



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

MAY 24 1996

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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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
(Ref. your letter of May 1, 1996)
U.S. Naval Station Roosevelt Roads
RCRA/HSWA Permit No. PR2170027203

Dear Commander Pena:

The United States Environmental Protection Agency (EPA) Region II has completed its review of your letter of May 1, 1996 responding to my letter of April 5, 1996 regarding deficiencies in the Tow Way Fuel Farm/SWMU #7 free product recovery system. EPA has the following comments, which have already been discussed with yourself and Mr. Sindulfo Castillo (Director, Environmental Engineering, Public Works Department, Roosevelt Roads) during your May 21, 1996 meeting with Mr. Barry Tornick and Tim Gordon, of my staff, on your recent visit to EPA offices in New York for the Federal Round-table.

Your April 5th letter, rather than giving substantive responses or alternative proposals to address EPA concerns expressed in my April 5, 1996 letter (and previously in my February 23, 1996 and July 27, 1995 letters) regarding deficiencies/inadequacies in the Tow Way free-product recovery system as presently operated, seeks to deflect these comments by repeatedly representing in your letter that the recovery activities currently being implemented are "an emergency response action under the Underground Storage Tank (UST) program...[and] not intended as the Interim Corrective Measures...". This answer is not acceptable. The Navy has never submitted to EPA a work plan for "emergency response action" at Tow Way Fuel Farm, but since 1992 has repeatedly represented to EPA that the UST program free-product recovery program at Tow Way Fuel Farm would satisfy the Permit Interim Corrective Measures requirements for SWMU #7 (Tow Way Fuel Farm).

- 2 -

As clearly stated in my April 5 and February 23, 1996 letters, Condition E.4(a) of Module III of the Final RCRA/HSWA Permit (the Permit) for your facility requires that within thirty (30) calendar days of the effective date of the Permit (November 28, 1994), the Permittee was to submit work plans for free-phase hydrocarbon removal at SWMU #7 (Tow Way Fuel Farm). Also, Condition E.4(c) of Module III of the Permit requires the Permittee to commence implementation of these work plans within 60 days following EPA written approval of the work plans. This approval was given in my July 19, 1995 letter, wherein EPA accepted the September 1994 Corrective Action Plan (CAP) submitted by Commander L.V. Marchette's letter of December 16, 1994 to fulfill the requirements of Condition E.4(a) of Module III of the Permit. If however, you now contend that this system was never intended to be the required Interim Corrective Measure, then Roosevelt Roads has been in violation of the Permit.

In addition, as previously stated in my letter April 5, 1996 letter, implementing major unilateral revisions in the free product recovery system at Tow Way Fuel Farm/SWMU #7 without advising EPA and/or obtaining our approval (as occurred in September 1995 when 7 new wells were installed and product recovery initiated at them while being terminated at the previously utilized recovery wells) constitutes violations in fulfilling the requirements of the Permit.

EPA has also reviewed the April 1996 Monthly Report on the Tow Way Fuel Farm free product recovery system, transmitted by Mr. Sindulfo Castillo's letter of May 16, 1996. This report indicates that a total of only 2 gallons of product were recovered during the period March 30 to April 25, 1996. As stated in my letter of April 5, 1996 commenting on the January and February monthly free product recovery reports, "EPA has serious concerns with effectiveness of the free product program as currently being implemented, and its ability to prevent/inhibit migration of the free product plume." Based on only 2 gallons of product recovered during April and the 96 gallons recovered during March, EPA is even more concerned. In fact, EPA judges that the Tow Way free product recovery system is effectively not functioning.

Your May 1, 1996 letter responding to my April 5 letter states that "we have awarded a contract which will install a free product recovery system as recommended by the approved CAP" and that the new system will commence operation by September 1996. You further state that a copy of the Plans & Specifications (P&S) for the [new] free product recovery system will be submitted to EPA by the end of May, as part of the RFI Quarterly Report due May 30, 1996. The P&S plans should incorporate/address

- 3 -

deficiency comments noted by EPA in my letters of April 5 and February 23, 1996. Since this action (free product recovery) is required pursuant to the terms of the Final RCRA Permit, EPA will, of course, review and comment on the P&S plans, when submitted, as to their adequacy and acceptability.

EPA will not initiate Enforcement Action for non-compliance with the Interim Corrective Measures requirements of the 1994 Final Permit at this time; however, failure to have an acceptable free product recovery system in full operation at Tow Way Fuel Farm/SWMU #7 by September 30, 1996, will result in EPA initiating Enforcement Action for failure to comply with the requirements of the RCRA/HSWA Permit.

Please contact Mr. Tim Gordon, of my staff, at (212) 637-4167 if there are any questions.

Sincerely yours,

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

cc: Mr. Sindulfo Castillo, NAVSTA Roosevelt Roads
Mr. Israel Torres, FREQB
Mr. Art Wells, LANTDIV Code 1823