

Hazardous Waste Section
File Room Document Transmittal Sheet

Your Name: Larry Stanley
EPA ID: NCD060302577
Facility Name: BE Aerospace
Document Group: Permit (P)
Document Type: Alternative to Post-Closure Permitting (APC)
Description: Final alternate mechanism
Date of Doc: 9/27/2012
Author of Doc: NC HWS

File Room Use Only

NCD060302577

Date Recieved by File Room:

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North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

September 27, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mitch Barger
Facility Manager
BE Aerospace, Incorporated
1455 Fairchild Road
Winston-Salem, NC 27105

RE: Administrative Order in Lieu of Post-Closure Permit
BE Aerospace, Incorporated
Winston-Salem, NC
EPA ID # NCD 060 302 577

Dear Mr. Barger:

Please find enclosed one (1) signed original of the final "Administrative Order in Lieu of Post-Closure Permit" (Order) for the BE Aerospace, Incorporated facility located in Winston-Salem, NC. The date the Order was signed by the NC Hazardous Waste Section, September 28, 2012, is the effective date of the Order.

If you have any questions concerning this correspondence, please contact Larry Stanley at (919) 707-8211 or at Larry.Stanley@ncdenr.gov.

Sincerely,

Elizabeth W. Cannon, Chief
NC Hazardous Waste Section

Enclosure: Administrative Order in Lieu of Post-Closure Permit

Mr. Barger
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September 27, 2012

cc: Jon D. Johnston, US EPA, Region 4
J. Dudley Watts, Jr., Forsyth County Manager
Marlon B. Hunter, Forsyth County Department of Public Health
Minor Barnette, Forsyth County Depart. of Environmental Assist. and Protection
Lee Garrity, Winston-Salem City Manager
Ryan Patch, BE Aerospace
Ernie Lawrence
Larry Stanley

rc: Bud McCarty *BML*
Qu Qi *Q*
Larry Stanley *LS*

North Carolina Department of Environment and
Natural Resources
Division of Waste Management

Re: BE Aerospace, Inc.) Administrative Order
1455 Fairchild Road) in Lieu of Post-Closure Permit
Winston-Salem, NC)
EPA ID # NCD 060 302 577) Docket Number: (2012-076)

ADMINISTRATIVE ORDER IN LIEU OF POST-CLOSURE PERMIT

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North Carolina Department of Environment and Natural Resources
Division of Waste Management

Administrative Order in Lieu of Post-Closure Permit

Re: BE Aerospace, Inc. (Operator) Three Aircraft Seats (DE), L.P. (Owner)
1455 Fairchild Road 1400 Corporate Center Way
Winston-Salem, NC 27105 Wellington, FL 33414

EPA ID # NCD 060 302 577

Docket Number: (2012-076)

BE Aerospace, Incorporated and the North Carolina Department of Environment and Natural Resources, Division of Waste Management (the Division), acting through its Hazardous Waste Section (the Section) (collectively the Parties) enter into this Administrative Order in Lieu of Post-Closure Permit (Order) for the Facility identified and further described herein.

I. Statement of Purpose

- A. This Order concerns the application to the Facility of the North Carolina Solid Waste Management Act (the Act) contained in Chapter 130A of the North Carolina General Statutes and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code (the State Hazardous Waste Rules), and the federal Resource Conservation Recovery Act (RCRA), 42 U.S.C. 6901 et seq., to the Facility. The purpose of this Order is to provide an enforceable Order in lieu of a post-closure permit, including corrective actions to be taken, for the BE Aerospace, Inc. facility located at 1455 Fairchild Road, Winston-Salem, North Carolina (the Facility) in a manner that is consistent with State and federal laws and rules.
- B. The Parties stipulate that the objectives for completion of the work required by this Order are: (1) to identify all releases of hazardous waste, hazardous constituents, and petroleum constituents; (2) to remove imminent threats to human health and the environment through source removal or treatment; (3) to characterize the Facility's geologic and hydrogeologic conditions and determine the extent of contamination; (4) to perform corrective action at the Facility, and beyond the Facility boundaries as necessary, to include, at a minimum, establishing remediation goals for the Facility and conducting remediation to meet those goals; (5) to implement and maintain a comprehensive monitoring program until remediation is complete; (6) to provide opportunities for public participation; and (7) to provide financial assurance for assessment and remediation.
- C. This document constitutes an Order of the Secretary of the Department of Environment and Natural Resources for the purposes of N.C.G.S. § 130A-18(a).
- D. Therefore, to further the public interest the Parties enter into this Order.

II. Jurisdiction

- A. The Division has authority pursuant to N.C.G.S. § 130-290, *et seq.*, to require corrective action by owners and operators with respect to facilities at which hazardous wastes were generated and treatment, storage, or disposal has occurred.

- B. Although this Order requires corrective action mandated by 40 CFR 264.101 and 265.121, incorporated by reference in 15A NCAC 13A .0109(g) and .0110(g), BE Aerospace, Inc. stipulates to issuance of this Order without a hearing and to compliance with the terms of the Order. Subject to its ability to bring disputes pursuant to Paragraph XIII of this Order and its other legal rights, BE Aerospace, Inc. further stipulates that it will not contest the Section's jurisdiction to issue the Order, to require compliance with the Order, to compel compliance with the Order in any subsequent enforcement proceeding, either administrative or judicial, or to impose sanctions for any violation of the Order.

III. Stipulations of Fact

A. Authority of the Hazardous Waste Section

1. The United States Environmental Protection Agency (EPA) has authorized North Carolina to operate the State RCRA Hazardous Waste Program in accordance with the Act and the Rules.
2. The North Carolina Department of Environment and Natural Resources (the Department or DENR) is authorized and required to enforce the laws and rules governing the management of solid waste, including hazardous waste. The Secretary has delegated this authority and responsibility to the Director of the Division. The Director has issued a sub-delegation of this authority and responsibility to the Chief of the Hazardous Waste Section, Elizabeth W. Cannon.

B. General Facility Information

1. BE Aerospace, Inc. is a corporation organized under the laws of Delaware and is authorized to do business in this North Carolina.
2. Fairchild Industrial Products, Inc. developed the site as a manufacturing facility in 1968. (Prior its development as a manufacturing facility, the site was part of a runway for the Smith-Reynolds Airport.) Fairchild manufactured interior products for the airline industry. The Facility was subsequently purchased by Burns Aerospace, which continued the production of established product lines. BE Aerospace acquired the Facility in 1995 and expanded operations to produce aircraft seating along with other aircraft products. Three Aircraft Seats (DE), L.P. purchased the property in 2002 and leased the property to BE Aerospace, Inc. BE Aerospace continues to operate at the site and produces aircraft seat components.

C. Facility Information - Physical Description

1. The Facility is defined as the BE Aerospace manufacturing property addressed as 1455 Fairchild Road in northeast Winston-Salem, Forsyth County, North Carolina. The Facility is located on the north side of Fairchild Road and is used as a manufacturing complex. The Facility occupies approximately 31 acres and consists of five manufacturing buildings, a trailer used for temporary office space, a product testing building, several small storage buildings, paved parking areas, and landscaped areas. In addition to the manufacturing complex, the Facility includes undeveloped woodland located along the east property line and in the southwest corner of the property.
2. The area surrounding the Facility is occupied by commercial and industrial facilities. The Facility is bordered by Smith-Reynolds Airport to the north, west and east. All property adjoining the Facility is owned by Forsyth County. Buildings located south of the Facility (and south of Fairchild Road) are occupied by the Forsyth County Agricultural Extension Service Office, the Forsyth County Garage, and the Forsyth County Animal

Shelter. Several additional commercial/ industrial buildings are located north, west, and southwest of the Facility. These properties include the former Wachovia Oil Company, Sun Chemical, Multicraft Industrial, and the Forsyth County Fire Department Headquarters Station #6.

3. The nearest residences to the BE Aerospace Facility are located approximately 1,500 feet southwest of the property boundary. No private drinking water wells were identified within a 1,500-foot radius of the Facility, and no public water supplies were located up to one-half mile downgradient of the Facility.
4. The Facility topography slopes slightly west and south toward a branch of Brushy Fork Creek. (This branch of Brushy Fork Creek is referred to as Bowen Creek or Bowen Branch Creek in Facility documents.) Bowen Creek is located within 500 feet of the southwest corner of the Facility. Bowen Creek generally flows from northwest to southeast, beginning near industrial facilities located along North Liberty Street and continuing along Fairchild Road and into residential areas to the southeast. A separate branch of Brushy Fork Creek is located approximately 1,000 feet east of the site. Winston Lake is located 3,000 feet southeast of the site.
5. The BE Aerospace Facility lies within the Central Piedmont Physiographic Province of North Carolina. Bedrock at the site is consistent with the metamorphic gneiss and schist lithology of the Charlotte Belt. Geologic materials encountered during soil boring and well installation included fill material, saprolite, partially weathered bedrock, competent bedrock, and less competent bedrock. Weathered bedrock was encountered at depths of approximately 25 feet below ground surface. Competent bedrock was encountered beginning from 34 to 50 feet below grade in the northern portion of the site. Up to two feet of partially weathered rock was generally encountered above the bedrock contact. A zone of fractures was typically encountered in the upper 20-feet of competent bedrock. In the southern portion of the site, the bedrock surface was characterized as a pit with the deepest contact measured at approximately 120-feet below land surface at monitoring well MW-22D. A southwardly plunging ridge of partially weathered rock and bedrock approximately bisects the site. From the central bedrock ridge, structure of the bedrock contact surface is interpreted as a north to south trough along the western property boundary with steep elevation rise toward bedrock outcrops observed on the undeveloped property west of the site.
6. Well soundings conducted at the Facility during the April 2012 monitoring event reported that depths to groundwater in the saprolite ranged from approximately 20 feet to approximately 55 feet. Groundwater flow in the saprolite generally mimics topography and is toward the south. Groundwater in the bedrock also flows south but with a slightly more southwesterly component of groundwater flow

than is evident in the saprolite. Reports document an upward hydraulic gradient from the bedrock to the saprolite across the site.

D. Facility Information - Waste Generation and Management, Environmental Investigations, and Remedial Actions

1. The current understanding of waste generation and management, environmental investigations, and remedial actions is based upon the following documents:

Comprehensive Site Assessment (1997)
 "Administrative Order on Consent - Docket #99-126" (1999)
Closure Plan for the Former HWSA (1999)
Comprehensive Site Assessment Addendum (2000)
Groundwater Sampling and Analysis Plan (2000)
Results of Surface Water Sampling (2000)
Interim Groundwater Remediation Workplan (2001)
Remedial Action Plan (2003)
Closure Plan/Closure Report (2005)
Revised Groundwater Sampling and Analysis Plan (2006)
Data Gap Assessment for BE Aerospace, Inc. (2007)
 "Former Hazardous Waste Storage Area-Additional Soil Sampling Results" (2008)
Post Closure Plan (2009)
 "Environmental Indicator Evaluation" (2010)
 Revised "Part A Permit Application" (2010)
 "Underground Injection Permit WI0400074" (2011)

Groundwater monitoring reports have been submitted at prescribed intervals since 1999. Results of the Facility's surface water monitoring activities are included in groundwater monitoring reports.

2. BE Aerospace manufactures aircraft seat components. Manufacturing operations include metal fabrication, metal finishing, seat fabrication, and seat assembly. EPA waste codes for hazardous waste currently generated and managed at the Facility are D001 (flammable), D002 (corrosive), D035 (methyl ethyl ketone), F002 (halogenated/non-halogenated mixture), F003 (non-halogenated solvents), and F005 (non-halogenated solvents). When Fairchild Industrial Products operated the Facility; airline seating, pneumatic pumps, and industrial controls were the predominant products. These historic operations generated hazardous wastes that were assigned four listed waste codes (F001 (halogenated solvents used in degreasing), F002, F003, and F019 (wastewater treatment sludge from the chemical conversion coating of aluminum)) and six characteristic waste codes (D001, D002, D006 (cadmium), D007 (chromium), D008 (lead), and D035).
3. BE Aerospace determined that soil and groundwater contamination at the Facility resulted from unknown sources prior to ownership of the facility by BE Aerospace. Upon taking ownership of the business, BE Aerospace eliminated the use of chemicals which were associated with the soil

and groundwater releases. Beginning in 2001, BE Aerospace implemented "voluntary" soil and groundwater remediation.

4. The potential for soil contamination was investigated during a series of assessments. The investigations consisted of field screening of on-site soils, collection and analysis of soil gas samples, installation of soil borings, and collection of soil samples for laboratory analysis. Soil impacted with volatile organic compounds was identified at SWMU 1-Former Fairchild Storage Shed, SWMU 4-Courtyard Area, and SWMU 5-Former Hazardous Waste Storage Area.
5. Contaminated soil was excavated at SWMU 1-Former Fairchild Storage Shed and SWMU 5-Former Hazardous Waste Storage Area. Contaminated soil was disposed of off-site. Soil at AOC 1-Methylene Chloride Spill Area was also reported to have been excavated.
6. Soil vapor extraction (SVE) systems were installed at SWMU 1-Former Fairchild Storage Area, SWMU 4-Courtyard Area, and SWMU 5-Former Hazardous Waste Storage Area. The SVE system at SWMU 1 operated from 2004 to 2006. At the time of system shutdown, organic vapor concentrations were below detection limits. The SVE systems at SWMU 4 and SWMU 5 were installed in 2005 and continue to operate.
7. Historically, constituents in groundwater that have exceeded 15 NCAC 2L Groundwater Standards include tetrachloroethene (PCE), trichloroethene (TCE), 1,1-dichloroethene, cis-1,2-dichloroethene, 1,1,1-trichloroethene, chloroform, 1,4-dioxane, and vinyl chloride. Impacts to groundwater at concentrations exceeding NC 2L Groundwater Standards have been linked to SWMU 1-Former Fairchild Storage Area, SWMU 4-Courtyard Area, SWMU 5-Former Hazardous Waste Storage Area, and AOC 1-Methylene Chloride Spill Area. Site-wide, the highest concentrations have been reported for PCE, and PCE is also the most widely distributed groundwater contaminant. (Attachment A: Isoconcentration Map - PCE in Groundwater and Attachment B: Historic Groundwater Analytical Results).
8. Groundwater and surface water data indicate that impacted groundwater originating at the Facility discharges to Bowen Creek. Historically, PCE has been detected in Bowen Creek at concentrations exceeding NC 2B Surface Water Standards. In 2006, the NC Division of Water Quality posted the creek as a no contact surface water body because of pesticides and inorganic compounds detected in the creek at sampling locations upstream from the Facility. Signage placed at several points along the creek by DWQ prohibits human contact with creek water.
9. Groundwater discharges to the land surface at a seep that is located within the footprint of the PCE groundwater plume. The seep is on the north bank of Bowen Creek. PCE has been detected in samples of the seep water at concentrations exceeding NC 2B Surface Water Standards. An aeration well system is located at the southern boundary of the BE Aerospace property to mitigate

PCE migration. Groundwater containing VOC's is captured and treated before leaving the Facility property and therefore, before discharging to Bowen Creek or the seep.

10. Thirty-nine injection wells and nine temporary injection points have been installed at the site. The injection wells were installed near SWMU 4-Courtyard Area and along four lines that transect the groundwater plume. Lactate/ soybean oil (electron donor) has been injected on several occasions. The Facility was issued an Underground Injection Control renewal permit by the NC Division of Water Quality (Underground Injection Control Program). The renewal permit allows the Facility to treat impacted groundwater by injecting Newman Zone[®], KB-1[®] microbes, and EHC[®] into the subsurface (Attachment C: Injection Well and Aeration Well Locations).
11. An outdoor air sample was collected from the Courtyard Area of Building 2. Analytical results for this sample report TCE at a concentration that exceeds constituent concentrations for an industrial scenario published in the EPA Regions Screening Table, EPA's 2002 vapor intrusion guidance, and New Jersey's vapor intrusion guidance (a reference document). The occurrence of TCE in outdoor air does not correlate to known groundwater conditions in the area of Building 2.
12. As determined by the most recent Environmental Indicator evaluation (dated 7/7/10), human exposures at the Facility are reasonably expected to be under control. The CA725 YE event code was entered into the RCRAInfo database. This status code will remain in RCRAInfo as long as the NC Hazardous Waste Section believes it is a true representation of the risk of human exposures to contaminated media (i.e., soil, groundwater, surface water, and outdoor air).
13. As determined by the most recent Environmental Indicator evaluation (dated 7/7/10), the migration of contaminated groundwater at the Facility is under control. The CA750 YE event code was entered into the RCRAInfo database. This status code will remain in RCRAInfo as long as the NC Hazardous Waste Section believes the migration of contaminated groundwater is under control.

E. Summary of Regulatory History and Actions

1. The NC Hazardous Waste Branch inspected Fairchild Industrial Products in 1989 and 1990. Each visit resulted in the issuing of a Notice of Violation (NOV). In 1989 Fairchild Industrial was cited for failure to comply with the rules governing proper waste accumulation and with the rules for the proper training of Facility personnel. A NOV for failure to document weekly inspections of hazardous waste storage area(s), improper hazardous waste storage, and failure to provide job descriptions for employees working with hazardous waste resulted from the 1990 inspection.

2. Prior to a change of ownership, a Phase I Environmental Assessment was performed in 1994 that identified several areas of soil and groundwater contamination. Constituent concentrations in groundwater exceeded 15 NCAC 2L Groundwater Standards. As a result, a NOV was issued by the NC Division of Water Quality on December 20, 1996.
3. To address the requirements of the NOV, BE Aerospace completed a Comprehensive Site Assessment (CSA) in 1997 that identified several sources of soil and groundwater contamination. Several areas of the facility where wastes were managed and potentially released to the environment were also identified.
4. In September 1999, an Administrative Order on Consent-Docket #99-126 was signed between BE Aerospace and the NC Division of Waste Management (Attachment D: AOC Docket #99-126 (the "1999 AOC")). The 1999 AOC directed the Facility to comply with the groundwater investigation and monitoring requirements set forth in 40 CFR 265.90 through 265.94 of the NC Hazardous Waste Management Rules, submit closure and post closure plans for SWMU 5-Former Hazardous Waste Storage Area (a RCRA regulated unit), provide financial assurance for the closure and post closure care of SWMU 5, and implement a corrective action program at the Facility. The corrective action program required BE Aerospace to submit a remediation plan upon completion of site assessment.
5. In response to the 1999 AOC, BE Aerospace submitted a Comprehensive Site Assessment Addendum (CSAA) report in July 2000. The CSAA report presented the results of additional characterization and delineation of areas identified in previous assessments.
6. The submittal of a site remediation plan was a requirement of the 1999 AOC, and BE Aerospace submitted a Remedial Action Plan in 2003 (the "Remedial Action Plan"). As proposed in the plan, BE Aerospace conducted soil excavation activities and installed SVE systems. Approximately 180 tons of soil contaminated with PCE and oil and grease was removed. After soil excavation, BE Aerospace initiated in-situ remediation (i.e., soil vapor extraction) to treat VOC-contaminated soil located in inaccessible areas. Pump and treat and enhanced bioremediation of contaminated groundwater were also proposed in the plan.
7. BE Aerospace submitted a Closure Plan/Closure Report (2005) to address the closure status of SWMU 1-Former Fairchild Storage Shed, SWMU 4-Courtyard Area, SWMU 5-Former Hazardous Waste Storage Area, and SWMU 6-Western Storm Water Outfall. The report provided historical information and future plans for remediation and monitoring activities at these four SWMUs.

8. A Visual Site Inspection/Site Reconnaissance (VSI/SR) was conducted at the Facility in February 2007. The VSI/SR gathered site information about SWMUs and Areas of Concern (AOCs), which was presented in a report titled Data Gap Assessment for BE Aerospace, Inc. (2007). The SWMUs and AOCs listed below were discussed in the report.

SWMU Number	Description
SWMU 1	Former Fairchild Storage Shed and Eastern Boundary Drainage Swale
SWMU 2	Virgin Oil Storage Area
SWMU 3	Air Compressor Area
SWMU 4	Courtyard Area
SWMU 5	Former Hazardous Waste Storage Area
SWMU 6	Western Storm Water Outfall
SWMU 7	Drum Storage Building/Quonset Hut
SWMU 8	Metal Scrap Area
SWMU 9	Secondary Oil Storage Area
SWMU 10	Machine Coolant Filtration Area
SWMU 11	General Parts Washer
SWMU 12	Small Parts Washing and Finishing Area
SWMU 13	Large Parts Cleaning and Surface Finishing Area
SWMU 14	Aerosol Can Crusher
SWMU 15	Temporary Hazardous Waste Storage Roll-off Container
SWMU 16	Satellite Accumulation Areas
SWMU 17	New Hazardous Waste Storage Area
SWMU 18	Wastewater Treatment Unit
SWMU 19	Used Oil Storage Area
SWMU 20	Municipal Solid Waste Roll-off Container
AOC 1	Methylene Chloride Spill Area
AOC 2	Bowen Creek

9. SWMU 5-Former Hazardous Waste Storage Area, a RCRA regulated unit, was closed in accordance with an approved closure plan in 2008. A post closure plan for this unit, which addressed cap maintenance, groundwater monitoring and financial assurance for post closure care, was approved in December 2009.

IV. Conclusions of Law and Determinations

Based upon the foregoing stipulations of fact and all other information available on the effective date of this Order, the Section concludes and determines that:

A. Definitions

1. "Hazardous wastes" shall mean those hazardous wastes defined in N.C.G.S. § 130A-290(a)(8) and 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(a) through .0106(e).
2. "Hazardous constituents" shall mean those constituents listed in Appendix VIII to 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(e), or any constituent identified in Appendix IX to 40 CFR Part 264, adopted by reference in 15A NCAC 13A .0109(a), or under N.C.G.S. 130A-294.
3. "Landfill" shall have the meaning given in N.C.G.S. 130A-290(a)(16).
4. The term "Facility" shall have the meaning given in 40 CFR 260.10, adopted by reference in 15A NCAC .0102(b).
5. The terms "disposal" and "treatment" shall have the meanings given in N.C.G.S. 130A-290(a)(6) and (a)(42), respectively.
6. The term "Facility boundary," as used in this Order, is the furthestmost extent of the property owned by Three Aircraft Seats, L.P. and currently used by BE Aerospace, Inc. The boundary of the Facility is shown on maps in Attachments A and C.
7. The term "active portion" shall have the meaning given in 40 CFR 260.10, adopted by reference in 15A NCAC .0102(b).
8. The term "Corrective Action" shall mean all activities, including activities conducted beyond the Facility boundary, that are proposed or implemented to facilitate assessment, monitoring, and active or passive remediation of releases of hazardous waste or hazardous constituents to soil, groundwater, surface water, or the atmosphere associated with Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs), and/or Areas of Concern (AOCs) located at the Facility.

B. Status of BE Aerospace, Inc.

1. BE Aerospace, Incorporated is a person as defined in N.C.G.S. 130A-290(a)(22).
2. BE Aerospace, Inc. is an operator as defined in N.C.G.S. 130A-290(a)(21). BE Aerospace, Inc. is listed as the operator on the most recent Part A permit application, dated May 6, 2010.
3. Three Aircraft Seats (DE), L.P. is a person as defined in N.C.G.S. 130A-290(a)(22).

4. Three Aircraft Seats, L.P. is an owner as defined in N.C.G.S. 130A-290(a)(21). Three Aircraft Seats, L.P. is listed as the owner on the most recent Part A permit application, dated May 6, 2010.

C. Application of RCRA Standards

1. Pursuant to 40 CFR 265.1(b), the standards of 40 CFR Part 265 apply to owners and operators of facilities where disposal of hazardous waste has occurred and where the owners and operators have complied with most of the requirements for interim status under Section 3005(e) of RCRA and 40 CFR 270.10 until either a permit is issued under Section 3005 of RCRA or until applicable Part 265 closure and post-closure responsibilities are fulfilled. The standards of 40 CFR Part 265 also apply to owners and operators of facilities in existence on November 19, 1980, where disposal of hazardous waste has occurred, who have failed to provide timely notification as required by Section 3010(a) of RCRA and/or failed to file Part A of the permit application as required by 40 CFR 270.10(e) and (g). As stipulated above, the Site was in existence on November 19, 1980 and managed hazardous waste at the site after 1980. Due to the residual concentrations of PCE and other volatile organic compounds at concentrations above toxicity standards, disposal of toxicity characteristic hazardous waste occurred at the Site; therefore, the provisions of the Act and regulations apply to owners and operators of the Site.
2. SWMU 5-Former Hazardous Waste Storage Area is a regulated unit. Since soil contaminated with tetrachloroethene (PCE) was left in place at the SWMU, the unit was closed as a landfill and capped in accordance with 40 CFR 264.300 - 264.351 (as incorporated by reference in 15 NCAC 13A .0109). The unit was closed in accordance with an approved closure plan in 2008.
3. At final closure of a landfill, the owner or operator is required to comply with the provisions of 40 CFR 265.310(a), as incorporated by reference in 15A NCAC 13A .0110(n), for closure and to comply with the provisions of 40 CFR 265.310(b), as incorporated by reference in 15A NCAC 13A .0110(n), for post-closure throughout the post-closure care period. A post closure plan for SWMU 5-Former Hazardous Waste Storage Area was approved by the NC Hazardous Waste Section in 2009.
4. Based on the foregoing and pursuant to 40 CFR 270.1(c), adopted by reference in 15A NCAC 13A .0113(a), BE Aerospace is required to have a post-closure permit or an enforceable document in lieu of a post-closure permit for SWMU 5-Former Hazardous Waste Storage Area.
5. As substantiated in the reports submitted by BE Aerospace, the Division has determined that a Regulated Unit, identified as SWMU 5-Former Hazardous Waste Storage Area,

is situated among one or more SWMUs, identified as SWMU 4-Coutyard Yard Area and SWMU 1-Former Fairchild Storage Shed. Since releases to groundwater from SWMU 5 are commingled with releases from SWMU 4 and SWMU 1, the regulated unit is eligible to be remediated under the corrective action requirements of 40 CFR 264.101, adopted by reference in 15A NCAC 13A .0109, as opposed to the requirements of 40 CFR 264.91 through 264.100, as provided for in 40 CFR 264.90(f), adopted by reference in 15A NCAC 13A .0109.

6. Pursuant to 40 CFR 265.121, incorporated by reference in 15A NCAC 13A. 0110(g), owners and operators who are subject to the requirement to obtain a post-closure permit under 40 CFR 270.1(c), incorporated by reference in 15A NCAC 13A .0113(a), but who obtain enforceable documents in lieu of a post-closure permit, as provided under 40 CFR 270.1(c)(7), incorporated by reference in 15A NCAC 13A. 0113(a), must comply with the requirements to submit information about the Facility in 40 CFR 270.28, incorporated by reference in 15A NCAC 13A. 0113(b), and with the requirements for facility-wide corrective action in 40 CFR 264.101, incorporated by reference in 15A NCAC 13A. 0109(g).
7. The Section has determined that, as much as can be determined given the Parties' present understanding of the Facility and the existing contamination, BE Aerospace's compliance with the provisions of this Order related to groundwater monitoring and corrective action for releases to groundwater shall protect human health and the environment, as required by 40 CFR 264.90(f), incorporated by reference in 15A NCAC 13A .0109(g). The Parties agree that additional monitoring and corrective action may be required as a result of the additional characterization that shall be completed pursuant to this Order. Subject to Paragraph XIII of this Order (Dispute Resolution), the Parties agree to conduct additional monitoring and corrective action to the extent that the Section determines it is necessary based on the results of such additional characterization.
8. Based on the request and representations of BE Aerospace, this Order is being issued at the discretion of the Chief of the Hazardous Waste Section in lieu of a post-closure permit, pursuant to N.C.G.S. Chapter 130A, Article 9; 40 CFR 270.1(c)(7), incorporated by reference in 15A NCAC 13A .0113(a); 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g); and all applicable portions of 40 CFR Parts 124, 264, 265, and 270, incorporated by reference in 15A NCAC 13A .0105, .0109, .0110, and .0113.

D. Integration of Order

1. BE Aerospace, Inc. agrees to complete all of the activities required in the Facility's Post-Closure Plan, which was approved pursuant to the 1999 AOC in correspondence dated December 4, 2009. Unless specifically superseded by the terms of this Order, the requirements specified in the post closure plan and any

current Division approved work orders remain in effect. With these specified, limited exceptions, this Order supersedes any other agreement, verbal or written, between the Parties that may have been entered into prior to the date of execution of this Order.

2. If any conflict exists between the specified methods of completing work pursuant to the documents referenced in Paragraph III.D.1. and this Order, the terms of this Order shall control.

E. Acceptance of Previous Work

1. The Section acknowledges that BE Aerospace may have completed some of the tasks required by this Order and that some of the information and data required by this Order may be available. This previous work may be used to meet the requirements of this Order.
2. All corrective action activities conducted pursuant to the 1999 AOC will be recognized by the NC Hazardous Waste Section as appropriate, but not necessarily sufficient, in the development and implementation of any further activities under this Order.

F. Responsibility Issues

1. BE Aerospace, Inc. accepts full responsibility for satisfactory completion of all required tasks and activities in accordance with the terms and conditions of this Order and, subject to its dispute resolution and other legal rights, accepts further direction of the Section to achieve satisfactory completion of the Corrective Action required by this Order. Nothing herein prohibits BE Aerospace and Three Aircraft Seats, L.P. from working together to meet the requirements of this Order.

V. Scope of Work

- A. BE Aerospace shall complete the characterization activities, monitoring, and corrective action measures at the Facility as described herein. In conducting any such work, BE Aerospace shall prepare appropriate workplans and reports for Section approval.
- B. All actions required pursuant to this Order shall be in accordance with applicable local, state, and federal laws and regulations. BE Aerospace shall undertake corrective action activities in accordance with the Resource Conservation and recovery Act, the State Hazardous Waste Management Rules, and EPA and Department guidelines as appropriate and applicable at the time the work is undertaken.
- C. If documents submitted to the Section include any work that would constitute the practice of engineering as defined by N.C.G.S. Chapter 89C, the signature and seal of a professional engineer is required. If documents submitted include any work that would constitute the practice of geology as defined by N.C.G.S. Chapter 89E, the signature and seal of a licensed geologist is required. If any work is to be done on a well that would constitute well contractor activities as defined in N.C.G.S. Chapter 87, a certified well contractor shall be employed to perform the work.
- D. Any standard, requirement, criteria, or limitation under an environmental law or facility siting law promulgated by North Carolina that is more stringent than any federal standard, requirement, criteria, or limitation with respect to any hazardous waste or constituent is applicable to the work to be done at this Facility; e.g., the groundwater standards set forth in 15A NCAC Subchapter 2L shall apply to releases at the Facility and beyond the Facility boundary.
- E. Conceptual Site Model (CSM)
 1. A Conceptual Site Model (CSM) serves as the foundation for Facility characterization and remediation decision-making. The documents listed in Paragraph III.D.1. are the basis for the CSM. Relevant portions of these documents should be integrated under a single cover into a current CSM. The CSM shall contain, at a minimum, the following:
 - a. the geologic/hydrogeologic conditions at the Facility;
 - b. the sources, types, and distribution of contaminants and any breakdown products;
 - c. a holistic overview of the sources contamination, including known or potential pathways of migration, and known or potential receptors;
 - d. the actual extent of migration beyond the Facility boundary;
 - e. possible environmental and human health risks.

The CSM(s) may include maps, cross-sections, flow nets, narrative, data tables, groundwater flow models, contaminant transport models, and any other information needed to gain a full understanding of the Facility.

2. BE Aerospace shall submit an updated CSM within ninety (90) calendar days after the issuance of this Order. BE Aerospace shall also submit a modified or updated CSM when the Parties to this Order determine there is a need for a new CSM. Submissions of updated CSMs shall occur pursuant to this Paragraph until the Section determines (a) that Corrective Action at the facility is completed or (b) that further updates of the CSM are no longer necessary. After review of the updated CSM, the Section shall notify BE Aerospace in writing that the CSM has been approved or that there are material deficiencies in the CSM. After receiving written notification from the Section of any material deficiencies in the CSM, BE Aerospace shall submit to the Section, within a mutually agreed to time period, information or material sufficient to correct such deficiencies.
3. The CSM shall be an adaptable model of the Facility that is used to develop hypotheses regarding the location and movement of contamination at the Facility and the potential impacts that may occur to human health and the environment. BE Aerospace shall use EPA and Division guidance documents appropriate and applicable at the time the work is undertaken in developing any updated CSM.
4. Using the CSM as a guide, BE Aerospace shall conduct such further Facility investigations and assessments that the Section determines necessary for the development and implementation of a Facility-wide Corrective Action Plan as described below. The CSM shall guide Corrective Actions taken pursuant to this Order.

F. Additional Facility Corrective Actions

Although a significant amount of Corrective Action previously has been performed at the BE Aerospace Facility pursuant to the 1999 AOC, BE Aerospace shall pursuant to this Order conduct such additional characterization and evaluate as is reasonably necessary to verify site conditions and the efficacy of remedial actions previously undertaken. At a minimum, BE Aerospace shall complete the following activities:

1. Confirm that the horizontal extent of contaminated groundwater in the shallow aquifer, as such extent has been delineated in Monitoring Reports previously submitted to the Section, is accurate. As necessary for this purpose, BE Aerospace will collect data designed to verify and define the limits of the shallow PCE groundwater plume west of the Facility boundary and south of Fairchild Road.
2. Conduct and report on a literature search designed to determine whether geologic maps, reports, or other technical documents that identify or characterize faults and/or fracture sets that exist in the vicinity of the BE Aerospace Facility. This report should include a resubmission of any fracture trace analysis performed

previously. If data gaps are identified, BE Aerospace may expand on existing fracture trace analyses or conduct new fracture trace analyses.

3. Determine whether the relatively high concentration of PCE in groundwater exhibited by deep saprolite monitoring wells MW-14D and MW-21D is also present in the deep saprolite at locations between Fairchild Road and Bowen Creek.
4. Report on the effectiveness of the Remedial Action Plan as part of the Facility Monitoring Plan. The Facility shall determine the parameters that will be used to evaluate the effectiveness of remediation and collect the necessary data. Plans for collecting the data needed to establish the effectiveness of remediation systems should be submitted as part of the Facility Monitoring Report in accordance with Paragraphs V.G. and V.I.
5. Determine the potential for vapor intrusion from contaminated media to indoor air in occupied buildings at the Facility. The potential risks of a complete indoor air exposure pathway should be defined for on-site and off-site buildings.
6. Sample Bowen Creek at locations where contaminated groundwater originating at the Facility discharges to surface water, if the additional investigations required by this Order, including the characterization of fractured bedrock, identifies discharge zones that have not been previously documented and sampled.

G. Facility Characterization Workplan/Quarterly Progress Reports

1. Following completion of the characterization and evaluation activities set forth in Paragraph V.F., the Section may determine that additional Facility characterization is warranted. Within ninety (90) calendar days after receiving written notification from the Section that the Section has determined that additional characterization is warranted, BE Aerospace shall submit a Facility Characterization Workplan that is based upon the CSM and that outlines the activities that shall be undertaken to respond to such a determination. The Facility Characterization Workplan shall include a schedule of implementation. The schedule of implementation shall include the submission of quarterly progress reports to the section in accordance with Paragraph V.G.4.
2. The Section will either accept or provide comments on the proposed Facility Characterization Workplan. Within thirty (30) calendar days of receiving notice from the Section of any deficiency in the Facility Characterization Workplan, BE Aerospace shall submit to the Section information or material sufficient to correct such deficiency. BE Aerospace shall implement the Facility Characterization Workplan within ninety (90) calendar days of receiving the Section's approval of the workplan.

3. If the Section determines that additional work is required to complete the Facility Characterization after the completion of the work outlined in the Facility Characterization Workplan, then BE Aerospace shall perform those additional tasks according to a schedule mutually agreed upon by the Parties. Such work shall also conform to the requirements of this Order.
4. BE Aerospace shall submit quarterly reports on the progress of the Facility Characterization. These reports shall include:
 - a. A description of the portion of the Facility Characterization completed;
 - b. Summaries of findings;
 - c. Summaries of any significant deviations from the approved Facility Characterization Workplan(s) during the reporting period;
 - d. Summaries of any significant contacts with local community public interest groups or state government;
 - e. Summaries of any problems or potential problems encountered during the reporting period;
 - f. Actions taken to rectify problems;
 - g. Changes to relevant personnel;
 - h. Projected work for the next reporting period; and
 - i. Copies of laboratory/monitoring data including QA/QC data.

H. Facility Characterization Reports

1. BE Aerospace shall prepare and submit to the Section Draft and Final Facility Characterization Reports for the investigations conducted pursuant to the Facility Characterization Workplan. BE Aerospace shall submit the Draft Facility Characterization Reports to the Section for review in accordance with the schedule in the approved Facility Characterization Workplan(s). BE Aerospace shall submit the Final Facility Characterization Report to the Section according to the schedule set out in the Section's written comments on the Draft Facility Characterization Report. Any Draft and Final Facility Characterization Reports shall include an analysis and summary of all required investigations of the HWMU, SWMUs and AOCs and the investigation results. The summary shall describe the type and extent of contamination at the Facility, including sources and migration pathways, and a description of actual or potential receptors. The Facility Characterization Reports shall also describe the extent of contamination in relation to background levels indicative of the area.
2. The Section shall review the Final Facility Characterization Report and notify BE Aerospace of the need for further investigative action and/or the need for a remediation program in accordance with 40 CFR 264.101, incorporated by reference in 15A NCAC 13A .0109(g). BE Aerospace shall prepare and implement any further investigative action required by the Section according to a schedule approved by the Section.

I. Facility Monitoring Plan

1. BE Aerospace shall continue to implement the existing groundwater monitoring program to monitor groundwater concentrations at the Facility and as described in the revised Groundwater Sampling and Analysis Plan (2006), which shall be considered the Facility Monitoring Plan until such time either as the Section determines remediation is complete or the Section or BE Aerospace determine that the Facility Monitoring Plan needs to be modified. Any request to modify the existing groundwater monitoring program shall be made, approved, and implemented pursuant to Paragraphs V.I.3 through V.I.5.
2. Within thirty (30) calendar days of receiving the Section's determination that the Facility Monitoring Plan needs to be modified, BE Aerospace shall develop and submit to the Section a revised Facility Monitoring Plan to evaluate the effectiveness of Corrective Action at the Facility. Sixty (60) calendar days after receiving written approval of the Facility Monitoring Plan from the Section, BE Aerospace shall implement the Facility Monitoring Plan.
3. If the Section determines that the Facility Monitoring Plan is deficient, then the Section shall notify BE Aerospace in writing. Within thirty (30) calendar days of receiving written notification from the Section, BE Aerospace shall submit an amended Facility Monitoring Plan.
4. If BE Aerospace seeks to modify the Facility Monitoring plan, then BE Aerospace shall submit to the Section a written explanation of the proposed modification. The proposed modification shall include an updated CSM to the extent necessary to explain the proposal.
5. The Section will approve, disapprove, or provide comments on any proposed modification to the Facility Monitoring Plan. Within thirty (30) calendar days of receiving notice from the Section of any deficiency in a proposed modification to the Facility Monitoring Plan, BE Aerospace shall submit to the Section information or material sufficient to correct such deficiency (or may withdraw the proposal). BE Aerospace shall implement the modified Facility Monitoring Plan within ninety (90) calendar days of receiving written approval from the Section.

J. Interim Measures

1. If the Section determines that there is a need to implement interim remedial measures at the Facility in order to abate conditions that may pose an imminent hazard to human health or the environment pending implementation of long-term corrective action, then BE Aerospace shall prepare an Interim Measures Workplan (IM Workplan) and take any other appropriate measures as authorized and directed by the Section.

2. The IM Workplan shall ensure that the proposed Interim Measures are designed to mitigate any current or potential threat(s) to human health or the environment and to be consistent with and integrated into any long-term Corrective Action Plan at the Facility. The IM Workplan shall include a discussion of: (a) the objectives of the Interim Measures program; (b) the required Facility procedures for the implementation of any modification to the existing interim remedial measure or additional Interim Measures (including any designs, plans, or specifications); and (c) the schedule for the implementation of the modification to or addition of Interim Measures.
3. The IM Workplan shall be approved by the Section in writing prior to its implementation. If the Section disapproves the IM Workplan, the Section shall either (a) notify BE Aerospace in writing of the IM Workplan's deficiencies and specify a due date for the submission of a revised IM Workplan; (b) revise the IM Workplan and notify BE Aerospace of the revisions and the start date of the schedule within the approved IM Workplan; or (c) conditionally approve the IM Workplan and notify BE Aerospace of the conditions upon which the IM Workplan is to be implemented. BE Aerospace shall implement any required modification to or addition of Interim Measures in accordance with the Section's directions.
4. BE Aerospace shall give notice to the Section as soon as possible of any proposed changes to an approved IM Workplan. Such modifications shall be implemented only with the Section's approval and shall conform to the requirements of this Order.
5. If the time required for the completion of any modification to or addition of Interim Measure is more than one (1) year, BE Aerospace shall provide the Section with progress reports at intervals specified in the approved IM Workplan. The progress reports shall contain the following information at a minimum: (a) a description of the portion of the Interim Measures completed; (b) summaries of any deviations from the IM Workplan during the reporting period; (c) summaries of any problems or potential problems encountered during the interim period; (d) projected work for the next reporting period; and (e) copies of all laboratory/monitoring data generated during the reporting period.
6. BE Aerospace shall prepare and submit a final Interim Measures Report (IM Report) to the Section within ninety (90) calendar days of the completion of any Interim Measure. The IM Report shall contain the following information at a minimum: (a) a description of the Interim Measures that were implemented; (b) summaries of the results of such Interim Measures; (c) summaries of any problems encountered; (d) summaries of the accomplishments and effectiveness of the Interim Measures; and (e) copies of all relevant laboratory/monitoring data.

K. Corrective Action Strategy

1. BE Aerospace shall at all times provide a Corrective Action Strategy that sets out a plan for developing and evaluating remedies for the impacted areas at the Facility and beyond the Facility boundary after considering: (a) the CSM; (b) contaminants of concern; (c) the nature and extent of contamination; (d) the rate of contaminant movement; (e) the amount of time required to remediate the Facility; (f) media and receptors impacted; and (g) other relevant information gathered as part of the Facility Characterization Report.
2. The current Corrective Action Strategy for the Facility is incorporated in the Remedial Action Plan (2003). This existing Corrective Action Strategy shall remain the Corrective Action Strategy for the Facility unless a Facility Characterization Report is prepared and submitted pursuant to Paragraph V.H. of this Order, or unless the existing Corrective Action Strategy is updated in accordance with Paragraph V.K.3. An updated Corrective Action Strategy shall be submitted to the Section within ninety (90) calendar days of receiving the Section's written approval of the Facility Characterization Report.
3. BE Aerospace shall update the Corrective Action Strategy upon written request from the Section and at any other time BE Aerospace deems appropriate. Within sixty (60) calendar days of receiving written notice from the Section of any deficiency in the Corrective Action Strategy, BE Aerospace shall submit to the Section information or material sufficient to correct such deficiency. When the Section determines that the Corrective Action Strategy has been amended appropriately, then the Section shall notify BE Aerospace in writing of its approval.
4. The Corrective Action Strategy shall be designed to meet the Section's remedial goals for the Facility. The Section's remedial goals for the Facility include protection of all receptors as well as attempting to achieve unrestricted use for the soil and groundwater, as required for groundwater by the standards in 15A NCAC Subchapter 2L. If BE Aerospace determines that alternate cleanup levels would be protective of human health and the environment, then such alternate levels shall be submitted to the Section for evaluation.

L. Corrective Action Plan

1. The Remedial Action Plan is the current Corrective Action Plan at the Facility. BE Aerospace shall continue to implement the current Corrective Action Plan until an updated Corrective Action Strategy is developed and approved pursuant to Paragraph V.K and an updated Corrective Action Plan is approved and implemented pursuant to this Paragraph V.L.
2. BE Aerospace shall submit a revised Corrective Action Plan for the Section's review if the Corrective Action Strategy is revised or updated pursuant to Paragraph V.K. The revised Corrective Action Plan shall include a summary of remedial options

considered, an implementation schedule for the selected remedial actions, a method of evaluating the effectiveness of the Corrective Action Plan, a method of determining when corrective action is complete, and an estimate of the required duration of the Corrective Action Plan to meet the remedial goals.

3. Sixty (60) calendar days after receiving the Section's written approval of a revised or updated Corrective Action Strategy, BE Aerospace shall submit to the Section a Corrective Action Plan designed to implement the Corrective Action Strategy. The Corrective Action Plan shall be based upon the information developed in the Corrective Action Strategy. The Corrective Action Plan shall at all times be technically consistent to the extent practicable with appropriate and applicable EPA and Division guidance on the design and implementation of remediation technologies.
4. Within thirty (30) calendar days of receiving the Section's written approval of the Corrective Action Plan, BE Aerospace shall provide the Section with all information necessary for the Section to commence the public participation process as specified in Paragraphs XI.A.-XI.B. Upon completion of the public participation process, the Section shall approve, approve with modification, or disapprove the Corrective Action Plan.
5. Within ninety (90) calendar days after receiving written approval of the Corrective Action Plan, BE Aerospace shall begin implementation of the activities set forth in the Corrective Action Plan. These activities shall not be deemed complete pursuant to Paragraphs XIV.A. through XIV.C. of this Order until the remedial goals have been met.
6. If the approved Corrective Action Plan for the Facility includes institutional controls that are in the form of recorded encumbrances on the Facility, BE Aerospace agrees to inaugurate such institutional controls during the period it owns the Facility or, in the alternative, to notify any successor in title to the Facility of its obligation to inaugurate such institutional controls. Any person who obtains an interest in any portion of the Facility prior to the inauguration of such institutional controls shall be given notice of this Order, and the information contained in this Paragraph V.L.6 shall be included in the deed or other instrument creating such interest, and the instrument shall be recorded with the Forsyth County Register of Deeds.

VI. Data Quality Assurance and Quality Control

- A. Workplans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring, and analytical activities. BE Aerospace shall document in the applicable report any deviations from the QA/QC and chain of custody procedures in approved workplans, including reasons for the deviations.

- B. To ensure that data of known and appropriate quality are obtained and are sufficient to support their intended use(s), BE Aerospace shall submit workplans and reports to the Section that include data quality objectives for each collection activity.

VII. Property Access and Sampling Access

- A. BE Aerospace shall assure that the Section and its representatives, including contractors, have access at all reasonable times to the Facility and to any other property where access is necessary to ensure performance of the activities required by this Order.
- B. To assure access to property beyond the Facility boundary, BE Aerospace shall use their best efforts to obtain access agreements from the owners of such property. As used in this Order, "best efforts" includes the payment of reasonable sums of money in consideration of access.
- C. In the event that the access agreements required by Paragraph VII.B. cannot be obtained by BE Aerospace despite the use of best efforts, BE Aerospace shall notify the Section and provide documentation regarding its efforts to obtain such agreements. If necessary, the Section may exercise its legal authority to assist BE Aerospace in obtaining access to properties beyond the Facility boundary. In the event that the Section exercises its authority to obtain access for the performance of any act required by this Order, BE Aerospace shall reimburse the Section for the reasonable amount of costs incurred in the exercise of such powers, including attorney's fees.
- D. The Section or its representatives may take split or duplicate samples of any samples collected by BE Aerospace, or any authorized representative of BE Aerospace, pursuant to this Order. BE Aerospace or its authorized representatives shall notify the Section orally no less than ten (10) working days in advance of any field activities occurring pursuant to this Order. A single notice shall suffice for a sequence of sampling events occurring over consecutive days.
- E. BE Aerospace shall allow the Section or its representatives to enter the Facility at reasonable times, upon notice to BE Aerospace, to review the progress of activities required by this Order, to conduct such tests as the Section deems necessary in connection with this Order, and to otherwise assess BE Aerospace's compliance with this Order.
- F. All persons with access to the Facility pursuant to this Order shall comply with Facility-specific health and safety plans and any applicable Facility security procedures.
- G. BE Aerospace shall comply with the security requirements specified in 40 CFR 264.14, incorporated by reference in 15A NCAC 13A .0109(c), and consequently prevent or minimize the unknown or unauthorized entry of people, pets, or livestock onto the active portions of the Facility.
- H. Nothing in this Order shall limit any access rights the Section may have pursuant to law.

VIII. Data Collection/Document Availability/Reporting Requirements

- A. BE Aerospace shall, upon request, furnish the Section with copies of records required by this Order, including copies of daily reports, inspection reports, and laboratory/monitoring data.
- B. All data, factual information, and documents submitted by BE Aerospace pursuant to this Order shall be subject to public inspection. BE Aerospace shall not assert any confidentiality or privilege claim concerning any data gathered during any investigations or other actions required by this Order, including any hydrogeologic or chemical data, any data submitted in support of a remedial proposal, or any other scientific or engineering data especially as regards an Interim Measure or Corrective Action Plan. Except as specifically prohibited by this Paragraph, BE Aerospace may assert a claim of confidentiality as to any process, method, technique, or any description thereof that BE Aerospace claims constitutes proprietary or trade secret information. Except as specifically prohibited by this Paragraph, BE Aerospace may assert business confidentiality claims, if applicable, at the time information is submitted for information provided in connection with this Order in accordance with 40 CFR 2.203(b), adopted by reference in 15A NCAC 13A .0104(c), Chapter 132 of the North Carolina General Statutes, N.C.G.S. 130A-304, or any other applicable State law. Any claim for confidentiality submitted pursuant to this Paragraph shall be subject to North Carolina's confidentiality determination procedures and, if determined to be confidential, afforded protection by the Section as provided by North Carolina law.
- C. Documents that are asserted to be attorney work product or subject to privilege under law shall not be subject to inspection or copying under this Order. BE Aerospace shall provide the Section with (1) a description of each document for which a privilege is asserted; and (2) an explanation as to why the privilege is applicable to the document or portions thereof. Notwithstanding the foregoing provision, the Section may seek disclosure of such documents through a court of competent jurisdiction.
- D. BE Aerospace shall notify the Section in writing as soon as possible, and no later than fifteen (15) working days after BE Aerospace obtains knowledge, of any planned physical alterations or additions which may materially impact the HWMU, SWMUs, AOCs, or areas contaminated by releases from these units.
- E. BE Aerospace shall report to the Section situations regarding hazardous waste or hazardous constituents that endanger, or have the potential to endanger, human health or the environment. These situations include, but may not be limited to, the management, investigation, or remediation of contaminated media (i.e., soil, sediment, bedrock, surface water, groundwater, and air). The reports shall be communicated orally within 24 hours and submitted in writing within five (5) working days of when BE Aerospace becomes aware that the situation exists. Depending upon the circumstances, the Section may waive the five-day requirement and allow BE Aerospace to submit the written report within fifteen (15) working days.

- F. BE Aerospace shall submit a biennial report to the Section by March 1 of each even numbered year as required by 40 CFR 264.75, incorporated by reference in 15A NCAC 13A .0109(f). The biennial report shall be submitted on EPA Form 8700-13 A/B. The report shall cover activities required by this Order during the previous calendar year. The certification submitted with the biennial report shall be signed by an authorized corporate officer of BE Aerospace.
- G. BE Aerospace shall preserve, for at least three (3) years after the termination of this Order, all records and documents in their possession that relate in any way to this Order. For any hazardous waste generated, BE Aerospace shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least five (5) years from the date the last waste was treated, stored, or disposed (either at the Facility or beyond the Facility) or until the Section determines corrective action is completed, whichever date is later.
- H. Notification and data collection/assessment requirements for newly identified SWMUs and AOCs.
1. During the effective period of this Order, BE Aerospace shall notify the Section in writing, within fifteen (15) calendar days of discovery, of any newly identified SWMU or AOC. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, and magnitude of release). Nothing in this Section shall be construed as requiring BE Aerospace to actively search for new SWMUs or AOCs.
 2. BE Aerospace shall prepare and submit to the Section, within ninety (90) calendar days of any notification provided pursuant to Paragraph VIII.H.1., a SWMU Assessment Report (SAR) for each newly identified SWMU or AOC. At a minimum, the SAR shall provide the following information:
 - a. Location of unit on a topographic map of appropriate scale such as required under 40 CFR 270.14(b)(19), incorporated by reference in 15A NCAC 13A .0113(b).
 - b. Designation of type and function of unit.
 - c. General dimensions, capacities, and structural description of the unit (including any available plans/drawings).
 - d. Known dates that the unit operated.
 - e. Specification of all wastes that have been managed at/in the unit to the extent available, including any available data on hazardous constituents in the waste.
 - f. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit (to include groundwater data, soil analyses, air, and/or surface water data).
 3. Based on the data in the SAR, the Section shall determine the need for further investigations at the newly identified SWMU or AOC. If the Section determines that further investigations are needed, the Section shall require BE Aerospace to develop a plan

for such investigations and to obtain Section approval before implementing the plan.

- I. Notification requirements and data collection/assessment for newly discovered releases at previously identified SWMUs and AOCs.
 1. During the effective period of this Order, BE Aerospace shall notify the Section in writing of any newly discovered release(s) of hazardous waste or hazardous constituents identified during the course of ground water monitoring, field investigations, environmental audits of previously known SWMUs or AOCs, or by other means, within fifteen (15) calendar days of discovery. This requirement also applies to newly discovered releases at known SWMUs and AOCs for which additional investigation was not previously required. Nothing in this Section shall be construed as requiring BE Aerospace to conduct additional investigations or audits of previously known SWMUs or AOCs to identify new releases.
 2. If the Section determines that further investigation of the SWMUs or AOCs is needed, the Section shall require BE Aerospace to develop a plan for such investigation and to obtain Section approval before implementing the plan.

IX. Inspection and Training Requirements

- A. Within one hundred twenty (120) calendar days of the effective date of this Order, BE Aerospace shall submit for Section approval a general inspection and maintenance schedule for the environmental monitoring and remedial action systems currently in use at the Facility. This plan shall be consistent with 40 CFR 264.15, incorporated by reference in 15A NCAC 13A .0109(c), and shall be updated as necessary to include additional or modified monitoring and remedial action systems required by this Order.
- B. Within one hundred twenty (120) calendar days of the effective date of this Order, BE Aerospace shall submit for Section approval a personnel training plan for employees and contractors involved with environmental monitoring and remedial action systems. The plan shall be consistent with 40 CFR 264.16, incorporated by reference in 15A NCAC 13A .0109(c). Training shall include instruction for emergency response, sampling, and operation and maintenance procedures. The personnel training plan shall be updated as necessary to incorporate additional or modified monitoring and remedial action systems required by this Order. BE Aerospace shall maintain copies of training documents and records according to the requirements of Paragraph VIII.G. of this Order.

X. Cost Estimate, Financial Assurance, and Adjustments

- A. In accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g), BE Aerospace shall comply with the Financial Assurance requirements listed in 40 CFR 264.100 and 264.101, incorporated by reference in 15A NCAC 13A .0109(g), for Facility Corrective Action as defined in Paragraph IV.A.8.
- B. Within one hundred eighty (180) calendar days of issuance of this Order, BE Aerospace shall submit for Section review and approval a written cost estimate as described in 40 CFR 264.144, incorporated by reference in 15A NCAC 13A .0109(i), for the actions required by this Order. The estimate shall be based upon the Corrective Action Strategy described in Section V.K. and, if available, the Corrective Action Plan described in Section V.L.
- C. Subsequent cost estimates for the cost of implementing the current or any revised Corrective Action Plan shall be prepared as described in 40 CFR 264.144(a), incorporated by reference in 15A NCAC 13A .0109(i). Additionally, the following requirements shall apply to the cost estimate.
1. As described in 40 CFR 264.144(b), incorporated by reference in 15A NCAC 13A .0109(i), BE Aerospace shall adjust the cost estimate annually for inflation. The adjusted cost estimate shall be provided to the Section sixty (60) calendar days prior to the anniversary date of the establishment of the financial assurance mechanism unless using a financial test or corporate guarantee, in which case the estimate shall be updated thirty (30) calendar days after the close of the firm's fiscal year.
 2. BE Aerospace shall, as described in 40 CFR 264.144(c), incorporated by reference in 15A NCAC 13A .0109(i), submit cost adjustments for modifications to the Corrective Action Plan described in Paragraph V.L. within thirty (30) calendar days after receiving written approval of the modification.
- D. BE Aerospace shall maintain at the Facility a copy of the latest cost estimate as described in 40 CFR 264.144(d), incorporated by reference in 15A NCAC 13A .0109(h).
- E. Within sixty (60) calendar days of the approval of the estimate provided in Paragraph X.B., BE Aerospace shall establish financial assurance for Corrective Action by use of one or more of the mechanisms described in 40 CFR 264.145, incorporated by reference in 15A NCAC 13A .0109(i). The amount of financial assurance to be established for corrective action shall equal the amount of the written cost estimate as provided in Paragraphs X.B. and X.C. of this Order or for a lower amount agreed upon by the Department. Financial assurance established pursuant to this Paragraph shall be used solely for the purpose of implementing Corrective Action at the Facility.
- F. Financial assurance mechanism(s) established by BE Aerospace to satisfy the financial requirements for Corrective Action shall be worded as specified in 40 CFR 264.151, incorporated by reference in 15A NCAC 13A .0109(i), except that references to regulatory requirements for closure

and/or post-closure care shall be replaced with the phrase "closure, post-closure care, and/or corrective action."

- G. BE Aerospace may change the mechanism(s) used to demonstrate financial assurance for corrective action required by this Order at any time, with prior notice to the Section, provided the alternate mechanism(s) meets the requirements of this Order.
- H. BE Aerospace's failure to demonstrate its financial ability to implement the Corrective Action Plan shall not excuse the company's independent obligation to perform the activities required by this Order.

XI. Public Participation

- A. The Section shall publish public notices and hold public hearings at the following times in accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g):
1. Prior to the issuance of this Order;
 2. Upon submittal of a modified proposed Corrective Action Plan pursuant to Paragraph V.L.; and
 3. Upon completion of Corrective Action at the Facility or a portion of the Facility, but prior to the Section issuing a No Further Action determination for a portion of the Facility or an Acknowledgement of Termination pursuant to Paragraph XIV.C. of this Order.
 4. When deemed necessary by the Section, additional public meetings will be held to address the public's concerns.
- B. Consistent with the intent of N.C.G.S. Chapter 150B, at any hearing required by Paragraph XI.A. of this Order, the Section shall receive oral and written comments from the public and shall also receive written comments submitted by BE Aerospace in response to the public comments. The Section shall consider all these comments in making its decisions regarding Facility Characterization, Corrective Action, and completion of Corrective Action for the Facility or a portion of the Facility.

XII. Delay in Performance

As soon as BE Aerospace is aware of the potential for delay in achieving the requirements of this Order, the company shall submit to the Section written documentation stating the reasons for the delay and the efforts made by BE Aerospace to avoid the delay, as well as a time by which such work can be completed. The Section shall review the documentation and shall approve the new schedule if BE Aerospace shows good cause for the potential delay. Good cause shall include, but is not limited to, extraordinary weather, natural disasters, and national emergencies. The burden of demonstrating that there is good cause for the proposed delay rests solely with BE Aerospace.

XIII. Dispute Resolution

BE Aerospace is entitled to dispute any decision, determination or directive made or issued by the Section pursuant to this Order. Any such disputes shall be administered and resolved pursuant to the procedures set forth in this Paragraph XIII. For any dispute that relates to an action or requirement that is the subject of a deadline established pursuant to this Order, the subject deadline shall be tolled until the dispute is resolved. BE Aerospace's invocation of the Dispute Resolution provision shall not otherwise excuse noncompliance with this Order or any requirement established pursuant hereto.

Any dispute that BE Aerospace initiates shall be the subject of informal negotiations between BE Aerospace and the Section. The period for informal negotiations shall not exceed ninety (90) calendar days from the time that the dispute arises, unless this period is modified by written agreement of the Parties. The dispute shall be considered to arise when BE Aerospace delivers to the Section a written Notice of Dispute.

Following the conclusion of the period of informal negotiations, the Section shall notify BE Aerospace in writing of the Section's position with respect to the dispute ("Dispute Decision"). Within fourteen (14) calendar days of receiving the Dispute Decision, BE Aerospace may submit to the Section a written objection to the Dispute Decision (a "Decision Objection").

If BE Aerospace submits a Decision Objection, the Section may elect to (i) rescind the Dispute Decision (in which case the position advanced by BE Aerospace in the dispute shall prevail), (ii) modify the Dispute Decision (in which case the position advanced in the modification shall prevail, unless BE Aerospace exercises its right to dispute the modification), or (iii) dissolve this Order. Notice of the Section's election (an "Election Notice") shall be provided to BE Aerospace within fourteen (14) calendar days of the Section's receipt of the Decision Objection. Failure by the Section to timely provide an Election Notice to BE Aerospace will be deemed an election by the Section to dissolve this Order.

In the event that the Order is dissolved pursuant to the preceding provisions, the Section shall retain all of its applicable enforcement rights against BE Aerospace, including calling for submittal of a RCRA application and financial assurance for a Post-Closure Permit and Corrective Action for the Facility, and BE Aerospace shall retain all of its defenses to the Section's exercise of such rights. Further, in the event of such dissolution, plans, reports, data and other information or documentation submitted to and approved by the Section pursuant to this Order prior to the dissolution of the Order shall, barring relevant and applicable change in law or fact, remain applicable to any future Corrective Actions performed at the Facility, whether pursuant to a Post-Closure Permit or otherwise.

XIV. Satisfaction of Order

- A. When BE Aerospace determines all requirements of this Order have been completed, it shall (1) give written notice to the Section indicating the Work required by the Order has been completed; and (2) file a petition to terminate the Order. BE Aerospace may also petition the Section to issue a No Further Action determination for a portion of the Facility. After completion of the Public Participation process required by Paragraphs XI.A.-XI.B. of this Order, the Section shall either agree or disagree with BE Aerospace's Termination Petition or No Further Action Petition for a portion of the Facility.
- B. If the Section determines that the work required by this Order has not been completed, the Section shall notify BE Aerospace in writing of activities that must be undertaken to complete the Work, including a schedule for the performance of such activities. Once these additional activities are completed, BE Aerospace may file another petition pursuant to Paragraph XIV.A.
- C. If, after completion of the Public Participation process required by Paragraphs XI.A.-XI.B., the Section concludes that the work required by this Order has been satisfactorily performed for either the entire Facility or a portion of the Facility, as the case may be, the Section shall memorialize its decision in an "Acknowledgment of Termination and Agreement on Record Preservation and Reservation of Rights" (an "Acknowledgement") (if all work is completed) or in a No Further Action Determination for the relevant portion of the Facility (if only the work for that portion is completed). Except as specified below, all of BE Aerospace's obligations under this Order shall, with the exception of those obligations that expressly survive this Order, be deemed to be satisfied and terminated upon BE Aerospace's execution of the Acknowledgement.

XV. Change of Ownership or Operational Control

- A. BE Aerospace shall notify the Section in writing ninety (90) calendar days prior to the date of any change in ownership or operational control of the property on which the Facility is located or any proposed change of ownership or operational control of the monitoring and remediation systems.
- B. This Order cannot be transferred to a new owner or operator. BE Aerospace shall notify the proposed new owner or operator about this Order, the termination of the Order upon ownership change, and the new owner or operator's responsibility to file a RCRA Part A permit application. BE Aerospace shall provide evidence to the Section of the notification to the proposed new owner or operator pursuant to this Paragraph. This evidence shall describe how BE Aerospace has assured compliance with the requirements of Paragraph V.L.6. with respect to the inauguration of any institutional controls. Additionally, BE Aerospace shall (1) assure the instrument effecting the conveyance or transfer of real or personal property interest contains a copy of or reference to this Order; and (2) use its best efforts to obtain access agreements to meet the requirements of Paragraph VII.A. from the party obtaining control of the real or personal property.
- C. In the event of change in ownership of the Facility, whether or not pursuant to a Brownfields Agreement, the Section shall retain all its applicable enforcement rights against BE Aerospace, including calling for submission of a RCRA permit application and financial assurance for a post-closure permit and Corrective Action, and BE Aerospace shall retain all of its defenses.
- D. No change in corporate ownership or corporate status will alter BE Aerospace's obligations under this Order or excuse BE Aerospace's noncompliance with this Order or any requirement established pursuant thereto.
- E. No conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, or the monitoring or remediation system will affect BE Aerospace's obligations under this Order. This Paragraph will not apply if the Parties agree pursuant to Paragraph XIV.C. that this Order has terminated as to the Facility. This Paragraph will not apply to any portion of the Facility for which the Section has issued a No Further Action determination (e.g., clean-closed areas).

XVI. Decisions/Notification

A. Whenever, under the terms of this Order, written notice is required to be given or a report or other document is required to be sent by one party to the other, it shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice of a change to the other party in writing. All notices and submissions shall be considered effective upon receipt, unless otherwise provided. No informal advice, guidance, suggestions, or comments by the Section regarding reports, plans, specifications, schedules or any other matter will relieve BE Aerospace of its obligation to obtain formal approvals as required by this Order.

B. All documents and notices required to be submitted by BE Aerospace to the Section pursuant to this Order shall be sent to:

Ms. Elizabeth W. Cannon, Chief
Hazardous Waste Section
Division of Waste Management
N. C. Dept. of Environment and Natural Resources
1646 Mail Service Center
Raleigh, NC 27699-1646

C. Unless otherwise agreed to by BE Aerospace, the Section shall direct all correspondence related to this Order to:

Mr. Mitch Barger, Facility Manager
BE Aerospace, Inc.
1455 Fairchild Road
Winston-Salem, NC 27105

and

Mr. Ryan Patch, Esq.
Vice-President, Law & General Counsel & Secretary
BE Aerospace, Inc.
1400 Corporate Center Way
Wellington, FL 33414

XVII. Notice of Non-Liability of the State

- A. The State, its agencies, employees and other representatives shall not be deemed a party to any contract involving BE Aerospace and relating to activities at the Facility and shall not be liable for any claim or cause of action arising from or on account of any act or omission of BE Aerospace, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives in carrying out the activities required by this Order.

- B. The State, its agencies, employees and other representatives shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of BE Aerospace, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives caused by implementation of this Order or otherwise.

XVIII. Reservation of Rights

- A. The Section hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including any which may pertain to BE Aerospace's failure to comply with any of the requirements of this Order. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, powers and/or authorities, civil or criminal, which the Section has under RCRA or any other statutory, regulatory, or common law authority.
- B. BE Aerospace's compliance with the terms of this Order shall not relieve BE Aerospace of any obligation to comply with any other applicable local, State, or federal laws and regulations. Similarly, this Order does not relieve BE Aerospace of any obligation to obtain and comply with any applicable local, State, or federal permit or approval.
- C. The issuance of this Order and BE Aerospace's stipulation to comply shall not limit or otherwise preclude the Section from taking additional enforcement action pursuant to RCRA, the North Carolina General Statutes, or any other authority should the Section determine that such action is warranted. Nothing in this Order shall be construed to in any way limit BE Aerospace's ability to defend against the exercise of any rights that the Section is reserving in this Paragraph XVIII.
- D. The Section expressly reserves all rights and defenses that it may have, including the right to disapprove of work performed by BE Aerospace pursuant to this Order, to require that BE Aerospace correct any work performed despite disapproval by the Section, and to require that BE Aerospace perform tasks in addition to those specifically stated in this Order.
- E. Notwithstanding compliance with the terms of this Order, BE Aerospace is not released from liability, if any, for the costs of any response actions taken by the Section. The Section reserves the right to seek reimbursement from BE Aerospace for reasonable costs incurred by the Section in connection with any response action the Section undertakes or reasonable costs incurred by the Section in overseeing implementation of this Order, including enforcement costs.
- F. BE Aerospace stipulates that pursuant to N.C.G.S. § 130A-18, and irrespective of all other remedies at law, the Section may file an action for injunctive relief in the Superior Court of Forsyth County to enjoin any threatened or continuing violation of the requirements of this Order or the statutes or rules cited therein, including but not limited to the requirements for corrective action, or to impose any emergency response measures deemed necessary to protect human health and the environment.
- G. The Section may impose an administrative penalty on BE Aerospace for violating the requirements of this Order or the statutes or rules cited therein. The assessment of an administrative penalty pursuant to N.C.G.S. 130A-22 will confer on BE Aerospace all rights under Chapter 150B of the North Carolina General Statutes to contest the Section's

decision to impose an administrative penalty, but not to contest the validity or enforceability of this Order, in so far as BE Aerospace have both stipulated to the Section's jurisdiction and have waived their rights to contest the Section's enforcement of the Order pursuant to Paragraph II.B.

- H. The Chief of the Hazardous Waste Section may determine that acts or circumstances, whether or not directly related to this Order, may endanger human health, welfare, or the environment and may order BE Aerospace to stop further implementation of this Order, either temporarily or permanently, until the endangerment is abated.
- I. Nothing in this Order shall be construed as limiting the Section in performing its duty to protect the public health and the environment of the State as required by law. The State may order or independently initiate any response action it deems necessary to protect public health, welfare, or the environment.

XIX. Other Claims

- A. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, corporation, or other entity for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous wastes or hazardous constituents found at, taken to, or taken from the Facility.

- B. Nothing herein shall constitute a satisfaction of, or release from, liability for any claim arising as a result of operation, ownership or use of the Facility by BE Aerospace, their agent(s), contractors, lessees, successors, or assigns.

XX. Indemnification of the State of North Carolina

BE Aerospace stipulates that it will indemnify, save and hold harmless the State, its agencies, departments, agents, and employees, from all claims or causes of action arising from or on account of acts or omissions of BE Aerospace or their officers, employees, agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this Order. This indemnification will not affect or limit the rights or obligations of BE Aerospace or the State under their various contracts. This indemnification will not create any obligation on the part of BE Aerospace to indemnify the State from claims to the extent arising from the acts or omissions of the State.

XXI. Additional Provisions

- A. This Order may only be modified in writing. The existing Order shall remain in effect as written until such time as the Parties have executed a written amendment to the Order, until such time as the Section deems the Order satisfied pursuant to the provisions of Paragraph XIV.C., or until the Order is dissolved pursuant to the provisions of Paragraph XIII.
- B. The signatory for each Party certifies that he or she is fully authorized to execute (and legally bind such Party to) this document.
- C. The annual activity fee specified in N.C.G.S. 130A-294.1 shall be paid to the Division by BE Aerospace.
- D. If any judicial authority holds any provision of this Order to be invalid, the remaining provisions shall remain in force and shall not be affected.
- E. Except as otherwise provided in this Order, the Parties shall bear their own costs and attorneys fees.
- F. A Schedule of Compliance, which lists some of the key submittals required by this Order, can be found in Attachment E. This is not a complete list of all due dates nor is the Compliance Schedule intended to summarize and not modify the requirements of the Order.
- G. This Order is effective on the date that the Section signs the Order.

For the North Carolina Department of Environment and Natural Resources

Elizabeth W. Cannon
Elizabeth W. Cannon, Chief
NC Hazardous Waste Section
NC Division of Waste Management

9/28/12
date signed

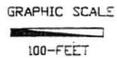
For BE Aerospace, Incorporated

Mitch Barger
Mitch Barger
Plant Manager
BE Aerospace, Inc.

9/24/12
date signed

Attachment A

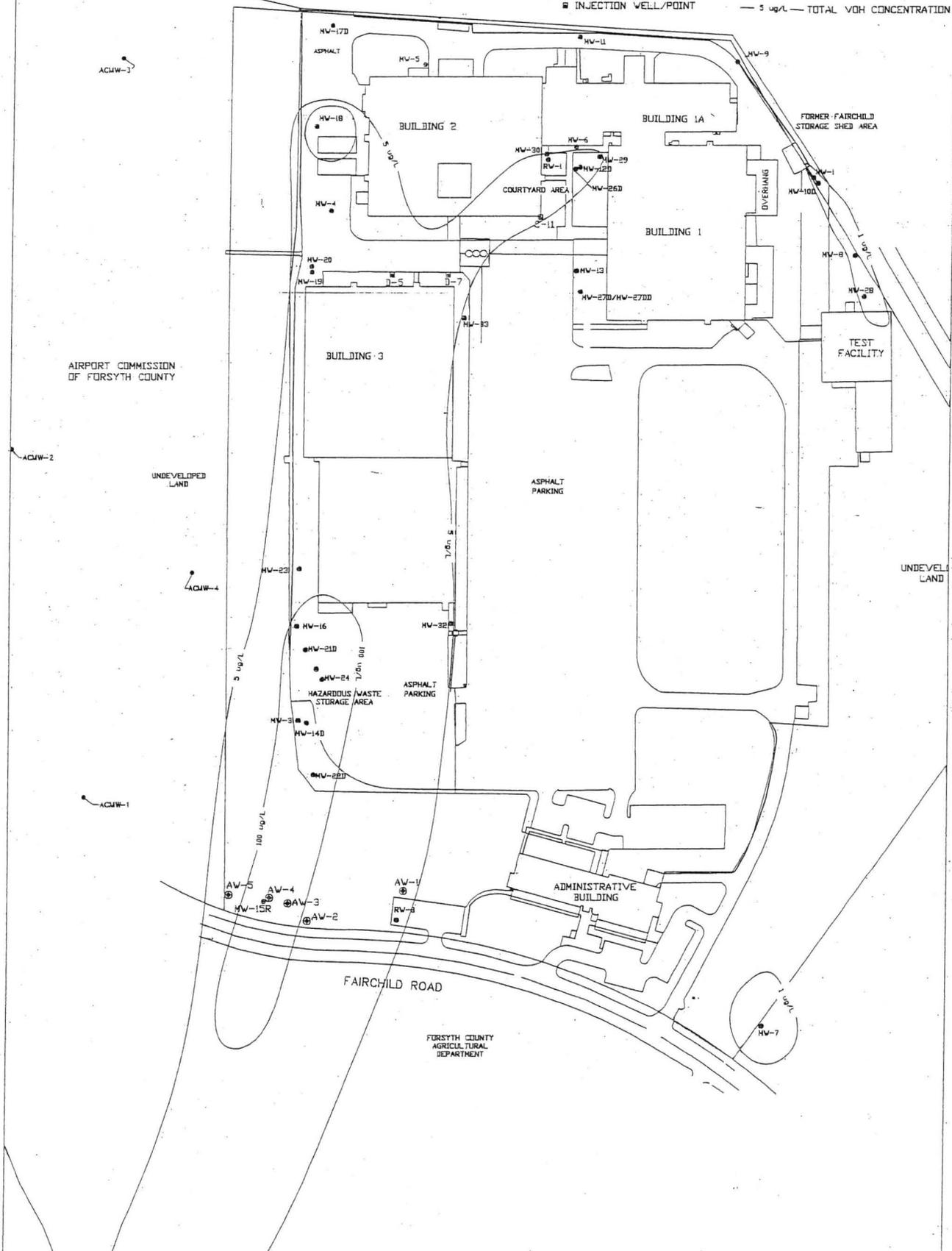
Isoconcentration Map: PCE in Groundwater



LEGEND:

- ⊕ MONITORING WELL
- ⊙ RECOVERY WELL
- ⊕ AERATION WELL
- ⊖ INJECTION WELL/POINT

- PROPERTY BOUNDARY
- FENCE
- 5 ug/L TOTAL VOH CONCENTRATION



ELEVATION AT ROCK
 SP = 863.48 AS OF
 1001

SOURCE: SITE DESIGN, INC. 11/2006

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CRB
 Geological & Environmental Services, Inc.
 8744 SW 133rd Street
 Miami, FL 33176
 Telephone: (305) 447-9777

TITLE: PCE IN GROUNDWATER (1/24/2012) 8/E AEROSPACE FACILITY 1485 FAIRCHILD ROAD, WINSTON-SALEM, NC	
DATE: JULY 27, 2011	PROJECT NO: BEA114-02
DRAWN BY: LA	SCALE: AS NOTED
CHECKED BY: RCV	APPROVED BY: FRB

FIGURE
4

Attachment B
Historic Groundwater Analytical Results

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-1	02/09/96	280	7.6	<	<	<	<
	05/16/97	280	6.4	<	68	<	<
	04/10/01	53	<	<	<	<	<
	04/23/02	3900	180	<	1700	<	<
	04/09/03	1030	46.4	<	347	<	<
	04/19/04	96.5	1.5	<	12.4	<	<
	04/27/05	20	<	<	<	<	<
	04/05/06	8.4	<	<	<	<	<
	03/19/07	3.3	<	<	<	<	<
	04/29/08	3.7	<	<	<	<	<
	04/21/09	3.4	<	<	<	-	<
	04/05/10	2	<	<	<	<	<
	10/28/10	2.5	<	<	<	-	<
	01/24/11	2.6	<	<	<	-	<
	04/26/11	1.4	<	<	<	<	<
07/22/11	3.6	<	<	<	<	<	
10/06/11	3.4	<	<	<	<	<	
04/03/12	3.5	<	<	<	<	<	
MW-3	02/06/96	1400	320	<	<	<	<
	05/19/97	940	130	<	<	<	<
	07/28/99	864	92.4	4.46	11.9	6.4	<
	01/05/00	450	110	6	17	<	<
	07/10/01	2100	160	52	<	23.0	<
	06/24/03	901	64.1	78.9	12.7	32.0	<
	04/20/04	985	61.6	108	14.1	37.4	<
	04/28/05	900	57	76	<	24	<
	04/06/06	2600	<	<	<	<	<
	03/20/07	1000	85	100	20	19	<
	04/30/08	890	56	85	17	11	<
	04/06/10	900	36	43	11	<	<
	05/03/11	370	38	19	30	1.5	<
	04/02/12	640	42	26	25	1.6	<
MW-4	02/06/96	75	<	6.9	<	8.6	<
	05/16/97	76	3.4	9.8	<	10	<
	07/29/99	87.7	3.1	2.5	<	11.5	<
	07/10/01	84	<	33	<	12	<
	06/24/03	130	5.6	47.2	<	27.4	<
	04/19/04	66.2	4.2	30.2	<	6.4	<
	04/27/05	22	3.2	7.4	<	1.8	<
	04/05/06	28	3.1	5	<	<	<
	04/22/09	26	2.2	5.3	<	-	<
	04/06/10	24	1.9	<	<	<	<
	05/03/11	18	1.5	2.1	<	<	<
	04/03/12	16	1.4	1.7	<	<	<

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-5	02/06/96	<	<	<	<	<	<
	05/16/97	<	<	<	<	<	<
	07/29/99	<	2.3	<	<	<	<
	07/09/01	<	<	<	<	<	<
	08/07/02	<	<	<	<	<	<
	06/24/03	<	<	<	<	<	<
	04/19/04	1.5	<	<	<	<	<
	04/27/05	<	<	<	<	<	<
	04/05/06	1.2	<	<	<	<	<
	03/19/07	<	<	<	<	<	<
	04/29/08	1.9	<	<	<	<	<
	04/22/09	<	<	<	<	-	<
	04/05/10	<	<	<	<	<	<
	04/27/11	<	<	<	<	<	<
04/03/12	<	<	<	<	<	<	
MW-6	02/06/96	2000	<	<	<	160	<
	05/17/97	14000	<	<	<	<	<
	04/23/02	720	<	<	<	<	<
	04/20/04	6760	18.3	3.1	3.6	10	<
	04/27/05	1800	<	<	<	<	<
	04/05/06	950	<	<	<	<	<
	03/20/07	250	<	<	<	<	<
	09/12/07	12	<	<	<	<	<
	04/30/08	14	<	<	45	<	<
	04/22/09	3.2	<	<	36	-	<
	04/06/10	2.2	<	<	26	<	<
	10/28/10	190	2.6	1	18	-	<
	01/24/11	22	<	<	9.2	-	<
	05/02/11	<	<	<	5.9	<	<
	07/22/11	<	<	<	10	<	<
	10/06/11	2.2	<	<	7.1	<	<
01/24/12	<	<	<	3.1	<	<	
04/02/12	1	<	<	1.9	<	<	

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-7	02/13/96	<	16	<	<	<	<
	07/08/96	2.9	5.3	<	<	1.0	<
	05/16/97	3.4	12	<	6.8	<	<
	07/29/99	13.3	19.2	<	10.5	<	<
	02/11/00	11	17	<	<	1.0	<
	07/09/01	<	2.3	<	2.3	<	<
	08/07/02	7.9	19.1	1.6	11.3	<	<
	06/24/03	6.9	9.9	1.4	5.2	<	<
	04/21/04	6.0	12.4	1.1	7.0	<	<
	04/28/05	5.6	16	1.3	<	<	<
	04/04/06	11	23	1.4	14	<	<
	03/19/07	13	35	2.7	19	<	<
	04/29/08	9	22	1.8	12	<	<
	04/23/09	5.5	14	1.6	7.7	-	<
	04/05/10	4.1	8.3	<	4.3	<	<
05/02/11	3.6	10	<	5.9	<	<	
04/03/12	3.6	7.2	<	4.3	<	<	
MW-8	05/19/97	99	45	<	21	<	<
	04/21/04	33.2	7.2	<	2.8	<	<
	04/28/05	18	4.6	<	<	<	<
	04/04/06	10	3	<	<	<	<
MW-9	05/19/97	1.3	<	<	<	<	<
	07/29/99	<	<	<	<	<	<
	07/09/01	<	<	<	<	<	<
	08/07/02	<	<	<	<	<	<
	06/24/03	<	<	<	<	<	<
	04/19/04	<	<	<	<	<	<
	04/27/05	<	<	<	<	<	<
	04/05/06	<	<	<	<	<	<
	03/19/07	<	<	<	<	<	<
	04/22/09	<	<	<	<	-	<
	04/29/10	<	<	<	<	<	<
	04/26/11	<	<	<	<	<	<
	04/03/12	<	<	<	<	<	<
MW-10D	05/19/97	4.7	<	<	<	<	<
	07/29/99	<	<	<	<	<	<
	10/12/00	<	<	<	<	<	<
	04/10/01	<	<	-	<	<	<
	04/23/02	<	<	<	<	<	<
	04/09/03	<	<	<	<	<	<
	04/19/04	<	<	<	<	<	<
	04/27/05	<	<	<	<	<	<
	04/05/06	<	<	<	<	<	<
	03/19/07	<	<	<	<	<	<
	04/29/08	<	<	<	<	<	<
	04/21/09	<	<	<	<	-	<
	04/05/10	<	<	<	<	<	<
	04/26/11	<	<	<	<	<	<
04/03/12	<	<	<	<	<	<	

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-11	05/19/97	2.1	<	<	15	120	<
	07/28/99	1.7	<	<	<	20	<
	07/09/01	<	<	1.1	<	5	<
	08/07/02	<	<	<	<	2.2	<
	06/24/03	<	<	<	<	3.3	<
	04/19/04	1.0	<	<	<	4.4	<
	04/27/05	<	<	<	<	<	<
	04/05/06	<	<	<	<	<	<
	03/19/07	<	<	<	<	1.1	<
	04/05/10	7.4	<	<	<	<	<
	01/24/11	13	<	<	<	-	<
	04/27/11	7.9	<	<	<	<	<
	07/22/11	8.7	<	<	<	<	<
	10/06/11	2.2	<	<	<	<	<
	01/24/12	1.9	<	<	<	<	<
04/03/12	1.2	<	<	<	<	<	
MW-12D	05/19/97	4.9	<	1.3	<	6.0	<
	07/28/99	109	<	<	<	9.7	<
	10/12/00	17	<	<	<	<	<
	04/10/01	7.6	<	<	<	-	<
	04/23/02	11	<	<	<	<	<
	04/09/03	8.4	<	<	<	<	<
	04/20/04	3.3	<	<	<	<	<
	04/27/05	15	<	<	<	<	<
	04/05/06	6.4	<	<	<	<	<
	03/20/07	5	<	<	<	<	<
	04/30/08	3.9	<	<	<	<	<
	07/23/08	5.3	<	<	<	<	<
	11/18/08	8.3	<	<	<	-	<
	04/22/09	2.8	<	<	<	-	<
	04/06/10	3.3	<	<	<	<	<
	05/02/11	1.7	<	<	<	<	<
07/22/11	1.3	<	<	<	<	<	
04/02/12	1.6	<	<	<	<	<	
MW-13	05/19/97	7.4	<	<	<	<	<
	04/04/06	1.3	<	<	<	<	<
	03/20/07	1.7	<	<	<	<	<
	04/26/11	<	<	<	<	<	<
MW-14D	05/19/97	1200	170	<	<	<	<
	10/13/00	2000	120	61	<	58	<
	04/10/01	770	67	75	<	55	<
	04/23/02	1600	71	100	<	69	<
	01/07/00	1050	46.2	109	1.4	56.9	<
	04/20/04	1270	38.3	117	1.16	64.9	<
	04/27/05	2000	39	100	<	46	<
	04/06/06	1700	24	56	<	23	<
	03/20/07	2400	30	91	4.5	25	<
	04/30/08	1500	29	61	30	15	<
	04/23/09	2000	24	57	110	-	<
	04/06/10	900	31	25	220	5.5	<
	10/28/10	1300	27	22	190	-	<
	01/24/11	1300	23	17	170	-	<
	04/25/11	650	<	<	190	<	<
	08/02/11	1000	19	11	120	<	<
	10/06/11	1200	17	12	67	1.3	<
	01/24/12	900	14	<	50	<	<
04/04/12	1000	<	<	60	<	<	

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-15R	09/26/06	1200	40	70	2	23	<
	03/20/07	1200	42	81	2	22	<
	05/01/08	1300	39	83	2.1	17	<
	04/23/09	1800	38	86	<	-	<
	03/10/10	1400	26	64	9.8	<	<
	10/28/10	1600	27	51	44	-	<
	01/24/11	1100	20	34	44	-	<
	05/03/11	940	19	38	50	<	<
	10/05/11	990	19	32	57	3.4	<
	01/24/12	990	19	26	66	<	<
	04/03/12	890	19	25	69	<	<
MW-16	05/19/97	1800	70	120	<	270	<
	07/28/99	773	<	94.1	<	98	<
	07/11/01	930	26	54	2.2	62	<
	06/24/03	1490	25.2	62.6	1.66	49	<
	04/20/04	1040	16.9	44.4	1.22	27.8	<
	04/28/05	320	6.9	18	<	11	<
	04/06/06	440	5.8	9	<	7.1	<
	03/20/07	560	11	20	<	10	<
	04/30/08	920	10	16	<	6.7	<
	04/22/09	680	<	<	<	-	<
	04/06/10	720	<	<	22	<	<
	01/24/11	410	3.9	3.4	4.1	-	<
	05/03/11	310	<	<	<	<	<
	08/02/11	420	<	<	6.7	<	<
04/03/12	290	<	<	8	<	<	
MW-17D	12/15/99	<	<	<	<	<	<
	01/05/00	<	<	<	<	<	<
	07/09/01	<	<	<	<	<	<
	08/07/02	<	<	<	<	<	<
	06/24/03	<	<	<	<	<	<
	04/19/04	<	<	<	<	<	<
	04/27/05	<	<	<	<	<	<
	04/05/06	<	<	<	<	<	<
	03/19/07	<	<	<	<	<	<
	04/29/08	<	<	<	<	<	<
	04/23/09	<	<	<	<	-	<
	04/05/10	<	<	<	<	<	<
	01/24/11	<	<	<	<	-	<
	04/27/11	<	<	<	<	<	<
04/03/12	<	<	<	<	<	<	

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.3	7.0	70	200	0.015
MW-18	12/15/99	171	13.9	3.6	22.1	2.2	<
	07/10/01	71	21	4	33	3.1	<
	08/07/02	50.9	7.71	2.57	15.6	2.0	<
	06/24/03	549	28.3	3.9	26.7	2.5	<
	04/19/04	227	45.3	5.6	54.8	2.6	<
	04/27/05	190	43	6.3	<	3.1	<
	04/05/06	210	36	6	82	<	<
	03/20/07	98	20	4.6	53	1.3	<
	09/12/07	93	33	2.3	30	1.3	<
	04/30/08	160	11	1.6	24	<	<
	04/23/09	160	11	2.1	23	-	<
	09/02/09	210	25	<	27	-	<
	04/06/10	180	15	2	26	<	<
	10/28/10	80	22	1.6	25	-	<
	01/24/11	85	13	1.5	25	-	<
	05/03/11	86	10	1.7	25	<	<
	08/02/11	190	19	1.8	41	<	<
10/06/11	78	9.8	<	25	<	<	
01/24/12	91	10	1.2	25	<	<	
04/03/12	150	16	1.7	34	<	<	
MW-19	01/06/00	150	8	48	<	<	<
	04/10/01	64	<	55	<	23	<
	04/23/02	220	<	49	<	12	<
	04/09/03	70	1.33	36.1	<	12.8	<
	04/19/04	74.5	1.9	36.3	<	10.5	<
	04/27/05	220	6.5	100	<	16	<
	04/05/06	180	4.8	100	<	14	<
	03/20/07	180	3.8	140	1	15	<
	04/30/08	130	3	130	<	9.3	<
	04/22/09	120	2.2	110	<	-	<
	04/06/10	100	1.7	33	<	3.6	<
	10/28/10	110	2.2	82	<	-	<
	01/24/11	100	1.6	68	<	-	<
	05/03/11	65	1.1	49	<	2.2	<
	08/02/11	85	1.5	64	<	2.7	<
10/06/11	83	1.3	53	<	2.1	<	
01/24/12	37	<	19	<	<	<	
04/04/12	53	1	30	<	1.4	<	
MW-20	01/06/00	44	6	11	<	5	<
	07/10/01	72	7.6	16	<	8.9	<
	08/07/02	84.1	5.6	35.3	<	8.0	<
	06/24/03	274	7.5	109	1.1	31.2	<
	04/19/04	267	5.2	188	1.0	24.3	<
	04/27/05	250	6.4	220	<	31	<
	04/05/06	150	<	120	<	<	<
	03/20/07	230	5.8	220	1.2	22	<
	04/30/08	210	5.8	270	1.2	15	<
	04/22/09	140	4.4	130	<	-	<
	04/06/10	35	2.6	8.4	<	<	<
	05/03/11	49	3	36	<	1.7	<
	04/03/12	64	3.2	31	<	1.4	<

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-21D	01/05/00	1200	68	170	<	180	<
	07/10/01	2200	70	190	1.9	150	<
	08/07/02	1480	39.2	140	11.9	96	<
	06/24/03	1090	26.5	121	<	89	<
	04/20/04	1580	34.9	139	1.3	67.3	<
	04/27/05	1700	26	91	<	49	<
	04/05/06	5600	<	<	<	<	<
	03/20/07	2200	18	50	7.4	16	<
	04/30/08	1200	12	21	8	6.6	<
	04/22/09	880	<	<	<	-	<
	04/06/10	1400	<	<	<	<	<
	10/28/10	1600	9.9	6.8	21	-	<
	01/24/11	1500	13	6.6	26	-	<
	05/03/11	970	<	<	26	<	<
	08/02/11	1300	12	<	37	<	<
10/06/11	1300	13	3.8	37	<	<	
01/24/12	1300	18	<	62	<	<	
04/04/12	800	15	<	68	<	<	
MW-22D	01/05/00	570	55	20	<	50	<
	07/11/01	200	8.1	3.5	1.3	2.5	<
	08/07/02	941	26.3	42.3	11.9	28.7	<
	06/24/03	<	<	<	<	<	<
	04/20/04	<	<	<	<	<	<
	04/27/05	<	<	<	<	<	<
	04/06/06	<	<	<	2.6	<	<
	04/30/08	38	2.9	11	87	<	<
	04/22/09	31	<	<	6.2	-	<
	04/04/12	190	17	2.3	130	<	<
MW-23	01/06/00	1200	29	130	<	150	<
	02/11/00	1200	<	130	<	110	<
	07/10/01	1000	22	62	<	63	<
	06/24/03	465	9	43.8	<	33	<
	04/20/04	440	6.73	30.9	<	19.7	<
	04/28/05	770	8	16	<	11	<
	04/05/06	680	<	<	<	<	<
	03/20/07	920	7.1	9.3	<	5.7	<
	04/30/08	1000	6.2	7	<	2.6	<
	04/22/09	320	<	12	680	-	0.019
	04/06/10	93	<	<	400	<	<
	05/03/11	18	1.4	2.4	450	<	6.4
04/04/12	7.7	<	<	200	<	<	
MW-24	01/06/00	1100	67	66	<	52	<
	04/26/00	1500	87	68	<	57	<
	07/10/01	930	55	61	3.4	39	<
	08/07/02	620	38	49	6.3	25	<
	06/24/03	802	55	57	16	24	<
	04/20/04	1040	85	48	13	13	<
	04/28/05	530	66	38	<	9.9	<
	04/06/06	510	44	29	20	<	<
	03/20/07	610	56	46	21	11	<
	04/30/08	570	42	22	13	5.2	<
	04/22/09	520	21	12	11	-	<
	04/06/10	560	26	12	12	<	<
	05/03/11	460	13	8.1	9.7	1.7	<
	04/04/12	490	23	<	15	<	<

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-26D	01/05/00	10	<	<	<	<	<
	07/10/01	1.3	<	<	<	<	<
	08/07/02	<	<	<	<	<	<
	06/24/03	<	<	<	<	<	<
	04/19/04	<	<	<	<	<	<
	04/27/05	<	<	<	<	<	<
	04/05/06	<	<	<	<	<	<
	03/20/07	<	<	<	<	<	<
	04/30/08	<	<	<	<	<	<
	04/22/09	<	<	<	<	-	<
	04/06/10	<	<	<	<	<	<
	05/02/11	35	3.1	<	5	<	<
	07/22/11	<	<	<	<	<	<
04/02/12	<	<	<	<	<	<	
MW-27D	01/06/00	8	<	<	<	<	<
	07/09/01	4.5	1.5	<	<	<	<
	08/07/02	3.9	1.0	<	<	<	<
	06/24/03	2.1	<	<	<	<	<
	04/20/04	3.4	<	<	<	<	<
	04/28/05	1.5	<	<	<	<	<
	04/04/06	2.2	<	<	<	<	<
	03/20/07	2.9	<	<	<	<	1.7
	05/01/08	2.7	<	<	<	<	<
	04/23/09	2.6	<	<	<	-	<
	04/07/10	2.2	<	<	<	<	<
	04/26/11	<	<	<	<	<	<
	04/03/12	<	<	<	<	<	<
MW-27DD	07/09/01	<	1.4	<	<	<	<
	08/07/02	<	<	<	1.08	<	<
	06/24/03	<	<	<	<	<	<
	04/20/04	<	<	<	<	<	<
	04/28/05	<	<	<	<	<	<
	04/04/06	<	<	<	<	<	<
	03/20/07	1.2	1.1	<	<	<	<
	04/22/09	1.3	<	<	<	-	<
	04/07/10	<	<	<	<	<	<
	04/26/11	<	<	<	<	<	<
04/03/12	<	<	<	<	<	<	
MW-28	01/06/00	13	<	<	<	<	<
	07/09/01	16	5.2	1.6	<	2.0	<
	04/23/02	18	6.6	<	1.2	1.7	<
	06/24/03	48.2	11.4	9.5	<	7.1	<
	04/21/04	24.1	5.3	2.4	<	2.5	<
	04/28/05	5	1.2	<	<	<	<
	04/04/06	6.1	1.3	<	<	<	<
	03/19/07	5.5	1.3	<	<	<	<
	04/29/08	6.1	1.2	<	<	<	<
	04/22/09	3.8	<	<	<	-	<
	04/05/10	9.1	1.8	<	<	<	<
	04/26/11	5.8	1.5	<	<	<	<
	04/03/12	4.5	<	<	<	<	<

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
MW-29	01/05/00	350	6	7	<	16	<
	02/11/00	280	7.4	8.9	<	19	<
	07/10/01	360	7.7	4.6	3.2	9.1	<
	08/07/02	250	5.9	<	1.7	10.4	<
	06/24/03	1410	11.7	7.9	1.9	13.8	<
	04/19/04	1410	7.4	3.5	1.8	5.58	<
	04/27/05	1200	<	<	<	<	<
	04/05/06	620	<	<	<	<	<
	03/20/07	550	3.9	<	2.1	<	<
	04/30/08	58	<	<	<	<	<
	04/22/09	180	<	<	100	-	<
	04/06/10	120	<	<	62	<	<
	05/02/11	13	<	<	54	<	<
04/02/12	13	<	<	20	<	<	
MW-30	01/05/00	3400	39	38	<	120	<
	04/26/00	8100	<	<	<	<	<
	04/10/01	2900	25	21	<	-	<
	04/09/03	7450	48.9	10.2	4.0	36.5	<
	04/20/04	14200	55.6	9.5	7.5	29.9	<
	04/27/05	3900	<	<	<	<	<
	04/05/06	5500	15	<	<	<	<
	03/20/07	1500	4.7	<	1.5	1.4	<
	09/12/07	170	<	16	<	<	<
	04/30/08	40	<	<	<	<	<
	04/22/09	21	<	<	3.0	-	<
	04/06/10	24	<	<	8.2	<	<
	05/02/11	53	1.1	<	16	<	<
	01/24/12	48	1.1	<	46	<	<
04/02/12	22	1	<	19	<	<	
MW-32	03/31/00	48	21	<	<	<	<
	07/10/01	27	13	<	<	<	<
	04/28/05	23	5.8	<	<	<	<
	04/04/06	41	5.3	<	1.3	<	<
	03/20/07	32	6.5	<	1.9	<	<
	04/29/08	20	4.2	<	1.3	<	<
	04/23/09	14	2.5	<	<	-	<
	04/06/10	18	3.1	<	<	<	<
	05/02/11	17	1.6	<	<	<	<
	04/04/12	9.9	1.1	<	<	<	<
MW-33	03/31/00	55	<	<	<	<	<
	04/10/01	17	<	-	<	<	<
	04/23/02	15	1.2	<	<	<	<
	04/09/03	7.2	<	<	<	<	<
	04/20/04	24	<	<	<	<	<
	04/28/05	43	<	<	<	<	<
	04/04/06	46	1	<	<	<	<
	03/20/07	36	<	<	<	<	<
	04/30/08	10	<	<	<	<	<
	04/23/09	10	<	<	<	-	<
	04/07/10	6.9	<	<	<	<	<
	01/24/11	14	<	<	<	<	<
	04/27/11	5	<	<	<	<	<
	07/22/11	7.8	<	<	<	<	<
	10/06/11	6	<	<	<	<	<
01/24/12	6.3	<	<	<	<	<	
04/03/12	5.2	<	<	<	<	<	

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		µg/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
RW-1	03/31/00	2500	27	19	<	64	<
	10/12/00	5500	<	<	<	<	<
	07/11/01	1500	<	<	<	<	<
	10/18/02	1030	7.21	4.9	<	10.6	<
	06/24/03	4150	17.3	8.3	2.0	18	<
	04/20/04	6740	30	4.6	3.7	15.5	<
RW-2	03/31/00	1700	89	120	<	89	<
	10/12/00	2200	<	160	<	120	<
	07/11/01	2000	<	130	<	<	<
	08/07/02	1710	56.7	136	1.6	99	<
	06/24/03	1250	43.9	45.3	<	72.3	<
RW-3	03/31/00	140	22	<	16	<	<
	10/12/00	280	27	1.1	16	1.2	<
	07/11/01	160	25	<	20	<	<
	08/06/02	171	19.9	<	19.4	<	<
	06/24/03	190	22.4	2.4	22.3	<	<
	04/21/04	164	13	1.1	19.4	<	<
	04/28/05	100	12	<	<	<	<
	04/06/06	75	7.9	<	14	<	<
	03/20/07	140	13	<	20	<	<
	05/01/08	91	8.6	<	1.5	<	<
	04/23/09	89	5.3	<	11	-	<
	04/06/10	46	4.6	<	6.8	<	<
	08/02/11	34	3	<	3.7	<	<
04/03/12	28	2.7	<	3.4	<	<	
B-2	03/20/07	3	<	1	<	<	<
C-3	04/06/10	4	<	<	<	<	<
	04/04/12	43	1.0	20	20	<	<
C-4	04/30/08	68	4.5	18	2.8	<	<
C-5	12/12/06	59	<	<	<	<	<
	04/06/10	1000	<	<	<	<	<
	04/04/12	47	<	<	<	<	<
C-8	04/06/10	24	<	<	15	<	<
C-9	04/06/10	990	<	<	75	<	<
	04/04/12	1100	<	<	270	<	<
C-11	07/25/06	290	2.2	<	1.1	1.3	<
	12/12/06	5	<	<	<	<	<
	03/20/07	69	<	<	<	<	<
	04/30/08	14	1	<	1.7	<	<
D-2	10/06/11	360	<	84	19	<	<
D-3	10/06/11	5	<	<	5.8	<	<
D-5	07/25/06	380	2.4	2	<	2.4	<
	03/20/07	190	<	<	6.7	<	<
	04/30/08	6	<	<	35	<	<

Table 2 - Historic Groundwater Analytical Results
 B/E Aerospace Facility, NCD060302577
 1455 Fairchild Road, Winston-Salem, North Carolina

Sample ID	Sample Date	PCE	TCE	1,1-DCE	cis 1,2 DCE	1,1,1-TCA	Vinyl Chloride
		ug/L					
NC 2L GW Standard ¹		0.7	2.8	7.0	70	200	0.015
D-7	07/25/06	3700	13	5	2.6	6.6	<
	12/12/06	1700	11	4.9	1.6	2.9	<
	03/20/07	2400	10	<	<	<	<
	04/30/08	1200	46	4	750	<	7.2
	04/22/09	110	<	<	2000	-	28
	04/06/10	65	<	<	580	<	<
	10/06/11	82	<	<	87	<	1.9
	04/04/12	18	<	<	110	<	<
D-11	04/07/10	1.3	<	<	<	<	<
F-2	12/13/06	21	3.9	21	1.2	2.2	<
	03/20/07	21	6.2	18	1.7	<	1.6
F-3	12/13/06	7.2	<	<	<	<	<
F-4	04/05/12	15	1.8	<	3.7	<	<

<-Below Detection Limits

(D)-Duplicate Sample

TCE-Trichloroethene

DCE-Dichloroethene

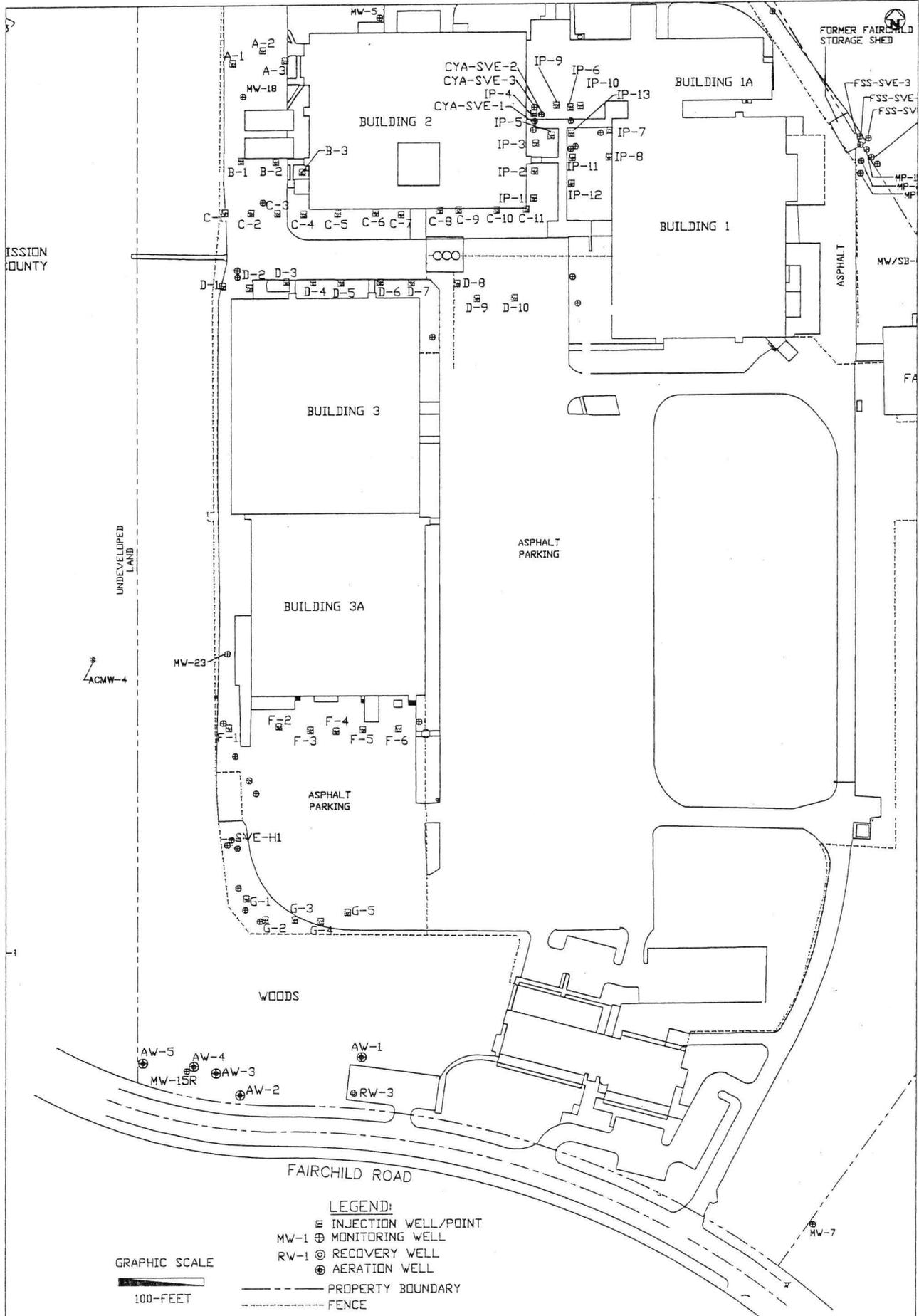
TCA-Trichloroethane

PCE -Tetrachloroethene

NC 2L-North Carolina Title 15 A Subchapter 2L Groundwater Quality Standards.

Attachment C

Injection Well and Aeration Well Locations



MISSION COUNTY

UNDEVELOPED LAND

ACMW-4

GRAPHIC SCALE
100-FOET

LEGEND:
 ■ INJECTION WELL/POINT
 MW-1 ⊕ MONITORING WELL
 RW-1 ⊕ RECOVERY WELL
 ⊕ AERATION WELL
 ——— PROPERTY BOUNDARY
 - - - - - FENCE

CRB
 Geological & Environmental Services, Inc.
 4573 Ponce de Leon Boulevard
 Coral Gables, Florida 33146
 Telephone: (305) 447-9777
 Fax: (305) 567-2853

TITLE: INJECTION WELL & AERATION WELL LOCATIONS B/E AEROSPACE FACILITY 1435 FAIRCHILD ROAD WINSTON-SALEM, NORTH CAROLINA			
REV'D DATED: 10/6/2006	PROJECT NO: MCA414-02	FIGURE	
DRAWN BY: L. AYALA	SCALE: AS NOTED	5	
CHECKED BY: RCV	APPROVED BY: FRB		

Attachment D

AOC (Docket #99-126)

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT

September 2, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

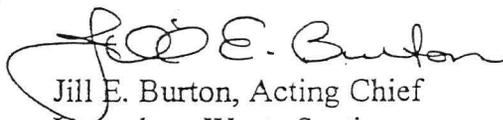
Mr. Jeffrey P. Holtzman
Vice President
B. E. Aerospace, Inc.
1455 Fairchild Road
Winston-Salem, North Carolina 27105

RE: Administrative Order on Consent
B. E. Aerospace, Inc.
Winston-Salem North Carolina
NCD060302577 Docket# 99-126

Dear Mr. Holtzman:

Please find enclosed one signed original of the revised Administrative Order on Consent concerning the subject facility. The provisions of this order are now in effect. Please contact Doug Roberts at (919) 733-2178 ext.233 if you should have any questions concerning this order.

Sincerely,


Jill E. Burton, Acting Chief
Hazardous Waste Section

Enclosure: Administrative Order on Consent (1 original)

c: Doug Holyfield
Stephen Phibbs
Jesse Wells
Doug Roberts
Bill Miller

rc: Linda Culpepper
Helen Cotton

North Carolina Department of Environment
and Natural Resources
Division of Waste Management
Hazardous Waste Section

In Re: B/E Aerospace, Inc.)	ADMINISTRATIVE ORDER
1455 Fairchild Road)	ON CONSENT
Winston-Salem, North Carolina 27105)	Docket # 99-126
NCD 060 302 577)	

PRELIMINARY STATEMENT

With the consent of B/E Aerospace, Inc. (BEAI), current owner of the Former Burns Aerospace Corp. facility on Fairchild Road in Winston-Salem, Forsyth County, North Carolina, the Department of Environment and Natural Resources of the State of North Carolina (Department), through its Division of Waste Management (Division), issues this Administrative Order on Consent (Order) to amicably resolve issues concerning the management of hazardous wastes located at the facility on Fairchild Road.

STIPULATIONS

1. BEAI and the Division agree and stipulate to the following:
 - a. On December 18, 1980, the United States Environmental Protection Agency (EPA) authorized North Carolina to operate a state hazardous waste program in accordance with the provisions of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), the North Carolina Solid Waste Management Act (NC General Statutes 130A), and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code, 15A NCAC 13A.
 - b. Pursuant to the Resource Conservation and Recovery Act (RCRA), the North Carolina Solid Waste Management Act (herein referred to as the "Act"), and rules promulgated thereunder (herein referred to as the "Rules"), the Department is authorized to enforce standards for generation, transportation, treatment, storage, and disposal of hazardous wastes. The Director of the Division of Waste Management, William L. Meyer, is delegated that authority from the Secretary of the Department.
 - c. BEAI is the owner of property located on Fairchild Road, in Winston-Salem, Forsyth County, North Carolina (herein referred to as the "Site"). The site is utilized for the manufacture of passenger seats for the aerospace industry.

- d. BEAI is a person as defined in N.C.G.S. 130A-290 (a) (22) and 15A NCAC 13A .0102. BEAI has managed hazardous waste at the site.
- e. While investigating the site prior to purchasing it from Burns Aerospace, BEAI discovered environmental contamination near the hazardous waste storage area. BEAI notified the Division of the contamination and, in October 1996, submitted a report entitled "Ground Water Monitoring Results".
- f. On December 20, 1996, the Division of Water Quality issued to BEAI a notice of violation of Subpart 2L groundwater standards based on the notification provided by BEAI.
- g. In March, 1997, BEAI submitted a Comprehensive Site Assessment Workplan and on September 16, 1997, submitted a Comprehensive Site Assessment Report.
- h. Hazardous wastes which had been managed at the site include: tetrachloroethane and methylene chloride (F002), 1,1,1-trichloroethene and carbon tetrachloride (F001), xylene, acetone, ethyl acetate and ethyl benzene (F003), electroplating sludges (F006) and aluminum conversion coating sludges (F019).
- i. On February 4, 1998, Mr. Doug Roberts and Mr. Stephen Phibbs of the Hazardous Waste Section conducted a site inspection.
- j. On June 10, 1998, BEAI submitted a Comprehensive Site Assessment Workplan Addendum (CSAWA).
- k. In the CSAWA, BEAI proposed that upon the Division's approval of the CSAWA, BEAI would complete its plan for further subsurface assessment within four (4) weeks and would submit a Comprehensive Site Assessment Addendum report within ninety (90) days.
- l. BEAI is responsible for the storage and disposal of solid and hazardous waste at the site.
- m. The areas identified in the September 16, 1997 Comprehensive Site Assessment Report as being affected by releases of hazardous waste and hazardous waste constituents were hazardous waste storage units. Because of the nature of the releases to the environment from these locations, these units are now considered hazardous waste disposal units.
- n. The Division has jurisdiction under RCRA, the Act, and the Rules to require closure of the hazardous waste disposal units at the site.

RELEVANT STATUTES AND REGULATIONS

2. The following statutes and regulations are relevant to the conditions at the site:
 - a. Wastes which are subject to regulation as hazardous wastes under Title 40, Code of Federal Regulations (CFR), Parts 262 through 265, 268, 270, 271 and 124, are identified in 40 CFR 261.1(a) as adopted by reference at 15A NCAC 13A .0106.
 - b. The solid wastes referred to in 40 CFR 261.1(a) are subject to the notification requirements of section 3010 of RCRA (42 U.S.C. 6930).
 - c. Pursuant to 40 CFR 261.2(b), as adopted by reference at 15A NCAC 13A .0106, materials are a solid waste if they are abandoned by being:
 - i. Disposed of; or
 - ii. Burned or incinerated; or
 - iii. Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.
 - d. Pursuant to 40 CFR 261.3(a), as adopted by reference at 15A NCAC 13A. 0106, a solid waste is hazardous if:
 - i. It is not excluded from regulation as a hazardous waste under section 261.4(b); and
 - ii. It meets any of the following criteria:
 - (1) It exhibits any of the characteristics of hazardous waste identified in Subpart C.
 - (2) It is listed in Subpart D and has not been excluded from the lists in Subpart D under Sections 260.20 and 260.22.
 - (3) It is a mixture of a solid waste and a hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C, unless the resultant mixture no longer exhibits any characteristics of hazardous waste identified in Subpart C.
 - (4) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded under sections 260.20 and 260.22.

- e. Pursuant to GS 130A-290(a)(6), "disposal" is the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.
- f. Pursuant to GS 130A-290(a)(41), "storage" is the containment of solid waste either on a temporary basis or for a period of years in a manner which does not constitute disposal.
- g. 15A NCAC 13A .0109(a), states that any person who treats, stores or disposes of hazardous waste shall comply with the requirements set forth in this section. The treatment, storage or disposal of hazardous waste is prohibited except as provided in this section.

ORDER

- 3. With the consent of BEAI, the Division hereby issues the following Order:
 - a. The provisions of this Order shall henceforth govern the remedial actions of BEAI with regard to hazardous waste disposal units at this site.
 - b. BEAI shall comply with 40 CFR 265.90-265.94, adopted by reference at 15A NCAC 13A .0110, by performing the following actions:
 - i. BEAI shall submit to the Division a proposal to characterize subsurface conditions at the site. The proposal submitted must include, at a minimum, a plan to characterize the subsurface conditions at the site and determine the ground water flow direction. The plan must describe, at a minimum, the installation of one boring to auger refusal and three borings completed in the surficial aquifer. Each boring must be completed according to ASTM D-1586 and the soil classified by ASTM D-2488. Temporary or permanent monitoring wells must be installed in the three borings completed in the surficial aquifer. Each well must be screened in the surficial aquifer only. The elevation of the top of the casing at each well site must be determined, and based upon stabilized ground water level readings, the ground water flow direction must be determined. The plan must also include a site map (minimum scale: 1" = 200') identifying the property line, plant building(s), waste management unit(s), ponds, well(s) and other pertinent structures. Well construction schematics must also be included. (Note: If temporary wells are installed, then the casing must be removed and the borings backfilled with a grout or grout bentonite mixture as soon as technically feasible and in accordance with the North Carolina Well Construction Standards.) On June 10, 1998, BEAI submitted its CSAWA, the review of which has not yet been completed by the Division. The CSAWA may suffice as the proposal required under this paragraph if it is found to include each of the items required by this paragraph. BEAI agrees to respond promptly to any notice of a deficiency in the CSAWA and to submit any missing information within thirty (30) calendar days.

ii. Not later than thirty (30) calendar days following approval by the Division of the CSAWA, BEAI shall install the borings/wells, characterize the subsurface conditions, determine the ground water flow direction (both vertically and horizontally), and submit a ground water monitoring plan. The work required under this paragraph may be commenced prior to the Division's review of the CSAWA subject to any modifications or additions to the CSAWA that may still be required for its final approval. The Division agrees to exert its best efforts to coordinate with BEAI to help minimize additional costs due to any delay in the Division's final approval of the CSAWA.

- (1.) the boring logs and water levels from the initial borings/wells.
- (2.) a description of the site, local and regional hydrogeologic conditions.
- (3.) the location of initial borings/wells and proposed additional ground water quality monitoring well(s) on a site map. These wells must include a minimum of one upgradient and three downgradient wells. The downgradient wells must be located within 50 feet of the regulated unit(s).
- (4.) the construction design for each of the wells including depth and screened interval.
- (5.) the sample collection and analysis procedures to be utilized in sampling of ground water quality monitoring wells. A guidance document is enclosed to assist in the development of a Sampling and Analysis Plan.
- (6.) a schedule for the collection and analysis of ground water samples on a quarterly basis. The quarterly sampling schedule must include the following:
 - (A) ground water monitoring wells to be sampled;
 - (B) specific months during which quarterly ground-water monitoring will be performed; and
 - (C) analysis for the following parameters: arsenic, cadmium, chromium, lead, volatile and semi-volatile organic compounds, pH, specific conductance, ground-water surface elevation. The parameter list may be modified based on the identification of hazardous waste constituents in the ground water.

Note: This office must be notified 10 working days prior to the first sample collection date. Analytical results of ground water samples must be submitted within sixty (60) calendar days of the ground water monitoring event.

- (7). Not later than ninety (90) calendar days following approval by the Division of the CSAWA, BEAI shall submit a Comprehensive Site Assessment Addendum (CSAA) report. Since previous investigations have identified ground water contamination in the vicinity of the hazardous waste storage area, the CSAA report shall include a ground water assessment plan in accordance with 40 CFR 265.93, as adopted by reference in 15A NCAC 13A. 0110. The plan must describe the steps to be taken to complete the ground water assessment and specify the number, location and depth of wells; a quarterly ground water monitoring schedule; evaluation procedures, including any use of previously gathered ground water quality data; and a schedule of implementation. The plan must be capable of determining:
- (A) the rate and extent of migration of hazardous waste or hazardous waste constituents in the ground water; and
 - (B) the concentration of hazardous waste or hazardous waste constituents in the ground water.
- iii. Not later than thirty (30) calendar days following submission to the Division of the ground water monitoring plan, BEAI shall install ground water monitoring wells and initiate a sampling schedule whether or not the CSAWA or any ground water monitoring plan has been approved by the Division. The work required under this paragraph may be commenced prior to the Division's approval of the CSAWA or any ground water monitoring plan. However, such work is subject to modification or additional work that may be required prior to the Division's final approval. A determination whether the investigative work conducted under this subparagraph is complete may be made by the Division separate and apart from its approval or disapproval of the CSAWA. The Division agrees to exert its best efforts to coordinate with BEAI to help minimize additional costs due to any delay in the Division's final approval of the CSAWA or ground water monitoring plan.
- c. BEAI shall comply with 40 CFR 265.112(a), as adopted by reference at 15A NCAC 13A .0110. BEAI shall have a written closure plan for the Hazardous Waste Storage Area and shall submit six (6) copies of this plan to the Division for approval within sixty (60) calendar days of the effective date of this Order. BEAI shall keep a copy of the closure plan and all revisions to the plan at the facility until closure is completed and certified in accordance with Section 265.115. This plan must identify the steps necessary to completely close the units at the facility. The closure plan must include, at least:
- i. A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 265.111;
 - ii. A description of how final closure of the facility will be conducted in accordance with Section 265.111. The description must identify the maximum extent of the operation which will be unclosed during the active life for the facility;

- iii. An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable;
 - iv. A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard;
 - v. A detailed description of other activities necessary during the closure period to ensure that closure satisfies the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control; and
 - vi. A schedule for closure of the hazardous waste management unit. The schedule must include, at a minimum, the total time required to close and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included.).
 - vii. BEAI may continue to use the storage area for the accumulation of hazardous waste in accordance with 40 CFR PART 262 as adopted by reference at 15A NCAC 13A .0107, provided such use does not interfere with the investigation and decontamination of the storage area.
- d. Comply with 40 CFR 265.118 (a), as adopted by reference at 15A NCAC 13A .0110. BEAI shall have a written post-closure plan for the Hazardous Waste Storage Area, which meets the requirements of paragraph (c) of Section 265.118, and shall submit six (6) copies of this plan to the Division for approval within thirty (30) calendar days of approval of the closure plan.
 - e. Comply with 40 CFR 265.142(a), as adopted by reference at 15A NCAC 13A .0110. BEAI shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 265.111 through 265.115 and applicable closure requirements of Sections 265.178, 265.197, 265.228, 265.258, 265.280, 265.310, 265.351, 265.381, and 265.404.
 - f. Comply with 40 CFR 265.143, as adopted by reference at 15A NCAC 13A .0110, and 265.145, as adopted by reference at 15A NCAC 13A .0110. BEAI shall within sixty (60) calendar days from submittal of the closure plan demonstrate financial assurance for closure in accordance with the requirements of these sections. Should BEAI fail to complete closure within one hundred and eighty (180) days of approval by the Division of

its closure plan, BEAI shall at that time immediately demonstrate liability coverage in accordance with 40 CFR 265.147, as adopted by reference at 15A NCAC 13A .0110(h).

- g. Comply with 40 CFR 265.144(a), as adopted by reference at 15A NCAC 13A .0110. BEAI shall have a detailed written estimate in current dollars of the annual cost of post-closure monitoring and maintenance of the Hazardous Waste Storage Area in accordance with the applicable post-closure regulations in Sections 265.117, 265.180, 265.228, 265.258, 265.280, and 265.310.
- h. Comply with 40 CFR 265.145, as adopted by reference at 15A NCAC 13A .0110. BEAI shall within sixty (60) calendar days from submittal of the post-closure plan demonstrate financial assurance for post-closure in accordance with the requirements of these sections.
- i. Comply with 40 CFR 270.10(a), as adopted by reference at 15A NCAC 13A.0113. BEAI shall complete, sign, and submit Part A of the permit application to the Division as described in this section and sections 270.70 through 270.73 within thirty (30) calendar days of the effective date of this Order. BEAI shall also complete, sign and submit six (6) copies of Part B of the permit application within six months of its receipt of the Division's request for submission of the Part B.
- j. Comply with 40 CFR 264.101, as adopted by reference at 15A NCAC 13A .0109, by implementing a corrective action program that, at a minimum includes the following:
 - i. In the ground water assessment plan described in subparagraph b.ii.(7) above, BEAI shall include provisions to determine the concentration, vertical and horizontal extent, and rate of migration of contamination in the soil and ground water that may have resulted from any releases of hazardous constituents at the site, including but not limited to the Hazardous Waste Storage Area, the Stormwater Outfall and Air Compressor Area, the Courtyard, and the Former Fairchild Shed.
 - ii. In accordance with the schedule of the approved site-wide ground water assessment plan, BEAI shall submit a report that describes the site conceptual model and the results of the ground water assessment. The description of the site conceptual model must be supported with documentation (i.e. text and illustrations) sufficient to understand the transport and fate of known and potential releases and to identify all potential receptors of those releases.

Note: In the event that additional site characterization activities are necessary to complete the site-wide ground water assessment, a workplan must be included in the report describing the additional activities that will be performed.
 - iii. Not later than thirty (30) calendar days following approval by the Division of a completed site assessment report, BEAI shall submit to the Division a site remediation plan. The remediation plan must describe the procedures for remediation of the site, including, but not limited to ground water remediation, soil treatment/removal, sampling to evaluate the adequacy of the remedy, and a schedule of

implementation. Upon approval of the remediation plan, BEAI shall implement the plan in accordance with the approved schedule.

Note: BEAI is encouraged to implement interim remedies (e.g. soil removal) in the event that it becomes prudent to remove or minimize a source area to protect human health or the environment and reduce long-term environmental liabilities. If BEAI elects to propose an interim remedy, a workplan detailing the proposed activities and including a schedule must be submitted to this office for approval.

- k. Any hazardous waste generated during the investigation or remediation must be managed in compliance with 40 CFR 262.34(a), as adopted by reference at 15A NCAC 13A.0107.

DESIGNATED PROJECT COORDINATORS

- 4. Documents, including reports, approvals, disapprovals, and other correspondence which must be submitted under this Order, shall be sent to the following addresses and to any other addresses which BEAI and the Division designate in writing:

- a. Documents submitted to the Division shall be sent to:

Jill E. Burton, Acting Chief
Hazardous Waste Section
401 Oberlin Rd., Suite 150
Raleigh, NC 27605

- b. Submittals to BEAI shall be addressed to:

Jeffrey P. Holtzman
Vice President
B/E Aerospace, Inc.
1400 Corporate Way
Wellington, FL 33414

DELAY IN PERFORMANCE

- 5. If any event occurs which causes delay in the achievement of the requirements of this Order, BEAI shall have the burden of demonstrating that the delay was caused by circumstances beyond the reasonable control of BEAI which could not be overcome by its due diligence. BEAI shall promptly notify the Division orally and shall, within seven (7) calendar days of oral notification to the Division, advise the Division in writing of the anticipated length and cause of the delay and the timetable by which BEAI intends to obtain compliance. If the Division agrees that the delay has been or will be caused by circumstances beyond the reasonable control of BEAI, the time for performance will be extended for a period equal to

the delay resulting from such circumstances. Neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered as circumstances beyond the control of BEAI.

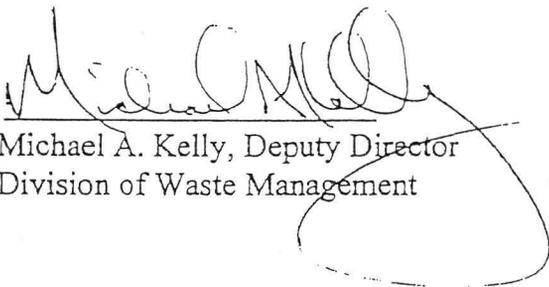
DISPUTE RESOLUTION

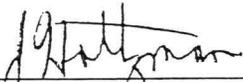
6. If BEAI objects to any disapproval or other decision made by the Division pursuant to this order, BEAI may notify the Division in writing of its objection within fourteen (14) calendar days of receipt of the decision and request reconsideration, amendment, or other modification. If, within fourteen (14) days following receipt of the request, the Division and BEAI have not reached mutual agreement regarding the objection raised, the Division will provide BEAI with a written response to the objection and to BEAI's request.

This Order is effective on this the 2nd day of September, 1999.

N. C. DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES

B/E AEROSPACE, INC.

By: 
Michael A. Kelly, Deputy Director
Division of Waste Management

By: 
Jeffrey P. Holtzman
Vice President

H:\ORDER\BEABIL.

Attachment E
Schedule of Compliance

Attachment E: Schedule of Compliance*

Schedule of Compliance	Due Date
Submit a Conceptual Site Model Paragraph V.E.2.	Initial CSM within ninety (90) calendar days of issuance of this Order. Updated CSMs as required by Parties.
Submit Facility Characterization Workplan Paragraph V.G.1.	Within ninety (90) calendar days after receiving notification from the Section that additional characterization is warranted.
Submit Quarterly Progress Reports Paragraph V.G.4.	Required when completion of tasks in the approved Facility Characterization Workplan will take longer than one year.
Submit Draft Facility Characterization Reports Paragraph V.H.1.	In accordance with a schedule provided in the approved Facility Characterization Workplan.
Submit Final Facility Characterization Report Paragraph V.H.1.	In accordance with a schedule established during the Section's review of the Draft Facility Characterization Report.
Submit an amended Facility Monitoring Plan Paragraph V.I.3.	Within thirty (30) calendar days after receiving written notification from the Section.
Submit Interim Measures Workplan Paragraph V.J.1.	Due date will accompany notification from Section that a workplan is required.
Submit Final Interim Measures Report Paragraph V.J.6.	Within ninety (90) calendar days of completion of Interim Measure.
Submit Corrective Action Strategy Paragraph V.K.2.	Within ninety (90) calendar days after receiving written approval of the Final Facility Characterization Report.
Submit Corrective Action Plan Paragraph V.L.3.	Within sixty (60) calendar days after receiving written approval of the Corrective Action Strategy.
Submit information necessary for the Section to commence public participation process Paragraph V.L.4.	Within thirty (30) calendar days after receiving written approval of the Corrective Action Plan.
Begin implementation of the Corrective Action Plan Paragraph V.L.5.	Within ninety (90) calendar days after receiving written approval of a modified Corrective Action Plan.
Notify the Section regarding planned physical alterations or additions which may impact HWMU, SWMUs, AOCs or other contaminated areas Paragraph VIII.D.	As soon as possible, and no later than fifteen (15) working days after BE Aerospace obtains knowledge of the physical alterations or additions.

Schedule of Compliance	Due Date
Report to the Section situations that may endanger human health or the environment Paragraph VIII.E.	Communicate orally within twenty-four (24) hours and follow up with written submittal within five (5) working days.
Notify the Section of any newly discovered SWMUs or AOCs Paragraph VIII.H.1.	Within fifteen (15) calendar days of discovery.
Submit a SWMU Assessment Report for each newly identified SWMU or AOC Paragraph VIII.H.2.	Within ninety (90) calendar days following notification by the Section.
Submit inspection and maintenance schedule for monitoring and remedial action systems Paragraph IX.A.	Within one hundred twenty (120) calendar days of the effective date of this Order
Submit a personnel training plan for employees and contractors involved with environmental monitoring and remedial action systems Paragraph IX.B.	Within one hundred twenty (120) calendar days of the effective date of this Order
Submit cost estimate for the Corrective Actions required by this Order. Paragraph X.B.	Within one hundred eighty (180) calendar days after receiving written approval of a modified Corrective Action Plan.
Establish financial assurance for Corrective Action. Paragraph X.E.	Within sixty (60) calendar days after receiving written approval of the cost estimate for a modified Corrective Action Plan.
Submit a written objection to a Dispute Decision. Paragraph XIII.	Within fourteen (14) calendar days after receiving the Dispute Decision from the Section.

* This Schedule of Compliance lists some of the key deadlines established by this Order. This is not a complete list of all due dates. This Schedule is intended to summarize and not modify the requirements of the Order.