

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 12, 2005

CERTIFIED MAIL No. 7003 2260 0001 0046 9011
RETURN RECEIPT REQUESTED

Lt. Colonel Jason D. Shirley, Ret.
Installation Manager
Camp Stanley Storage Activity
25800 Ralph Fair Road
Boerne, Texas 78015

Re: Compliance Evaluation Investigation (CEI) at:
25800 Ralph Fair Road, Boerne, Bexar County, Texas 78015
TCEC SWR No.: 69026; EPA ID No.: TX2210020739; TCEQ Regulated Entity No. RN100662840

Dear Lt. Colonel Shirley:

On July 5 & 6, 2005, Jorge Salazar of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office and Cassie Kalinec, Mickey Leland Intern, conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for industrial and hazardous waste. Enclosed is a summary which lists the investigation findings. During the investigation, one concern was noted which was an alleged noncompliance that has been resolved as an Area of Concern and subsequent corrective action. In addition, certain new additional issues and unresolved outstanding alleged violations remain for which compliance documentation is required. Please submit to this office by **September 12, 2005** a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations and for each additional issue.

In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules." Copies of applicable federal regulations may be obtained from either of the following offices:

U.S. Government Printing Office
Texas Crude Building
801 Travis Street
Houston, Texas 77002
713/228-1187 (phone)

U.S. Government Printing Office
Room 1C-50
Federal Building
1100 Commerce Street
Dallas, Texas 75242
214/767-0076 (phone)

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210/490-3096 • FAX 210/545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

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Lt. Colonel Jason D. Shirley, Ret., Installation Manager
Camp Stanley Storage Activity
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The Texas Commission on Environmental Quality appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation(s) documented in this notice. Should you choose to do so, you must notify San Antonio Region Office within 10 days from the date of this letter. At that time, Henry Karnei, Jr., Waste Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Jorge Salazar in the San Antonio Region Office at (210) 406-4059.

Sincerely,



for

Henry Karnei, Jr.
Waste Section Manager
San Antonio Region Office
Texas Commission on Environmental Quality

HKJ/jes

Enclosures: Summary of Investigation Findings
Obtaining TCEQ Rules

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 19, 2005

CERTIFIED MAIL No. 7003 2260 0001 0046 8847
RETURN RECEIPT REQUESTED

Lt. Colonel Jason D. Shirley, Ret.
Installation Manager
Camp Stanley Storage Activity
25800 Ralph Fair Road
Boerne, Texas 78015

Re: Compliance Evaluation Investigation (CEI) at:
25800 Ralph Fair Road, Boerne, Bexar County, Texas 78015
TCEQ SWR No.: 69026; EPA ID No.: TX2210020739; TCEQ Regulated Entity No. RN100662840

Dear Lt. Colonel Shirley:

On August 12, 2005, an Area of Concern Letter was issued regarding the RCRA Compliance Evaluation Investigation conducted on July 5 & 6, 2005 at the above-referenced site and addressed to Lt. Col. Jason D. Shirley Ret., Installation Manager - Camp Stanley Storage Activity, 25800 Ralph Fair Road. However, the letter was returned "Return to Sender". A copy of the original letter is enclosed.

If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Jorge Salazar in the San Antonio Region Office at (210) 403-4059.

Sincerely,

A handwritten signature in black ink that reads "Craig E. Meppen".

for Henry Karnei, Jr.
Waste Section Manager
San Antonio Region Office
Texas Commission on Environmental Quality

HKJ/jes

Enclosures: Area of Concern Letter dated August 12, 2005
Summary of Investigation Findings
Obtaining TCEQ Rules

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SUMMARY OF INVESTIGATION FINDINGS
Camp Stanley Storage Activity(CSSA), 25800 Ralph Fair Road, Boerne, Bexar County, Texas
TCEQ SWR # 69026; EPA ID # TX2210020739; TCEQ Regulated Entity No. RN100662840;
Investigation Date: July 5 & 6, 2005

SUMMARY OF UNRESOLVED ALLEGED VIOLATIONS FROM THE MARCH 30, 2004 CEI

During the March 30, 2004 Industrial and Hazardous Waste Compliance Evaluation Investigation (CEI), conditions were observed and documented that constituted violations of the solid waste rules. On July 19, 2004, the San Antonio Regional Office received Camp Stanley's response letter (dated July 16, 2004) with attachments addressing the violations and additional issues (formerly called areas of concern) outlined in the June 7, 2004 Notice of Violation Letter.

The response letter stated that the violations issued had "no factual or regulatory basis". Camp Stanley's letter later stated that the Test Firing Room Sand is subject to the Process Unit Exception and the Military Munitions Exception. Camp Stanley's position is "CSSA treated the sand material before it was removed from the Test Firing Room unit using Phosphate-Induced Metal Stabilization (PIMS) material. PIMS used Apatite II™ to stabilize metals. In this instance, Apatite II was added to the sand before removal from the unit."

After review of these statements, several questions/issues have arisen:

- How was the PIMS material applied to the Test Firing Room Sand?;
- How much PIMS material was applied to the Test Firing Room Sand?;
- How was this PIMS application rate determined?;
- How was the PIMS material mixed with the Test Firing Room Sand?;
- How long was the PIMS material /Test Firing Room Sand mixture left in the Test Firing Room to render it non-hazardous?;
- Describe in detail, Camp Stanley's method for collecting a representative sample of the treated Test Firing Room Sand for analysis;
- Additionally, provide the dimensions of the Test Firing Room that housed the Test Firing Room Sand.

The San Antonio Regional Office requests that you respond to each of these issues. These violations remain unresolved pending Camp Stanley's response to these comments.

Below is a listing the alleged violations, the actual wording from the March 30, 2005 Investigation Report, The numbering of each violation and additional issues (formerly called areas of concern) corresponds to the numbering in the original report and Notice of Violation letter.

1. **30 TEX. ADMIN. CODE §335.9 (a)(2)(A)-(B) Recordkeeping and Annual Reporting Procedures Applicable to Generators**

(2) The generator shall submit to the executive director a complete and correct Annual Waste Summary detailing the management of each hazardous and Class 1 waste generated on-site during the reporting calendar year. The Annual Waste Summary shall also include the management of any hazardous or Class 1 waste generated in a year previous to the reporting year, but managed in the reporting calendar year. The Annual Waste Summary shall be submitted using electronic software or paper forms provided or approved by the executive director. Upon

**Camp Stanley Storage Activity(CSSA), 25800 Ralph Fair Road, Boerne, Bexar County, Texas
TCEQ SWR # 69026; EPA ID # TX2210020739; TCEQ Regulated Entity No. RN100662840;
Investigation Date: July 5 & 6, 2005**

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written request by the generator, the executive director may authorize an extension to the report due date. Any registered generator who generates 1,000 kilograms or more of hazardous waste in any calendar month, must submit the Annual Waste Summary using software provided by the executive director unless the executive director has granted a written request to use paper forms or an alternative reporting method. Generators shall report as follows.

(A) Generators submitting their Annual Waste Summary on paper forms must do so on or before January 25 of the year following the reporting calendar year.

(B) Generators submitting their Annual Waste Summary electronically must do so on or before March 1 of the year following the reporting calendar year.

From the March 30, 2004 CEI

“Camp Stanley failed to submit a complete and correct Annual Waste Summary detailing the management of each hazardous waste generated on-site during the 2003 calendar year. Camp Stanley failed to include the spent sand generated from the Building 90's Test Fire Room (waste code 4006319H) on the installation's 2003 Annual Waste Summary. 30 TAC §335.9(a)(1) states “the generator shall keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal.” Camp Stanley generated the waste between August 2003 and September 2003. The waste was treated with the Phosphate-Induced Metal Stabilization (PIMS) technology prior to being manifested and shipped to Waste Management's Coval Gardens in San Antonio, Texas for disposal as a nonhazardous waste.

Camp Stanley must submit a revised 2003 Annual Waste Summary to Kathleen Trachta of the Waste Permits Division to PO Box 13087, MC 126, Austin, Texas 78711-3087. Please submit documentation to the TCEQ San Antonio office that the above-referenced actions have been completed no later than 30 days from the date of receipt of the notice of violation letter. Please be aware that the aforementioned alleged violation has a potential to affect generation and/or waste management fees that you were assessed by the TCEQ.”

On July 19, 2004, the San Antonio Regional Office received Camp Stanley's response letter (dated July 16, 2004) with attachments addressing the violations and additional issues (formerly called areas of concern) outlined in the June 7, 2004 Notice of Violation Letter. The response letter stated that the violation issued had “no factual or regulatory basis” and that the Test Firing Room Sand is subject to the Process Unit Exception and the Military Munitions Exception.

This violation remains open pending Camp Stanley's response to the additional information requested by the San Antonio Regional Office.

2. 30 TEX. ADMIN. CODE §335.431 / 40 CFR 268.7(a)(5) - Land Disposal Restrictions

The 40 CFR §268.7(a)(5) states:

(a) Requirements for generators:

(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.34 to meet applicable LDR treatment standards found at Sec. 268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, Sec. 268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

(i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency.

(ii) Such plan must be kept in the facility's on-site files and made available to inspectors.

(iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of Sec. 268.7(a)(3).

From the March 30, 2004 CEI

“On September 24 and 25, 2003, Camp Stanley manifested and shipped approximately 100 cubic yards of spent sand that originated from the Test Fire Room in Building 90 to Waste Management’s Covell Gardens in San Antonio, Texas. During the site investigation, Mr. Brian Murphy stated the spent sand was treated with the Phosphate-Induced Metal Stabilization (PIMS) technology and then disposed of as a Class 2 waste.

The sand was removed prior to the installation of three “Bullet Traps” (funnel like devices that reduce the inertia of a bullet slug). The sand was formerly used to capture ammunition fired from firearms refurbished by the weapons maintenance operations conducted in Building 90. Camp Stanley’s Notice of Registration lists the spent sand as waste code 4006319H. CSSA provided copies of the treated spent sand’s waste determination and the waste manifests. During conversations with Mr. Brian Murphy on May 28, 2004 and June 1, 2004, Mr. Murphy stated that the PIMS material was applied to the spent sand in-situ and then the waste was removed for disposal. The writer requested Mr. Murphy to provide the facility’s waste analysis plan, waste treatment plan, and any documentation that determined any potential underlying hazardous waste constituents that may have been present in the spent sand. As of the date of this letter, CSSA has not provided any of these documents.

Please provide to the San Antonio Regional Office a copy of the waste analysis plan, waste treatment plan, the underlying hazardous waste constituents determination documentation for the spent sand, and the dimensions of the Test Fire Room."

On July 19, 2004, the San Antonio Regional Office received Camp Stanley's response letter (dated July 16, 2004) with attachments addressing the violations and additional issues (formerly called areas of concern) outlined in the June 7, 2004 Notice of Violation Letter. The response letter stated that the violation issued had "no factual or regulatory basis" and that the Test Firing Room Sand is subject to the Process Unit Exception and the Military Munitions Exception.

This violation remains open pending Camp Stanley's response to the additional information requested by the San Antonio Regional Office.

3. 30 TEX. ADMIN. CODE §335.431 / 40 CFR 268.9(a) - Land Disposal Restrictions

The 40 CFR §268.9(a) states:

(a) The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under subpart D of this part. For purposes of part 268, the waste will carry the waste code for any applicable listed waste (Part 261, Subpart D). In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (Part 261, Subpart C), except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in paragraph (b) of this section. If the generator determines that their waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by CMBST, RORGS, OR POLYM of Sec. 268.42, Table 1), the generator must determine the underlying hazardous constituents (as defined at Sec. 268.2(i)) in the characteristic waste.

From the March 30, 2004 CEI

"On September 24 and 25, 2003, Camp Stanley manifested and shipped approximately 100 cubic yards of spent sand that originated from the Test Fire Room in Building 90 to Waste Management's Covel Gardens in San Antonio, Texas. During the site investigation, Mr. Brian Murphy stated the spent sand was treated with the Phosphate-Induced Metal Stabilization (PIMS) technology and then disposed of as a Class 2 waste.

The sand was removed prior to the installation of three "Bullet Traps" (funnel like devices that reduce the inertia of a bullet slug). The sand was formerly used to capture ammunition fired from firearms refurbished by the weapons maintenance operations conducted in Building 90. Camp Stanley's Notice of Registration lists the spent sand as waste code 4006319H. CSSA provided copies of the treated spent sand's waste determination and the waste manifests. During conversations with Mr. Brian Murphy on May 28, 2004 and June 1, 2004, Mr. Murphy stated that the PIMS material was

applied to the spent sand in-situ and then the waste was removed for disposal. The writer requested Mr. Murphy to provide the facility's waste analysis plan, waste treatment plan, and any documentation that determined any potential underlying hazardous waste constituents that may have been present in the spent sand. As of the date of this letter, CSSA has not provided any of these documents.

Please provide to the San Antonio Regional Office a copy of the waste analysis plan, waste treatment plan, the underlying hazardous waste constituents determination documentation for the spent sand, and the dimensions of the Test Fire Room."

On July 19, 2004, the San Antonio Regional Office received Camp Stanley's response letter (dated July 16, 2004) with attachments addressing the violations and additional issues (formerly called areas of concern) outlined in the June 7, 2004 Notice of Violation Letter. The response letter stated that the violation issued had "no factual or regulatory basis" and that the Test Firing Room Sand is subject to the Process Unit Exception and the Military Munitions Exception.

This violation remains open pending Camp Stanley's response to the additional information requested by the San Antonio Regional Office.

AREA OF CONCERN FROM THE JULY 5 & 6, 2005 CEI

1. 30 Texas Administrative Code §335.10(b)(22) / 40 Code of Federal Regulations §262.20(a) - Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class 1 Waste and Primary Exporters of Hazardous Waste

The TAC 335.10(b)(22) states:

"(b) The manifest shall contain the following information.

(22) The manifest shall contain the TNRCC waste classification code assigned to the waste by the generator."

During the record review portion of the investigation, the writer noted that Hazardous Waste Manifest No. 3445983 failed to have a correct TCEQ waste classification code. The manifest listed a hazardous waste liquid (water containing lead) as waste code 0271114H. The waste code was not listed on the facility's Notice of Registration (NOR). It appeared that Camp Stanley entered the waste code incorrectly. The writer notified Ms. Glare Sanchez of the problem on July 21, 2005. On July 25, 2005, the San Antonio Regional Office received a copy of the cover letter to Philip Services and a corrected copy of Manifest No. 3445983. The corrected manifest listed the waste stream as 4027114H which is listed on the facility's NOR. This resolves the violation.

UNRESOLVED ADDITIONAL ISSUES (FORMERLY AREAS OF CONCERN) FROM APRIL 29, 2003 AND MAY 6, 2003 CEI

3. *From July 24, 2002 through October 11, 2002 remediation activities occurred and the surface drainage at AOC-65 (Building 90) was reworked. During these activities a substantial amount of contaminated soils were removed from the site. Please provide to the San Antonio Regional Office the total amount disposed of, copies of all the waste manifests, and waste determination documentation (i.e. analytical data, "contained-in policy", etc.) for these soils.*

From the March 30, 2004 CEI

"On August 18, 2003, the San Antonio Regional Office received a response letter with attachments, dated August 15, 2003, from LTC Jason D. Shirley (Retired), US Army, CSSA Installation Manager, in response to outstanding unresolved Areas of Concern addressed during the April 29, 2003 and May 6, 2003 CEI. The response letter stated approximately 1100 cubic yards of media was removed from the AOC-65. CSSA included with the response letter all the waste manifests as an attachment. The response letter later stated included in the attachment "are a summary of the waste characterization determination, generator information, and the laboratory data reports for characterization samples provided to Waste Management Inc., Covell Gardens facility. Additionally, included in Attachment 2 is a Waste Management Plan, dated August 2002, which contains CSSA's discussions and determinations regarding potential hazardous listing of contaminated media at AOC-65 via the "contained-in-policy" for soil media excavated and disposed of from AOC-65." The response letter later stated "EPA received and reviewed the waste management plan and approved it on 17 October 2002. All impacted soil media from AOC-65 sent for off-post disposal did not contain listed hazardous media, as determined and discussed in the waste management plan, nor exceeded criteria for characteristic hazardous media. Therefore, impacted soils from AOC-65 did not meet criteria for hazardous media." The response letter stated that the excavated material from AOC-65 was classified as a Class 2 non-hazardous waste.

Prior to the beginning of excavation at AOC 65, closure of the site was being directed under the Risk Reduction Standard No. 1. Prior TCEQ approval of contained-in determinations is required under the Risk Reduction Rules. After completion of the Interim Removal Action of AOC-65 (drainage improvement surrounding Building 90) CSSA proposed to pursue closure of AOC-65 and Building 90 under Texas Risk Reduction Program (TRRP). On January 28, 2004, the TCEQ Corrective Action Section granted approval of CSSA's proposal to pursue the remediation and cleanup of AOC-65 and contamination at Building 90 under TRRP.

All indications are that the contaminants under Building 90 (AOC-65) are from the former solvent tank vault that contained TCE and PCE under Building 90. Now that closure of the site is being directed under the TRRP, any future soil and/or groundwater removal action from AOC-65 / Building 90 CSSA should follow the contained-in policy regulations for characteristic and listed waste. CSSA is required to provide the appropriate contained-in policy self-implementation documentation in the TRRP Response Action Completion Report (RACR) as described in 30 TAC 350.95. (See TCEQ Regulatory Guidance RG-366/TRRP-3 - TRRP Compatibility with RCRA)."

On July 19, 2004, the San Antonio Regional Office received Camp Stanley's response letter (dated July 16, 2004) with attachments addressing the violations and additional issues (formerly called

areas of concern) outlined in the June 7, 2004 Notice of Violation Letter. The response letter stated "we understand that you are only asking that any future removal action follow the contained-in policy for media wastes that include listed hazardous waste. What remains for discussion is our difference of opinion as to the identification of F-listed waste. We address this issue because the answer may have an adverse impact on our ability to take corrective action in the future." The response letter stated that Camp Stanley disagreed with the TCEQ's statement that the former solvent tank vault was the origin of the TCE and PCE contaminated soil from under Building 90. The response letter stated that the Camp Stanley was unable to discover evidence (personal recollections, records for documentation) that the contamination resulted from the former solvent tank vault. This has been Camp Stanley's position for sometime. No further response is required. This issue remains open pending TCEQ Remediation Division, Corrective Action Section's decision on this issue.

ADDITIONAL ISSUES FROM THE JULY 5 & 6, 2005 CEI

1. During the July 5 & 6, 2005 site tour, the writer noted that Camp Stanley was storing virgin and used railroad ties and telephone poles on the bare ground at or near AOC-54. The concern was that the creosote used to preserve the railroad ties and telephone poles may leach onto the ground. Camp Stanley should consider storing these products at a location that will prevent an unauthorized discharge. Please submit to the San Antonio Regional Office Camp Stanley's plan to prevent any potential discharge of creosote railroad ties and telephone poles.
2. During the July 5 & 6, 2005 site tour, the writer observed that a 55-gallon drum of used oil in the facility's Motor Pool was incorrectly labeling with the words "waste oil". The drum was corrected immediately. Camp Stanley must submit to the San Antonio Regional Office the facility's standard operating procedures to prevent this error from occurring in the future.

RESOLVED ADDITIONAL ISSUES (FORMERLY AREAS OF CONCERN) FROM APRIL 29, 2003 AND MAY 6, 2003 CEI

1. *Several Safety Kleen parts washers were observed in Building 90. Mr. Schwarz and Mr. Murphy stated that waste solvents have not yet been generated from the parts washers. Please provide the TCEQ San Antonio Regional Office with the intended disposal method for the spent solvent and sludge generated from the Safety Kleen parts washers.*

From the March 30, 2004 CEI

"On August 18, 2003, the San Antonio Regional Office received a response letter with attachments, dated August 15, 2003, from LTC Jason D. Shirley (Retired), US Army, CSSA Installation Manager, in response to outstanding unresolved Areas of Concern addressed during the April 29, 2003 and May 6, 2003 CEI. The response letter stated " the parts washer in question is a Safety Kleen Model 250, which through its distillation process, removes used/dirty oil from the solvent. This is analogous to draining

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used oil from filters. EPA also encourages the separation of used oil from used oil-contaminated materials before management of the mixture. Therefore, CSSA will manage the residue as used oil and have Safety Kleen or another vendor properly dispose of this product periodically."

During the March 30, 2004 CEI, Mr. Murphy stated that the Safety Kleen parts washers are being serviced under Safety Kleen "Continued Use Program".

After reviewing CSSA's response to this Area of Concern, it was determined that CSSA was unable to provide adequate waste determination for this potential waste. Spent solvents generated from a parts washer operation generally do not fall under the definition of "used oil". Please provide to the San Antonio Regional Office copies of the MSDS for the solvent used in the parts washer and CSSA's agreement with Safety-Kleen that the spent solvent is part of the "Continued Use Program" and exempt from being a solid waste. If CSSA does not have an agreement the spent solvent generated may potentially be a hazardous waste and subject to RCRA regulations."

On July 19, 2004, the San Antonio Regional Office received Camp Stanley's response letter (dated July 16, 2004) with attachments addressing the violations and additional issues (formerly called areas of concern) outlined in the June 7, 2004 Notice of Violation Letter. The response letter stated "CSSA provided documentation at the July 1, 2004 meeting regarding the Continued Use Program that it utilizes, which exempts the products from the solid waste rules. Also there was discussion regarding the flash point of the solvent being used in the processes at Building 90. CSSA uses the Safety Kleen Premium Gold Blend cold solvent, which has a flash point at 148° F. A copy of the material safety data sheet for the solvent is attached." Camp Stanley provided the material safety data sheet and a copy of the Continued Use Program Brochure. Based on this response this Additional Issue is resolved.