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FILE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY
NEW YORK, NEW YORK 10007-1866

DEC 16 1996

reply mailed Dec 23, 1996
M. J. [unclear]

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S. J. Pena
Commander, CEC, U.S. Navy
Public Works Officer
U.S. Naval Station Roosevelt Roads
TSC 1008 Box 3001
Code NO
FPO AA 34051-3001

Re: Tow Way Fuel Farm/SWMU #7 - Interim Corrective Measures
U.S. Naval Station Roosevelt Roads
RCRA/HSWA Permit No. PR2170027203

Dear Commander Pena:

The United States Environmental Protection Agency (EPA) Region II has received the October 1996 monthly report for the Tow Way Fuel Farm (SWMU #7) Interim Corrective Measures, transmitted under Mr. Sindulfo Castillo's (Director, Environmental Engineering Division, Public Works Department, U.S. Naval Station Roosevelt Roads) letter of November 29, 1996. In addition, EPA has previously received the September 27, 1996 letter and attachments from your consultant, Baker Environmental, Inc, transmitted on behalf of the Navy, responding to EPA's letters of June 20 and September 13, 1996 regarding deficiencies in the proposed free product recovery system for Tow Way Fuel Farm.

As had been verbally discussed with Mr. Christopher Penny of Naval Facilities Engineering Command (LANTDIV, Code 1822) immediately following receipt of your September 27, 1996 submission, EPA viewed the program submitted with Baker Environmental's September 27, 1996 letter, as satisfactorily

addressing EPA's deficiency comments given in our June 20 and September 13, 1996 letters, although EPA has not yet provided official written comments on the September 27 submittal. The free-product recovery system submitted with the September 27, 1996 letter had 9 recovery wells proposed (reference Figure 3 of that submittal).

However, the October 1996 monthly report transmitted by Mr. Sindulfo Castillo's letter of November 29, 1996 now indicates, in Section A, that "Completed installation of 7 new recovery wells", and in Section C that "...it was decided to use PDGES alternative A which included 7 new wells and 1 existing well." EPA has never received a copy of the referenced PDGES Alternative A plan, and requests submission of a full copy of this plan, including a map showing the locations for the 7 new wells and 1 existing well proposed as free product recovery wells. The PDGES Alternative A plan apparently differs from the 9 wells proposed in Baker Environmental's September 27, 1996 letter, and represents a unilateral change of the proposed free-product recovery plan, without consulting EPA.

Please note that Pursuant to the terms of the 1994 Final RCRA/HSWA Permit (the Permit), Condition B.8.(d) of Module III states that "All plans and schedules required by the conditions of this Permit Module and Appendix C [Compliance Schedule] of this Permit are...incorporated into this Permit by reference and become an enforceable part of this Permit. Any non-compliance with such approved plans and schedules shall be termed non-compliance with this Permit." While EPA had not officially approved the proposed recovery plan submitted with the September 27, 1996 letter, those plans had been submitted to EPA on behalf of the Navy to address deficiencies in the May 17, 1996 Free Product Recovery System Workplan prepared by PDG Environmental Services, Inc. (PDGES) [submitted by Baker Environmental on behalf of the Navy on May 30, 1996, as an attachment to the RFI Quarterly Progress Report for February 1, 1996 - April 30, 1996], as discussed in EPA's letters of June 20, 1996 and September 13, 1996. Furthermore, Mr. Tim Gordon of my staff in discussion with Mr. Christopher Penny of LANTDIV, had verbally concurred with the September 27, 1996 recovery plan as submitted. Therefore, be advised that EPA reserves its right to find the Navy to be in non-compliance with Permit Condition B.8.(d) based on the Navy's

unilateral changes to the above-noted Plan submitted September 27, 1996. EPA reserves its right to take such enforcement action as it deems appropriate should the Navy fail to comply with the terms of this letter.

Also, the October monthly report submitted by Mr. Castillo's November 29, 1996 letter does not address the current status of on-going product recovery operations. If all product recovery operations (previously operated on your behalf by Terra Vac, Inc.) at Tow way Fuel Farm/SWMU #7 are currently suspended, the monthly report must so indicate, and list the date of suspension, and provide cumulative total volume of recovered product (since initiation of recovery) as of the suspension date.

Within 15 days of your receipt of this letter, please submit two copies of the PDGES Alternative A plan, or other document reflecting the most current plan for free product recovery at Tow Way Fuel Farm/SWMU #7, including a map showing the locations for all new and existing wells to be utilized as free product recovery wells. Also, within that time-frame, please provide the information detailed in the immediately preceding paragraph. Please contact Mr. Tim Gordon of my staff, at (212) 637-4167 if you have any questions.

Sincerely yours,



Nicoletta DiForte
Chief, Caribbean Section
RCRA Programs Branch

cc: Mr. Sindulfo Castillo, NAVSTA Roosevelt Roads
Mr. Israel Torres, EQB
Mr. Christopher T. Penny, LANTDIV Code 1822