



DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, RRAD
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

28 December 2004

U-011-05

Mr. Sonny Rayos
Texas Commission on Environmental Quality
Industrial and Hazardous Waste Section
PO Box 13087 (MC-127)
Austin, TX 78711-3087

Subject: Response to Texas Commission on Environmental Quality (TCEQ) Comments on the RFI and Interim Measures Waste Management Plan dated August 2002, Camp Stanley Storage Activity, Boerne, Texas, TCEQ Industrial Solid Waste Registration #69026, EPA Identification Number TX2210020739

Dear Mr. Rayos:

The Camp Stanley Storage Activity (CSSA), Red River Army Depot, Tank-Automotive and Armaments Command, Army Materiel Command, U.S. Army is providing this response to your letter dated October 28, 2004.

Your October 28, 2004 letter provided a list of comments on the report titled *RFI and Interim Measures Waste Management Plan, August 2002*. CSSA is responding to your letter to cover each of the comment(s) in order to provide appropriate clarification of the referenced document.

1. During the teleconference on July 1, 2004 CSSA staves discussed the basis for classifying contaminated environmental media as listed hazardous waste. This was again articulated in your letter dated July 15, 2004 under the heading "Unresolved Area of Concern #2 - AOC-65 and F listed Waste." The TCEQ has reviewed CSSA's discussion. This review indicates that the waste management plan contained a provision for the purpose of resolving disputes. Section 3.1.1. of the Waste Management Plan cites 30 Texas Administrative Code §335.512. Section 335.512(b) states that a person who believes that the executive director staff has inappropriately classified a waste may appeal this decision. The person shall file an appeal directly with the executive director requesting a review of the waste classification. Our records indicate that CSSA availed of this executive director review option. Attached please find Enclosure No. 2, Mr. Scott Green's letter dated April 29, 2002, which responded to your letter dated April 15, 2002. This TCEQ letter stated "However, I would like to point out that the fact that subject soil is located at or near a vat that is known to have contained perchloroethylene (PCE) and trichloroethylene (TCE) used for their solvent properties up to 1995 could provide grounds for strong circumstantial case that any PCE or TCE contamination found in the soil is from a listed source." As a result of this letter, the TCEQ has maintained that contaminated environmental media, which contains listed hazardous waste should be managed as hazardous waste. The TCEQ requires that any future remediation, cleanup, removal and disposal of contaminated media from or near AOC-65 (and/or Building

90) should be according to the intent of the TCEQ letter dated April 29, 2002. In addition, any future remediation, cleanup, removal and disposal of contaminated media from units or AOCs having similar or identical circumstances such as those identified for AOC-65, shall be according to the intent of the TCEQ letter dated April 29, 2002.

CSSA believes that a proper waste classification in accordance with 30 TAC 335 Subchapter R and with respect to TCEQ's letter dated April 29, 2002 was made on the environmental media within AOC-65. CSSA will continue, where removal actions near units or AOCs having similar circumstances, to be classified in accordance with the provisions of 30 TAC Subchapter R as required.

2. Section 2.1.1 - Management of groundwater investigation derived media. The TCEQ suggests changing the title to "Management of investigation derived waste - groundwater medium." In addition this section may be divided into two subsections, such as: a) management of uncontaminated groundwater and b) management of contaminated groundwater. Please note that recovered groundwater during well development may be included in this section.

CSSA will consider revising the Waste Management Plan (WMP) to include management of uncontaminated and contaminated groundwater media.

3. Section 2.1.2. - Management of solid investigative derived media. The TCEQ suggests changing the title to "Management of investigation derived waste - soil medium." In addition, this section may be divided into two subsections, such as: a) management of uncontaminated soils and b) management of contaminated soils. Please note that soil cuttings may be included in this section. .

CSSA will consider revising the WMP to include management of uncontaminated and contaminated soil media.

4. The term "periodically" is undefined in Section 2.1.1 and 2.1.2. For groundwater and soils, Camp Stanley Storage Activity (CSSA) should include a sampling frequency protocol (e.g., one analytical sample per (x) gallons and one analytical sample per (y) cubic yards).

CSSA will consider revising the WMP to define the sampling frequency for characterizing impacted media and/or waste. The characterization frequency is derived from discussions with the permitted disposal facility and follows acceptable practices for ensuring that the media/waste in question is properly managed from generation to final disposition.

5. CSSA should include a section and discussion on appropriate disposal or management for industrial solid waste, municipal waste, trash, or unexploded ordnance, etc., that may be discovered during remediation and excavation activities.

CSSA will consider revising the WMP to address the management of industrial/municipal solid waste and unexploded ordnance (UXO) generated during RCRA Facility Investigations (RFI) and remedial activities associated with CSSA's RCRA Section 3008(h) Administrative

Order with the USEPA dated 5 May 1999. The classification and management of industrial solid waste and/or municipal solid waste will follow requirements set forth in 30 TAC 335 subchapter R and appropriate guidance material from TCEQ. Regarding UXO, any UXO material generated from RFI/remedial actions associated with CSSA's agreed order will be managed and handled by the US Army and follow appropriate US Army Corps of Engineer procedures.

6. CSSA received previous approval from the TCEQ to continue remediation and cleanup according to the Risk Reduction Standards (RRS). In Section 2.1.1, the report specified sampling of investigation derived wastes and then comparing to the Texas Risk Reduction Program (TRRP) Tier 1 Protective Concentration Levels (PCLs) or Maximum Concentration Levels (MCLs). For consistency, CSSA should make a determination whether remediation will be according to RRS or TRRP. In addition, CSSA should make a determination whether Residential or Non-residential PCLs or MCLs will be used.

CSSA will proceed with closure of SWMUs and AOCs to Risk Reduction Standards for those units identified by letter dated 12 July 1999 which provided notice to the TCEQ of CSSA's intent of closure pursuant to 30 TAC 335 Subchapter S. If in the future, a decision is made to close solid waste management units or areas of concern under the Texas Risk reduction Program (30 TAC 350), the TCEQ will be notified. The comparison of potentially generated investigative derived wastes to PCLs or MCLs is to provide the regulatory agencies additional information indicating the protection of human health and the environment.

7. With regard to the waste management plan to discharge groundwater onto the ground surface after analysis that the COCs are below health-based standards, this would require a review and concurrence from the TCEQ Water Quality Division. Please provide a copy of the TCEQ letter approving said disposal process.

CSSA's Texas Pollutant Discharge Elimination System (TPDES) permit is currently under renewal and includes the appropriate standards for discharging groundwater. The current TPDES permit allows for discharge of groundwater through Outfall 001 and 002.

8. The waste management plan, in Section 2.1.1, proposed the construction of two ponds. Please provide notification to the TCEQ according to the requirements of 30 Texas Administrative Code §335.6. As stated in §335.6, a person who intends to store, process, or dispose of industrial solid waste without a permit shall notify the executive director in writing that storage, processing or disposal activities are planned, at least 90 days prior to engaging in such activities.

CSSA will consider revising the WMP to remove the discussions regarding the construction and operations of the impoundments. The proposed second option using transportable 20-30 cubic yard containers were used in the management of IDW generated during well instillations at CSSA. The impoundments were not used nor constructed.

9. Section 2.1.2 states that solids with VOC concentrations at or less than background will be transported and managed as fill material. Please note that background concentration for VOCs is non-detect.

CSSA understands that background concentration for VOCs is non-detect.

10. Mr. Richard Clarke, TNRCC Corrective Action Section, in a letter dated August 12, 1996, approved the criteria for disposal and management of investigation derived waste onto the ground. Since that time, more regulations and/or guidance have been written concerning the management of investigation derived wastes or remediation wastes. The TCEQ requests CSSA to reevaluate and update the approved criteria to remain consistent with current regulations or guidance concerning remediation and investigation derived wastes.

CSSA will utilize the IDW management methods established with the TCEQ through letter dated 12 August 1996 as it is appropriate with closure standards derived from the Risk Reduction Rule (i.e., 30 TAC 335 Subchapter S). CSSA will consider revising the Waste Management Plan to include the updated approval criteria and management of investigative derived wastes when IDW are generated from closure activities associated with the Texas Risk Reduction Program (i.e., 30 TAC 350).

11. In the detailed discussion of U210 and U228 wastes, it was stated "it does not refer to solvent mixtures with multiple active ingredients or process wastes." This quote was not found in the 40 Code of Federal Regulations (CFR) for U listed waste. The TCEQ requests that said citations be removed from the discussions.

CSSA has included the statement in the WMP for a contained-in-determination made on media generated with AOC-65. The statement is correct, as mixtures are not included for listing criteria on commercial chemical products. The phrase "commercial chemical product" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemicals that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in 40 CFR 261.33(e) or §§(f), referred as U or P listed waste. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraphs (e) or (f), such waste will be listed in either 40 CFR 261.31 or §261.32 or will be identified as a hazardous waste by characteristics set forth in 40 CFR Subpart C. Therefore the statement is applicable and relevant and will not be discarded from CSSA's contained-in-determination made for impacted media within AOC-65.

12. Discussions on "Determination when contamination is caused by listed hazardous waste" cited as reference the final NCP preamble as stated in 55 Federal Register 8758 and the HWIR-Media proposed preamble in 61 Federal Register 18805. It has been the understanding of the undersigned that preambles are unenforceable. Please provide

additional discussions and/or examples where preambles have been enforced by the EPA.

The references cited from the Federal Register are to provide guidance and an interpretative assessment of the rule, which are provided through the preamble process. It was not CSSA's intent to present the preamble as enforceable as only promulgated rules are enforceable. Merely, the cited references from the preamble provided by the USEPA are provided to give credence to the contained-in-determination made on media generated within AOC-65.

13. The last paragraph of Section 3.1.1, states that "CSSA may assume the source, contaminant or waste is not listed hazardous waste and, therefore, provide that the material in question does not exhibit a characteristic of hazardous waste, RCRA management requirement do not apply." Several pages of discussion focused on the premise that TCE and PCE are not listed waste. CSSA should provide analytical protocol (frequency, testing, etc.) in establishing characteristically hazardous media or wastes. In addition, the TCEQ had stated in a previous letter that screening for toxicity characteristic using the factor 20X may not be a reliable indicator of the leaching capacity of the material. The TCEQ cautions CSSA in using the 20X factor. The TCEQ requires actual laboratory analysis of the sample for TCLP determination and statement(s) in the waste management plan requiring such an analysis should be added.

CSSA will consider revising the WMP to include protocol for waste classification of IDW, which would include the specification, sampling frequency, and laboratory testing required for such determinations. However, CSSA will continue to use the 20X factor on totals analysis to determine the appropriate COCs for conducting TCLP analysis on impacted media. As stated in our response to the CEI-dated 12 August 2004, "While CSSA recognizes that leaching potential from soil media can be affected by soil textural class, the cation exchange capacity, and other factors, the 20-times calculation represents the maximum possible concentration. The TCLP Method (USEPA SW-846 Method 1311) indicates for wastes that are 100% solid, the maximum theoretical leachate concentration can be calculated by dividing the total concentration of the constituent by 20. The dilution factor of 20 reflects the liquid to solid ratio dictated by the extraction procedure. The value calculated using the 20x rule represents the worst-case scenario, assuming both 100% solids and that 100% of the constituent present is leached into the extract. For materials with no liquid fraction (100% solids), the TCLP leaches 100 grams of sample with 2,000 grams of leaching solution, providing a maximum of 20 times dilution of constituents in the sample. Therefore, a waste material containing less than 20 times the maximum contaminant level (MCL) identified in 30 TAC 335 subchapter R or 40 CFR 261.24 Table 1 for any given constituent cannot exhibit the toxicity characteristics for that constituent: Even if 100% of the constituent in the waste material leaches out, the 20 times dilution of the extraction fluid would lower the concentration of the constituent below the MCL. Thus, the 20 times screening evaluation of the totals results is conservative, and

therefore appropriate as a screening value." If further clarification is necessary please refer to Mr. Scott Green of the TCEQ's Waste Evaluation Section on the use of total analysis as screening tool for waste classification.

14. The statement in Section 3.3, which states that, "there are no regulatory treatment requirements for non-hazardous waste prior to disposal" may be inaccurate. The closure of remediation performance standard includes the statement that the remediation (of which treatment may be a part of) shall be conducted in a manner that minimize or eliminate, to the extent necessary to protect human health and the environment, the escape of wastes, contaminants, leachate, run-off or decomposition products to the surrounding environmental media. Please modify this statement to incorporate the remediation/closure performance standard.

CSSA indicated that non-hazardous waste/media are not required to be treated before transport to an appropriate and permitted off-post treatment, storage and disposal facility. The remediation and/or closure performance standards are separate from contaminated waste/media characterization standards for off-post landfilling. Therefore, CSSA will consider clarifying the statement for accuracy in a revised WMP.

15. Section 3.4.1 discusses hazardous waste treatment and references 40 CFR 264 - Standards for owners and operators of hazardous waste treatment, storage and disposal facilities. Several discussions were made concerning the possible use of Corrective Action Management Unit, Treatment Unit, Remediation Waste Management Site, Remedial Action Plan and Staging Piles. These are remediation units available to expedite cleanup at a permitted facility and therefore, may not be applicable for use at CSSA because CSSA does not have a hazardous waste permit. The TCEQ requires a determination whether these units are available for use at CSSA under the authority of the 3008(h) Order. Otherwise, the only alternative available for hazardous waste treatment at CSSA would be the exemption allowed if treatment were to be conducted in tank and containers and within 90 days as provided in 40 CFR 262.34.

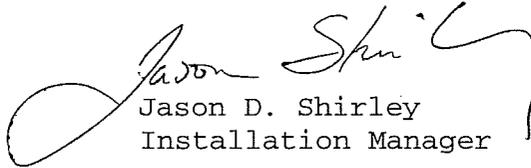
CSSA is authorized to utilize the cited hazardous waste management units under the USEPA 3008(h) Administrative Order by provision X. However, it is not CSSA's intent to utilize these management units for the remediation of hazardous media. The section will be revised to include the remediation/treatment efforts anticipated and the standards for conducting the remediation/treatment.

16. Section 4.1 Waste Identification, the TCEQ requires CSSA to include a sampling protocol for TCLP analyses.

CSSA will consider revising the WMP to include the approval criteria and management of investigative derived wastes including the protocol for waste/contaminated media classification requirements.

If you have any questions regarding this information, please feel free to contact me at (210) 295-7416 or Mr. Rod Hudson at (210) 221-2373.

Sincerely,


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