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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278

DEC 02 1993

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. P. A. Rakowski, P.E.  
Head  
Environmental Programs Branch  
Environmental Quality Division  
Naval Facilities Engineering Command  
1510 Gilbert Street  
Norfolk, VA 23511-2699

Re: NAVSTA Roosevelt Roads - Draft RCRA Corrective Action  
Permit, Tow Way Fuel Farm (SWMUs #7 and #8)

Dear Mr. Rakowski:

The United States Environmental Protection Agency (EPA) Region II has reviewed your letter of August 6, 1993 requesting that the Tow Way Fuel Farm Solid Waste Management Units (SWMUs #7 & #8) not be placed under the Resource and Conservation Recovery Act (RCRA) Subtitle C corrective action requirements, since they are currently being investigated/remediated under Underground Storage Tank (UST) Subtitle I requirements administered by the Puerto Rico Environmental Quality Board (EQB).

EPA's position is that pursuant to 40 CFR § 280.60, since NAVSTA Roosevelt Roads is subject to Section 3004(u) of RCRA, as amended, corrective action of the Tow Way Fuel Farm SWMUs (#7 & #8) and other petroleum UST related SWMUs, such as SWMU #9 (Forrestal Drive Fuel Farm), must satisfy the requirements of RCRA Subtitle C corrective action.

Furthermore, EPA's position regarding the Proposed Rule referenced in your letter of August 6, 1993 (Exemption of Petroleum-Contaminated Media and Debris From Underground Storage Tanks From RCRA Hazardous Waste Requirements, published in the Federal Register of February 12, 1993), is that the Proposed Rule does not exempt petroleum UST related SWMUs, such as the Tow Way Fuel Farm SWMUs (#7 & #8) and SWMU #9 (Forrestal Drive Fuel Farm), from RCRA Subtitle C corrective action requirements under section 3004(u) of RCRA, as amended. The Proposed Rule merely continues the exemption of contaminated media and debris generated from petroleum UST corrective actions.

Therefore, pursuant to 40 CFR § 280.60, the two Tow Way Fuel Farms SWMUs (SWMU #7 and #8), as well as SWMU #9 (Forrestal Drive Fuel Farms sludge burial pits), are to be included in Module III of the Draft RCRA Permit, for corrective action requirements under section 3004(u) of RCRA, as amended. Please contact Mr. Timothy Gordon, of my staff at (212) 264-9538, if you have any questions.

Sincerely yours,

  
Andrew Bellina, P.E.  
Chief, Hazardous Waste Facilities Branch

cc: Commander L.V. Marchette, NAVSTA Roosevelt Roads  
Roberto Barbarena, PREQB  
Carl A. Soderberg, 2EPA-CFO