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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 7, 2004

CERTIFIED MAIL No. 7003 0500 0004 7842 7775
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 March 30, 2004, Jorge Salazar of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office 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, certain outstanding alleged violations and some outstanding areas of concern were identified for which compliance documentation is required. Please submit to this office by **July 6, 2004** 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 area of concern.

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)

(Rev. 9/25/00)

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

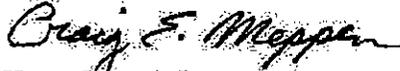
P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

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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 TNRCC Rules

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: March 30, 2004

SUMMARY OF ALLEGED VIOLATIONS FROM THE MARCH 30, 2004 CEI

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 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.

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 Covel 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.

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).

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.

Resolved Area of Concern from 2001 CEI

- F. *This area of concern was initially identified during the July 11, 2001 CEI. The area of concern was not adequately addressed and remained unresolved during the March 26, 2002 CEI. The area of concern from the March 26, 2002 CEI stated: "quoted from the 2001 CEI 'Conversations with Mr. Murphy indicated that wipe samples have been collected from Building 40 (SWMU No. 002). The facility needs to evaluate the possibility of collecting concrete chip samples to better evaluate the extent of contamination, if any. The documentation regarding any future sampling needs to be submitted to the TNRCC San Antonio region office.' On November 7, 2001, the TNRCC San Antonio office received a copy of a letter from CSSA dated November 5, 2001 in response to the violations and areas of concern documented during the July 2001 CEI. CSSA stated that 'CSSA does not see the necessity for conducting additional "chip" sampling from the concrete floor.' The TNRCC San Antonio office believes that concrete chip samples would be a better evaluation of the extent of contamination, if any, of Building 40 (SWMU No. 002). The documentation regarding any future sampling needs to be submitted to the TNRCC San Antonio region office."*

On May 28, 2002 a compliance letter with unresolved areas of concern was issued. The TCEQ requested documentation of any future sampling to be submitted to the TCEQ San Antonio Regional Office. Camp Stanley did not submit a response to this area of concern. However, during the site investigation on April 29, 2003, Mr. Jeff Aston, Environmental/Civil Engineer, Army Corps of Engineer Liaison, stated the facility conducted "chip" sampling on the concrete floor of Building 40. Please provide a copy of the "chip" sample results on the concrete floor of Building 40.

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 "on June 13, 2002, concrete chip samples were collected from the interior building floor, and the samples were analyzed for lead and cadmium." Included in the response letter as an attachment were the sample results. As stated in the response letter "the concrete chip samples showed lead and cadmium results above background criteria for soil at Camp Stanley Storage Activity (CSSA)." The response letter stated "a sample of the rinsate water was collected from the floor after cleaning and analyzed for cadmium and lead to confirm that there were no waste residue remaining at the site." The rinsate water sample results were also included with the response letter. The response letter stated CSSA is currently preparing a closure report to be submitted to TCEQ requesting closure under Risk Reduction Standard No. 1 (RRS1).

On September 26, 2003, CSSA submitted a report entitled "Building 40 Container Storage Area Closure Report" to Mr. Sonny Rayos, P.G., TCEQ Project Manager, Team I, Corrective Action Section, Remediation Division. On January 5, 2004, a letter was sent from Mr. Rayos to LTC Jason D. Shirley (Retired), CSSA Installation Manager. The letter stated the TCEQ completed a review of the final

report. "Based on the information contained in the report, it appears that closure of SWMU Building 40 attained RRS No. 1. SWMU 40 is released from deed recordation and post-closure care requirements." However, on February 23, 2004, a letter from Mr. Sonny Rayos, TCEQ Project Manager, Team I, Corrective Action Section, Remediation Division, was sent to LTC Jason D. Shirley (Retired), CSSA Installation Manager. The letter requested additional information before approving the report submitted entitled "Building 40 Container Storage Area Closure Report". The letter requested a written response to two deficiencies outlined in the letter. On April 20, 2004, a response letter was sent from LTC Jason D. Shirley (Retired), CSSA Installation Manager, to Sonny Rayos, TCEQ Project Manager, Team I, Corrective Action Section, Remediation Division, regarding Mr. Rayos' letters dated January 5, 2004, and February 23, 2004. The letter requested clarification on the closure status of Building 40 (Solid Waste Management Unit - 001).

Based on the CSSA's submittal of the concrete chip sample results to the San Antonio Regional Office this Area of Concern has been resolved. The closure of Building 40 will be resolved by the TCEQ Remediation Division Corrective Action Section.

Resolved Areas of Concern from April 29, 2003 and May 6, 2003 CEI

2. *During the May 6, 2003 site investigation, the writer observed several rusted five-gallon and one-gallon containers inside the coal bin area. Please remove the containers and provide documentation to the TCEQ San Antonio Regional Office on the disposal of the containers observed (i.e., waste determination documentation and manifests).*

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 included photos of the coal bin area with and without the containers. The response letter stated "CSSA considers the containers to be RCRA empty and therefore can be discarded in normal plant trash. TCEQ will not receive any waste determination or waste manifests, since they are excluded under RCRA."

Based on the CSSA's submittal of photographs provided to the San Antonio Regional Office this Area of Concern has been resolved.

4. *On June 3, 2003, the writer contacted Mr. Brian Murphy to request the waste determination documentation for hazardous and nonhazardous waste generated from the removal of soil at SWMU B-3 and the amounts of soils removed from the site. The writer requested the waste determination for the soils removed from SWMU B-10 and the total amount removed from the site. On June 5, 2003, the writer received an e-mail with attachments (waste determinations for B-3 and B-10 from Mr. Brian Murphy). However, the waste determination submitted did not include analysis for organic compounds and did not include the hazardous waste determinations for the hazardous soils shipped from B-3. Please provide to the TCEQ San Antonio Regional Office the hazardous waste determinations for hazardous soils shipped from*

B-3 and B-10.

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. Included with the response letter was the hazardous and non-hazardous waste determination for soils removed from B-3 (analytical data). CSSA provided clarification regarding soils removed from B-10. The response letter stated "B-10 is located immediately adjacent to SWMU B-3. The area, where the former PIMS demonstration project was located at SWMU B-10, was used as a staging area for the B-3 soils due to its proximity to B-3 and because there was already a 40-mil lined impoundment in-place at B-10. The non-hazardous staging area was left in place from the original staging of the SWMU B-3 non-hazardous soil. Due to closure efforts on SWMU B-10, the remaining liner material (approximately 132 cubic yards of soil and liner material) was removed between May 5 and 8, 2003 and disposed of at the Covell Gardens facility under the original WMI profile CG-22204, which was amended to add the liner material.

Based on the documentation CSSA provided to the San Antonio Regional Office this Area of Concern has been resolved.

Unresolved 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.*

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 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.

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.*

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., Covel 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).