

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

March 31, 2005

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

Re: Comments to response letter dated December 28, 2004 regarding the RFI and Interim Measures Waste Management Plan;
Camp Stanley Storage Activity, Boerne, TX;
TCEQ SWR No. 69026;
EPA ID No. TX2210020739

Dear LTC Shirley:

The Texas Commission on Environmental Quality (TCEQ) has reviewed your letter dated December 28, 2004 which was written in response to the TCEQ letter dated October 28, 2004. The TCEQ letter provided 16 itemized comments to the report entitled *RFI and Interim Measures Waste Management Plan August 2002*. Closure and remediation of RFI Units and SWMUs at the CSSA follow the requirement of the EPA 3008(h) Order. Our review indicates that your letter responded to each of the comments, as follows:

Item 1 - Your letter indicates that Camp Stanley Storage Activity (CSSA) will conduct waste analyses according to the requirement of 30 Texas Administrative Code (TAC) Subchapter R. While the TCEQ does not have a comment on your course of action, the subject matter in Item No. 1 pertains to the TCEQ Waste Analysis Team's decision as specified in the letter dated April 29, 2002 which stated "... the fact that subject soil is located at or near a vat that is known to have contained PCE and 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." Despite this determination from the TCEQ Waste Analysis Team, CSSA elected to dispose the contaminated soil containing listed waste as non-hazardous waste. The TCEQ is requesting assurances from CSSA and EPA (Attention: Mr. Greg Lyssy) that any similar incident will not happen in the future.

Items 2 and 3 - CSSA will incorporate the TCEQ's comment during the rewrite of the Waste Management Plan (WMP). The TCEQ does not have any additional comment to CSSA's response.

Item 4 - CSSA will incorporate a sampling frequency in the WMP using as basis the sampling requirement specified by the facility accepting the waste for disposal. The TCEQ does not concur

with CSSA's recommendation; the TCEQ requires a sampling frequency that is compliant with acceptable and common practices conducted during cleanup and remediation activities.

Item 5 - Your letter indicates that CSSA will consider revising the WMP to address management of industrial, municipal and UXO wastes. As stated in your letter, CSSA will use the waste classification requirements of 30 TAC Subchapter R for these purposes. The TCEQ encourages the use of Subchapter R for waste classification. The TCEQ also requires the incorporation of the Contained-In Policy and other hazardous waste management requirements as specified in the EPA document entitled *Management of Remediation Waste Under RCRA* EPA Document 530-F-98-026 dated October 1998. Furthermore, the WMP plan should address the management of "exotics" (e.g., M-34 fuses found in SWMU B-23C). An additional concern regarding waste analyses is the use of representative sample of the material in question. This issue is discussed in the second paragraph of the first page of TCEQ letter dated March 24, 2005 (a copy is provided as Enclosure No. 1). The TCEQ requests revision to the WMP incorporating the requirement for representative samples.

Item 6 - The TCEQ concurs with the statements presented in this item regarding cleanup levels under Risk Reduction Standards (RRS) and the Texas Risk Reduction Program.

Items 7, 8 and 9 - The TCEQ does not have any additional concern regarding these items.

Item 10 - The TNRC approval letter dated August 12, 1996 authored by Mr. Richard Clarke regarding the disposal of investigation derived waste under the RRS rules may be outdated. The TCEQ reiterates its request to reevaluate and update the approval criteria to ensure that the approval is still consistent with the RRS and with current state and federal regulations or with current federal guidance concerning remediation and investigation derived wastes.

Item 11 - The TCEQ reiterates the same issue and subject matter specified in Item 11 of the October 28, 2004 letter.

Item 12 - The TCEQ remains firm in its previous statement as stated in Item 1 of the October 28, 2004 letter. This subject is reiterated and reaffirmed in Item 1, above in reference to the AOC-65 situation.

Item 13 - The TCEQ reaffirms its statement as detailed in the October 28, 2004 TCEQ letter which states: "The TCEQ cautions CSSA in using the 20X factor (i.e., in TCLP determination). The TCEQ requires actual laboratory analysis of sample for TCLP determination and statement(s) in the WMP requiring such an analysis should be added."

Items 14 and 15 - The TCEQ does not have any additional concern regarding these items.

Item 16 - The TCEQ reiterates its requirement for CSSA to include a sampling protocol for TCLP analyses.

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To respond to the above-stated TCEQ comments with another comment letter from the CSSA is not the hoped-for reply. The TCEQ requests submission of a draft WMP incorporating the above stated comments and comments previously presented in the TCEQ letter dated October 28, 2004. A meeting with you, CSSA, Parsons, TCEQ Region 13 and EPA representatives and the undersigned to discuss the WMP is another alternative. If a draft WMP is to be submitted, an original and one copy of the WMP 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 June 27, 2005. 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

Enclosure: TCEQ letter dated March 24, 2005

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

ENCLOSURE 1

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 24, 2005

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

Re: Letter dated December 28, 2004 regarding additional information to document closure of Area of Concern (AOC)-55 - Comments;
Camp Stanley Storage Activity, Boerne, TX;
TCEQ SWR No. 69026;
EPA ID No. TX2210020739

Dear LTC Shirley:

The Texas Commission on Environmental Quality (TCEQ) received your letter dated December 28, 2004. Your letter responds to the TCEQ letter dated November 18, 2004 which requested CSSA for additional information concerning the closure of AOC-55. In particular, the TCEQ letter requested CSSA to submit laboratory analyses pertaining to the sampling and analyses of the incinerator ash, the incinerator ash-soil mix and contaminated soil collected from AOC-55. Also required for submission are: information on location and depth of sampling, sampling and field notes, and chain of custody.

Our review of the information provided in your letter indicate that ash materials were found at AOC-55 from what appears to be an incinerator which operated within AOC-55 area. Despite the finding of ash wastes, samples collected for waste characterization consisted of composite soil samples collected from top and bottom of each test trenches. Grab sample was collected for VOC analysis at approximately two foot deep into the soil material in the trench. The sample chain of custody information identified the samples as soil medium and one water sample. This appears to be an incorrect waste characterization; the soil analyses are not representative of ash wastes and vice versa. In the future, the TCEQ requires CSSA to collect representative samples of the materials, in question, for waste analyses

The TCEQ previously commented on "pre-RCRA" wastes in its letter dated November 18, 2004. In summary, the TCEQ indicated that wastes disposed 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. The TCEQ also apprises CSSA that in the *Management of Remediation Waste Under RCRA* EPA530-F-98-026 October 1998, it states that "documentation regarding a source of contamination, contaminant or waste is unavailable or inconclusive, EPA has stated that one may assume the

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source, contaminant or waste is not listed waste and, therefore, provided that material in question **does not exhibit a characteristic hazardous waste** (underscore and boldface supplied for emphasis), RCRA requirements do not apply." Crucial, therefore, to these requirements are the correct and proper sampling, waste analysis and characterization.

As previously stated in the November 18, 2004, the above issues of waste characterization, "pre-RCRA" wastes and determination when contamination is caused by listed waste should be evaluated during the rewrite and update of the report entitled *RFI and Interim Measures Waste Management Plan August 2002*. The TCEQ reiterates the need to update the waste management plan.

The closure report originally submitted in February 2004 for AOC-55, specified that remediation, cleanup and closure at AOC-55 attained Risk Reduction Standard No. 1. At this time, the TCEQ Corrective Action Section is deferring its decision pending consultation with the TCEQ Region 13 Office San Antonio.

Please prepare a written comment regarding CSSA waste characterization with possible proposal for procedural processes to ensure that improper waste characterization will not occur in the future. 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 May 25, 2005. The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response.

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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
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