full force and effect. Issuance of

this Consent Order is not an election by EPA to forgo any civil or administrative action otherwise authorized under the law.

52. Failure to comply with this Consent Order, the SDWA, or the implementing regulations at 40 C.F.R. Part 141, subjects federal facilities to an assessment of a civil administrative penalty in an amount not to exceed \$38,175 per day per violation, as authorized under Section 1447(b)(2) of the SDWA, 42 U.S.C. § 300j-6(b) and 40 C.F.R. § 19.4.

53. This Consent Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable local, state, or federal law.

54. The provisions of this Consent Order are severable. If any provision of this Consent Order is found to be unenforceable, the remaining provisions will remain in full force and effect.

55. The provisions of this Consent Order are binding upon Respondent, its officers, directors, agents, servants, authorized representatives and successors or assigns.

56. Providing false or misleading information may subject Respondent to civil or criminal enforcement, or both.

57. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Order.

58. This Consent Order may be amended or modified by written agreement of EPA and Respondent.

59. Respondent's undersigned signatory certifies to his or her authority to execute this Consent Order and to legally bind Respondent to the terms of this Consent Order.

60. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligations to comply with the SDWA. Nothing in this Consent Order shall be interpreted to require obligations or payment of funds in violation of the Antideficiency Act.

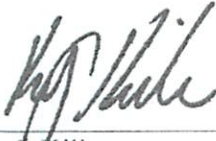
VII. EFFECTIVE DATE AND TERMINATION

61. This Consent Order shall become effective immediately upon signature by EPA and will remain in effect until Respondent demonstrates compliance with the terms and conditions of this Consent Order and is granted termination pursuant to Paragraph 62. EPA will provide the Consent Order to Respondent via electronic mail with electronic confirmation and mail delivery.

62. One year after completing all conditions and requirements of this Consent Order, Respondent may request in writing that EPA terminate this Consent Order. Such request shall include a discussion of why termination is appropriate and certification that Respondent has completed all requirements of this Consent Order. EPA shall either agree to the request and terminate this Consent Order, or reject the request and provide a written response to Respondent containing EPA's reasons for not terminating the Consent Order. EPA's decision not to terminate the Consent Order shall not foreclose Respondent's opportunity to make additional termination requests after resolving EPA's reasons for not terminating this Consent Order.

IT IS SO AGREED AND ORDERED:

For USMC:



Date: 20170915

K. J. Killea

Brigadier General, United States Marine Corps

Commanding General

Marine Corps Installations West-Marine Corps Base, Camp Pendleton

For U.S. Environmental Protection Agency – Region IX:



Date: 20 Sept. 2017

Alexis Strauss

Acting Regional Administrator

U.S. Environmental Protection Agency – Region IX

Attachments:

1. Camp Pendleton Inspection Report 2017 Title Page
2. Camp Pendleton Inspection Report 2017
3. Camp Pendleton Inspection Report Appendix 1, South System Photos
4. Camp Pendleton Inspection Report Appendix 2, North System Photos
5. Camp Pendleton Inspection Report Appendix 3, Notices of Inspection
6. Camp Pendleton Inspection Report Appendix 4, Attendance Logs
7. Camp Pendleton Inspection Report Appendix 5, DDW South System Sanitary Survey
8. Finished Water Storage Tank Inspection/Cleaning Checklist
9. Required Attendees List