

United States Senate

WASHINGTON, DC 20510

June 11, 2009

Major General Eugene G. Payne Jr.
Assistant Deputy Commandant for Installations and
Logistics (Facilities)
2 Navy Annex
Room 1134
Washington, DC 20380-1775

Dear Major General Payne:

Pursuant to our staffs' meeting and discussion with you and your staff on June 3, 2009 we are providing you with a series of Requests for Information pertaining to the historical record and documentation relevant to the Camp Lejeune, North Carolina water contamination issue.


As was agreed upon during the June 3 meeting, we would like to receive a complete response from the Marine Corps no later than ten business days from your receipt of this letter. If an extension of that response time is needed, please contact our respective offices.

We look forward to receiving the Marine Corps responses so that we can prepare for a meeting prior to August with the Secretary of the Navy.

Yours truly,



Richard Burr
United States Senator



Kay Hagan
United States Senator

Encl: Requests for Information from Senator Burr and Senator Hagan to Department of Navy and United States Marine Corps Regarding Water Contamination at Camp Lejeune

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1. **Subject:** BUMED 6240.3(B), 6240.3(C) and Camp Lejeune Base Order 5100.13B (1974)

Background: BUMED 6240.3B and version (C) both identified the placement of a potable water well as a potential defect if such placement allows that well to be subjected to pollution from extraneous sources. Pollution is defined within the instructions as the presence of any foreign substance (organic, inorganic, radiological or bacteriological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water. Base Order 5100.13B (1974) sets forth the responsibilities for the safe disposal of subject waste such as organic solvents, gases, and other hazardous compounds to avoid consequences such as contamination of drinking water.

References: BUMED 6240.3(B), 6240.3(C), Camp Lejeune Base Order 5100.13B (1974), Cercla 226.

- **(A) Question:** Why does the Department of the Navy (DoN) and United States Marine Corps (USMC) cite the lack of Federal and State regulations/standards regarding safe levels of organic compounds and chlorinated hydrocarbon solvents, yet not cite their own standards, namely BUMED 6240.3(B) (1963) and 6240.3(C) and Base Order 5100.13B (1974) that govern potable water systems across all Naval establishments, and the disposal of hazardous waste on Marine Corps Base Camp Lejeune?
- **(B) Question:** Does the DoN have a copy of the electronic library which was posted on the USMC's website in July 2007? If so, please provide.
- **(C) Question:** Base Order 5100.13B is the third version of an older Base Order at Camp Lejeune. We understand that there are two previous versions (5100.13 and 5100.13A). Does the Department of Navy or Marine Corps have copies of these documents? Please provide the references from which these Base orders were produced.
- **(D) Question:** Does the Marine Corps agree that BO 5100.13B declares "organic solvents" as hazardous? If not, why?
- **(E) Question:** Tarawa Terrace well TT-26 was located on the virtual property line, down gradient and directly across the street from known potential contamination sources of which the DoN had no jurisdiction. Per BUMED 6240.3B, why was Tarawa Terrace well TT-26 permitted to continue operating until 1985? Please advise what steps were taken to ensure other potable water wells aboard the Base were not situated near possible sources of contamination.

2. Subject: Base Maintenance Order 11330.1

Background: Marine Corps Base Camp Lejeune Maintenance Department promulgated an order on October 19, 1978, that issued Standing Operating Procedures for Potable Water Sampling. The stated Purpose of the order was “To publish a standard procedure for potable water sampling technique and schedule for the Marine Corps Base in accordance with state and naval regulations, and the Safe Drinking Water Act.

Reference: CLW 3562

- **(A) Question:** Provide the “naval regulations “that were relevant to the purpose of Base Maintenance Order 11330.1.

3. Subject: Chlorinated hydrocarbon solvents (PCE and TCE) at Hadnot Point.

Background: The U.S. Army Environmental Hygiene Agency (USAEHA) sent a TTHM Surveillance Report to Navy officials on October 31, 1980, indicating that the finished water at Hadnot Point was “highly contaminated with low molecular weight halogenated hydrocarbons.” Subsequent USAEHA testing repeated the initial warning. TTHM Surveillance report dated March 9, 1981 indicated that solvents were the interfering agent in the TTHM test results. The report read that the finished water at Hadnot Point was “highly contaminated with other chlorinated hydrocarbons (solvents).”

On May 6 1982, Grainger Laboratory called Marine Corps Base Camp Lejeune personnel and alerted them to the presence of PCE and TCE in Hadnot Point and PCE in Tarawa Terrace potable water systems. Three months later, Grainger Laboratory sent a letter to the Commanding General of Marine Corps Base Camp Lejeune, dated August 10, 1982, quantifying the amount of PCE and TCE in well samples from Hadnot Point and Tarawa Terrace. The letter also advised the General that the system’s respective well fields were the sources of the contamination. Grainger’s warning was the second of two warnings from two independent laboratories that the Base’s water supply system was highly contaminated.

References: CLW 436, 438, 441, 443, 446, 709, 5740, 5176-79, 589, 584, 590, 691.

- **(A) Question:** Given the above background, why didn’t Navy and Marine Corps officials immediately sample the Base’s potable water wells in late 1980, 1981, 1982, 1983 or Spring 1984 to determine the exact source of the contamination found within the Hadnot Point and Tarawa Terrace water distribution systems?
- **(B) Question:** Given the above background information, why did Navy and Marine Corps personnel allow the IAS to conclude there were no immediate health threats aboard the Base?
- **(C) Question:** Why didn’t Navy and Marine Corps officials test the potable water wells at the time of the Grainger Laboratory’s letter to the Commanding General of Camp Lejeune?

4. Subject: Initial Assessment Study (April 1983)

Background: The Initial Assessment Study (IAS) limited water sampling on Marine Corps Base Camp Lejeune to the Rifle Range area. The April 1983 IAS report concluded there were no municipal or industrial wastes migrating onto Base property from external sources. The report also advised that potentially hazardous chemical wastes have been generated aboard the Base by the Marine Corps yet concluded that none of the 22 sites identified for the confirmation phase of the study posed an immediate threat to human health or the environment.

References: CLW 709, 436, 438, 441, 443, 446, 5740, 5179, 589, 584, 590, 592, 691, 6010.

- **(A) Question:** Considering the IAS limited its water supply system sampling to the Rifle Range area aboard the Base, how could the IAS report in April 1983 conclude that there was no municipal or industrial waste migrating onto Base property from external sources, and no sites on Base posed an immediate threat to human health or the environment?
- **(B) Question:** Was the IAS team aware of the U.S. Army Environmental and Hygiene Agency's (USAEHA) TTHM data sheets and the Grainger Laboratories analytical data sheets from May 1982 through February 1983? If so, why did the Navy and Marine Corps allow IAS to omit this from its report?

5. Subject: Variance in following of procedures concerning potable water wells

Background: Page 2-11, paragraph 2.4.28 of the 1983 IAS report indicate that Rifle Range potable water wells RR-45, RR-47 and RR-97 were tested in April 1981 for organic contaminants because of the Rifle Range chemical dump. These same wells were again tested for organics in July 1983. According to the IAS report, the wells were located 6,000 feet from the dump site.

References: CLW 5937, 635, 709, 436, 438, 441, 443, 446, 5740, 5179, 589, 584, 590, 592, 691, 6039.

- **(A) Question:** Why didn't the Department of Navy and the Marine Corps follow the same procedures outlined above for Hadnot Point and Tarawa Terrace potable water systems, especially since there was evidence of organic contamination beginning in 1980 for Hadnot Point, and 1982 for Tarawa Terrace, continuing throughout the IAS period?

6. Subject: "Wallmeyer Letter"

Background: An April 1985 message from the Commanding General, Marine Corps Base Camp Lejeune to Naval Facilities Engineering Command cites a supporting reference referred to in later documents as the "Wallmeyer letter" of May 10, 1983. The content of the message indicated the Wallmeyer letter was an action plan to verify the potential existence of contamination in all water systems, characterize the VOC problem, and remediate the contamination on Base. Department of Navy email traffic sixteen years later, in 1999, suggests Navy officials were looking for the Wallmeyer letter.

References: CLW 1195 and 3039

- **(A) Question:** Please provide a copy of the LANTDIV Letter 114: JGW: SSW 6280 dated May 10, 1983. If this document is unavailable, please provide an explanation why it cannot be found.
- **(B) Question:** Based on the CLW 1195 document, the Wallmeyer letter seems to indicate knowledge of VOC contamination of potable water systems aboard Camp Lejeune. Why did it take approximately 1.8 years after the Wallmeyer letter was written to identify and shut-down the contaminated wells at Hadnot Point and Tarawa Terrace?

7. Subject: Hadnot Point Well # 651

Background: The 1982-83 Initial Assessment Study (IAS) considered the Hadnot Point well #602, located 1,200 feet, from the Hadnot Point fuel farm (site 22) as a potential hazardous site and thus targeted it for testing in the Confirmation Study beginning April 1984. This same study tested the potable water wells for the Rifle Range system because they were located about 6,000 feet from the chemical dump.

On February 4, 1985, analytical testing revealed that Hadnot Point well # 651 contained 386 ppb PCE, 3,200 ppb TCE, 3,400 ppb DCE and 655 ppb of Vinyl Chloride while this well was operational and providing raw water to Hadnot Point. A subsequent sample was taken on February 5th and the test results revealed 400 ppb PCE, 18,900 ppb of TCE , 7,580 ppb DCE and 168 ppb Vinyl Chloride. These findings triggered an investigation to find its source. It was not until April 4, 1991, that it was determined that a wooded site located adjacent to lot 203 was the source. However, Inspector General's report (observation/discrepancy number X07) requested the assistance of the Base to determine whether other material abandoned in lot 203 wooded areas would have an environmental impact on this area. Ten years later a wooded area

immediately adjacent to lot 203 was identified as a VOC disposal area and the source of VOC contamination for well HP 651. This area was then designated site 82, the VOC disposal area.

References: CLW 709, 4546, 5594, 5999, 6002 6004, and Cercla 188.

- **(A) Question:** Given the above statement, why was Hadnot Point well # 651 not identified for sampling considering it was located 100 feet from the Base disposal yard (lot 203, site 6 of the IAS report)? Moreover, why was Hadnot Point well # 651 not included in the initial confirmation study sampling period between June and August 1984?
- **(B) Question:** Given the above statement, please account for the delay in the discovery of the VOC disposal area (site 82) and provide an explanation as to why Hadnot Point well # 651 was not sampled for organic contamination in 1981?
- **(C) Question:** Prior to April 4, 1991, why was the Navy and Marine Corps not aware that personnel were discarding drums of solvents containing TCE in an area behind site 6 (lot 203, adjacent to Hadnot Point well # 651) as identified by the IG report?
- **(D) Question:** In accordance with BUMED 6240.3B & (C) published in 1963 (1972), why was Hadnot Point well # 651 constructed in the 1970s, adjacent to the Base Disposal yard at lot 203?
- **(E) Question:** Can you provide the Inspector General of the Marine Corps report which cited these discrepancies?

8. Subject: Omission of benzene in Hadnot Point well # 602

Background: On July 6, 1984, the contracted Environmental Science and engineering Inc. (ESE) sampled the Hadnot Point industrial area around the fuel farm and Hadnot Point supply well # 602 as part of the Confirmation Study. Well 602 tested positive for 380 ppb of benzene. The Navy and Marine Corps indicate that the results of Hadnot Point well # 602 testing were received in November 1984. Past Marine Corps time lines represented the samples taken on December 3, 1984, as the July samples. However, the July sample results for well HP 602 have not appeared on any official Marine Corps time line released to the public.

The Work and Safety Plan of the 1984 Confirmation Study specifies ESE to provide monthly progress reports on the 15th of every month. We have the May, June and July progress reports, but the August, September, and October progress reports are missing. These 1984 progress reports would more than likely contain the data analysis or comments concerning the July 6, 1984 sample that detected benzene in the Hadnot Point well #602. Moreover, the Work and Safety Plan also required a draft report be provided by August 1984 (two weeks after Hadnot Point well # 602 had been sampled) and a final report by September 10, 1984. These reports have not been located.

References: CLW 96, 1737, 1054, 4971, 1737, Cercla 337, Cercla 388.

- **(A) Question:** Given that the Commanding General of Camp Lejeune, in his memo to the Commandant of the Marine Corps dated August 9, 1989, acknowledged the presence of benzene and other toxic chemicals in the groundwater at Hadnot point well #602, why did the Marine Corps allow ATSDR to omit benzene from its 1997 PHA?
- **(B) Question:** Can the Navy and Marine Corps explain why the monthly progress report requirements outlined in the Work and Safety Plan of the Confirmation Study for the months of August-November 1984 are missing? Can the Navy and Marine Corps explain why the draft August 1984 report is missing?
- **(C) Question:** Given the above statement, if the contracted Environmental Science and Engineering Inc. (ESE) failed to comply with the Work and Safety Plan, would that not constitute a breach of contract? Does the Department of Navy and the Marine Corps have any documentation to suggest otherwise? If ESE did in fact breach their contract, why were they awarded multiple subsequent contracts?
- **(D) Question:** Given the above statements, why did the Navy and Marine Corps wait until November 30, 1984, to shut-down this particular well?
- **(E) Question:** Please provide an explanation as to why the July 1984 samples of HP 602 have not appeared on any official USMC time line released to the public? Given the above statements, please provide an explanation.

9. Subject: Hadnot Point Fuel Farm

Background: In 1979, a 20,000-30,000 gallon fuel leak occurred at the Hadnot Point Fuel Farm. This leak was the result of a break in the fuel line.

A position paper dated in 1988, to the Commanding General of Camp Lejeune, indicated that in 1980, the Commander of Naval Facilities Engineering Command reported that the fuel storage facility located on Marine Corps Base Camp Lejeune, adjacent to Hadnot Point well # 602, was in need of major repairs and modifications due to corrosion and tank deterioration (35-years old). The paper suggested that despite the Commander's findings, the Assistant Chief of Staff for Facilities at Camp Lejeune did not notify North Carolina state officials until May 1988, regarding the underground fuel tank storage leaks responsible for contaminating the ground water at Hadnot Point. (Cercla 96).

A memo dated March 29, 1988, from the Staff Judge Advocate recommended that the Base notify North Carolina state officials about the fuel leaks emanating from underground fuel storage tanks located in the Hadnot Point fuel farm area, along with actions undertaken to prevent further contamination. The memo reaffirmed the deteriorated state of the underground fuel storage tanks, leaking at a rate of 1,500 gallons per month. The memo also recommended

Camp Lejeune pressure HQMC to expedite the replacement of the leaking of underground fuel storage tanks. (Cercla 96).

References: CLW 1235, Cercla 96, Cercla 417.

- **(A) Question:** Why did Camp Lejeune officials, specifically, the Assistant Chief of Staff for Facilities, wait until 1988 to notify North Carolina State Officials about the underground fuel tank storage leaks responsible for contaminating the ground water at Hadnot Point, specifically, well # 602, especially since the Commander of Naval Facilities Engineering Command reported in 1980 that the fuel storage tank facilities adjacent to the well were corroding and were not maintained/cleaned since their original construction in 1943?
- **(B) Question:** Why did it take a March 29, 1988 memo from the Staff Judge Advocate for Camp Lejeune officials to finally decide to notify North Carolina state officials about fuel leaks emanating from underground fuel storage tanks in the Hadnot Point fuel farm area?
- **(C) Question:** Given the above statement, why did the Commanding General of Camp Lejeune not report the 1979 spill to the EPA or the State of North Carolina? Please discuss steps taken by the Base to ensure that nearby potable wells were not subjected to fuel contamination.

10. Subject: Holcomb Blvd Fuel Leak (1985)

Background: On January 27, 1985, the Holcomb Blvd Water Treatment Plant (WTP) operator received phone calls from residents of Paradise Point and Berkley Manor, complaining of a fuel smell in the finished water. The operator determined that the source of the fuel odor was located at the Holcomb Blvd WTP. Subsequently, from January 27-February 4, 1985, the Holcomb Blvd WTP was taken off line and the 1 million gallon reservoir was drained. During this time, finished water was provided to the areas served by Holcomb Blvd from Hadnot Point WTP by means of a bypass valve connecting the two plants together. On January 31, 1985, the state of North Carolina took water samples from Holcomb Blvd WTP to determine whether or not fuel was still present in the system. No fuel was found, however, high levels of TCE were discovered throughout the Holcomb Blvd water distribution system (January 29, 1984 North Carolina State report). On January 16, 2009, samples taken from Hadnot Point wells were returned from the JTC lab. Several new wells were discovered to be contaminated with VOCs. Well 651 tested positive for extreme amounts of VOCs in the water. This well was located adjacent to the Base disposal yard. Well 651 was shut down February 4, 1985. The Fuel spill at Holcomb Blvd was one of the events which led to the discovery of extreme VOC contamination in HP well 651.

References: CLW 4514, 4546, 5594

- **(A) Question:** Given the above statement, why were the Holcomb Blvd consumers provided water from a known contaminated system (Hadnot Point)? Was this the only time the intra-connection valve between Hadnot Point and Holcomb Blvd was opened? Please explain.
- **(B) Question:** Given that the state of North Carolina was given primacy for the Safe Drinking Water Act in 1980, why wasn't the state of North Carolina called in during the early 1980's when contamination was discovered in the finished drinking water for Tarawa Terrace and Hadnot Point?

11. Subject: Navy and Marine Corps comments to the draft ATSDR public health assessment

Background: Department of Navy and Marine Corps officials have indicated that they cannot challenge or question the results of scientific studies performed by subject matter experts. On November 3, 1994, by the direction of the Commanding General of Camp Lejeune, Robert Warren, Assistant Chief of Staff for Environmental Management, wrote a letter to the Agency for Toxic Substances and Disease Registry (ATSDR), indicating that Marine Corps Base Camp Lejeune had completed its review of the initial release of the Public Health Assessment. The letter contains two enclosures containing comments to the text of the public health assessment, as well as responses to ATSDR's recommendations.

References: CLW 2513

- **(A) Question:** Why did Marine Corps officials in comment #37 of CLW 2513 refute ATSDR's comment regarding ground water contamination from underground fuel tanks in Hadnot Point, knowing that groundwater contamination from fuel tanks can be equated to benzene exposure? Is ground water contamination from fuel hazardous?

12. Subject: 2007 GAO Report

Background: When GAO conducted their investigation between 2005 and 2007, their report omitted critical documents such as the 1974 Base Order and the 1963 BUMED water regulations referenced previously. GAO, in the text of its report, indicated that it did not review all available historical documents. Moreover, when the GAO report was released, the community did not have access to historical records that are now available. Additionally, the recent revelations of benzene and high TTHM readings at MCAS New River were also omitted by GAO investigators.

- **(A) Question:** How can the Navy and Marine Corps utilize the 2007 GAO Report when all the above information was omitted or not included in the report?

13. Subject: Snyder V. United States of America

Background: In the USMC Response to Questions Posed in Letter From Senators Burr and Hagan, the Marine Corps states that a court adjudicating a lawsuit has ruled that certain Navy instructions were “too general to establish a duty or standard of care” in relation to Camp Lejeune water quality. The Navy document referenced in the case was an excerpt of Chapter 8, Section 15, Garbage and Refuse Disposal of the Manual of Naval Preventive Medicine published by the Department of the Navy, Bureau of Medicine and Surgery, dated 1957.

Reference: Petition for Writ of Certiorari, DONAL MCLEAN SNYDER, III; DONAL MCLEAN SNYDER, JR.; PAM SNYDER, Petitioners, v. UNITED STATES OF AMERICA, Respondent.

- **(A) Question:** Please provide the Government’s official legal interpretation of Snyder v. United States of America as it pertains to discretionary function and “duty or standard of care”, specifically how the Government interprets the relevance of the ruling in Snyder v. United States of America with respect to Navy BUMED 6240.3(B) and 6240.3(C) and Base Order 5100.13B.

14. Subject: Marine Corps Public Affairs Comments to Media

Background: In October of 2008, a report on the Pentagon Channel (available on YouTube) referenced the contamination of well water at Camp Lejeune. In the televised report, a Public Affairs Officer from Headquarters, Marine Corps (Captain Amy Malugani) stated that the contamination of well water was the result of an off Base dry cleaner and that there had been chemicals in the ground water. Her public and recorded comments on this televised report did not reference the fact that there was a more significant, on Base, military source of the chemical contaminants that later seeped into the ground water and the well water.

Reference: <http://www.youtube.com/watch?v=ZRN46oEZIso>

- **(A) Question:** Please provide all versions of the Headquarters, Marine Corps Public Affairs Office plans and press releases and Marine Corps Base Camp Lejeune Public Affairs Office plans and press releases for addressing Camp Lejeune water contamination from 1982-present.