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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 18, 2004

LTC Jason D. Shirley
Installation Manager
Camp Stanley Storage Activity
25800 Ralph Fair Road
Boerne, TX 78015-4800

Re: Letter dated August 12, 2004 regarding additional information to document closure of Area of Concern (AOC)-55 - Additional Information Requested;
Camp Stanley Storage Activity, Boerne, TX;
TCEQ SWR No. 69026

Dear LTC Shirley:

The Texas Commission on Environmental Quality (TCEQ) received your letter dated August 12, 2004. Your letter responds to TCEQ letter dated July 8, 2004 which requested CSSA for additional information concerning the closure of AOC-55. Our review indicates that your letter responded to the each of the request for additional information, as follows:

Item No. 1 - According to your letter, "the waste (incinerator ash) is not a listed hazardous waste because the waste was believe to be originally generated prior to the enactment of Resource Conservation and Recovery Act (RCRA)." Waste disposed of prior to the implementation of hazardous waste regulations as promulgated under RCRA are generally known as "pre-RCRA" wastes. If these "pre-RCRA" wastes are exhumed during closure or remediation activities, a "newly" generated waste is generated. If this "newly" generated waste meets the definition of hazardous waste (refer to 40 Code of Federal Regulations (CFR) §261.3), then it is subject to all applicable hazardous waste regulations, including Land Disposal Restrictions of 40 CFR §268.

In the response to Item No. 1, you also indicated that "CSSA is not classified as an industrial facility, therefore, industrial solid waste classification, reporting, etc. are not applicable to any non-hazardous waste generated at the facility." Please note that CSSA is subject to the general prohibitions as stated in 30 Texas Administrative Code (TAC) §335.4 which states that no person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of industrial solid waste or municipal hazardous waste in such a manner so as to cause: 1) the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to the wastes n the state, 2) the creation and maintenance of nuisance or 3) the endangerment of public health and welfare.

As a consequence of the above discussion, the issue of pre-RCRA wastes should be further discussed during the review of the report entitled *RFI and Interim Measures Waste Management Plan August 2002*.

The TCEQ requires CSSA to resubmit all laboratory analyses pertaining to the sampling and analyses of the incinerator ash and/or the incinerator ash-soil mix. Information concerning the location and depth of sampling, sampling and field notes, and chain of custody shall be submitted to the TCEQ for review.

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Item No. 2 - CSSA has satisfactorily answered this concern.

Item No. 3 - Your discussion regarding 20X Toxicity Characteristic Leaching Procedure (TCLP) issue is well taken, however, additional discussion of this issue will be discussed during the review of the report entitled *RFI and Interim Measures Waste Management Plan August 2002*.

Item No. 4 - Aerial photographs were attached with your letter; CSSA has satisfactorily provided the requested materials.

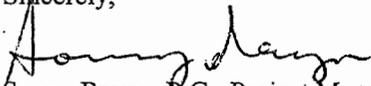
Item No. 5 and 6 - The TCEQ subject matter specialist on statistics has reviewed the statistical evaluation and has no additional concern regarding the statistical method used.

Please prepare a written response to the additional information requested in Item No. 1, above. An original and one copy of the written response must be submitted to the TCEQ at the letterhead address using mail code number MC-127. An additional copy should be submitted to the TCEQ Region 13 Office in San Antonio. Your response must be received on or before December 27, 2004. The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response.

To document compliance with the Texas Professional Geoscience Act, the Remediation Division will not review reports and documents received on or after September 1, 2004 that do not contain the seal of a Texas Professional Geoscientist for geoscience services and work. Reports and documents containing geoscience information that are not stamped with a Texas Professional Geoscience seal will be returned to the submitting party. For further information, please consult the webpage of the Texas Board of Professional Geoscience at <http://www.tbpg.state.tx.us>. Any inquiry regarding what constitute geoscience information or what information requires a Professional Geoscientist seal shall be made to the Board by calling 512.936.4400, in Austin, Texas. Examples of geology work which requires a Professional Geologist seal are provided in the link: <http://www.tnrcc.state.tx.us/permitting/remed/techsupp/PGReports.pdf>.

Please contact me at 512.239.2371 or at srayos@tceq.state.tx.us if you wish to discuss or if you have questions concerning this letter. Please use Mail Code MC-127 when responding by mail.

Sincerely,



Sonny Rayos, P.G., Project Manager
Team I, Corrective Action Section
Remediation Division
Texas Commission on Environmental Quality

cc: Mr. Greg Lyssy, U.S. EPA Region 6, 1445 Ross Ave (6SF-LT), Dallas, TX 75202-2733
Mr. Brian Murphy, Camp Stanley Storage Activity, 25800 Ralph Fair Road, Boerne, TX 78015-4800
Ms. Julie Burdey, Parsons Engineering, 8000 Centre Park Drive, Suite 200, Austin, TX 78754
Waste Program Manager, TCEQ Region 13 Office, San Antonio, TX