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LETTER FROM U S EPA REGION II REQUESTING COMPLIANCE INFORMATION ON
UNDERGROUND STORAGE SYSTEMS AND TRANSMITTING INSTRUCTIONS NAVACT
PUERTO RICO
5/14/2002
U S EPA REGION II



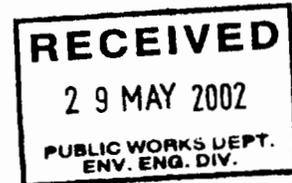
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 14 2002

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Article Number: 7001-0320-0002-1057-8572

Captain John E. Warnecke
U.S. Naval Station Roosevelt Roads
PSC 1008 Box 3001
FPO AA 34051-3001



Re: Notice of Violation and Request for Information, RCRA-UST-IR-02-020
Pursuant to Section 9005 of the Solid Waste Disposal Act, as amended.
U.S. Naval Station Roosevelt Roads
Ceiba, Puerto Rico

Dear Captain Warnecke:

On or about February 26 through March 1, 2002, a duly authorized representative of the U.S. Environmental Protection Agency ("EPA") conducted a Resource Conservation and Recovery Act (RCRA) Sub-Title I Underground Storage Tank (UST) inspection of U.S. Naval Station Roosevelt Roads, Ceiba, Puerto Rico, pursuant to §9005 of RCRA, 42 U.S.C. §6991. This letter consists of (1) a Notice of Violation which addresses the failure to operate and maintain UST systems located at the facility and (2) a request for a compliance schedule as it pertains to the management of the same UST systems addressed on the Notice of Violation.

You are hereby required, pursuant to Section 9005(a) of RCRA, 42 USC §6991d(a), and 40 CFR §280.34 to submit the compliance information as requested in Enclosure II, for the Underground Storage Tank (UST) system (or "UST" systems) located at the U.S. Naval Station Roosevelt Roads that are owned and/or operated by the same using the instructions and definitions in Enclosure I. This information will be necessary to determine whether the UST systems will be in compliance with Subtitle I of RCRA, as amended, 42 USC §§6991 *et seq.*, and the regulations promulgated pursuant to the UST Control Regulations (Reglamento Num. 4362) (hereinafter "Rules") of the Environmental Quality Board of the Commonwealth of Puerto Rico. In addition, an officer or agent who is authorized to respond on behalf of the above-referenced facility, must complete and sign the attached Certification page, and return it with your response to this Request for Compliance.¹

¹The United States Environmental Protection Agency ("EPA") is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6991 *et seq.* As background, on September 8, 1988, EPA promulgated regulations establishing Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tank (UST) for the Management of

Please provide the information requested no later than thirty (30) calendar days from the date of receipt of this letter. Requests for additional time must be justified, and must be requested within ten (10) calendar days of receipt of this letter. The response must be submitted to the following addressee:

Charles Hillenbrand, Acting Section Chief
Groundwater Compliance Section
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 CFR §2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in 40 CFR Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act, as amended. 44 USC §§3501 et seq.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by Federal law. Violation of federal UST regulations may result in penalties of up to \$11,000 per UST system per day of violation.

Petroleum Products under the RCRA program (Vol 53, No. 185 Federal Register 37194). These regulations became effective on December 22, 1988, and are published in Title 40 of the Code of Federal Regulations ("40 C.F.R."), Part 280. On January 30, 1998, EPA approved the Commonwealth of Puerto Rico's UST program (63 FR 4593) with an effective date of March 31, 1998.

If you have any questions concerning the information requested, please have your staff contact Claudia J. Gutierrez at (212) 637-4945.

Sincerely yours,



George Pavlou, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Kathy Batista, PR EQB, UST Program
Sindulfo Castillo, US Naval Station Roosevelt Roads
Pedro Ruiz, US Naval Station Roosevelt Roads

ENCLOSURE I INSTRUCTIONS AND DEFINITIONS

In responding to this Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the facility. The signatory must sign the attached Certification of Answers and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. It is your responsibility to try to obtain any information pertinent to any question. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner the number of the question to which it applies.
8. If anything is deleted from a document produced in response to the Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, are all facilities own and/or operated by U. S. Naval Station Roosevelt Roads located in Ceiba, Puerto Rico.
11. Underground storage tank or UST shall be defined, for the purposes of this Request for Information, as any one or combination of tanks (including pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. (See Rule 105.)

12. Underground storage tank system or UST system shall be defined, for the purposes of this Request for Information, as an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any. (See Rule 105.)
13. Owner shall be defined, for the purposes of this Request for Information, as any person who owns an UST system used for storage, use, or dispensing of regulated substances. (See Rule 105.)
14. Operator shall be defined, for the purposes of this Request for Information, as any person in control of, or having responsibility for, the daily operation of an UST system. (See Rule 105.)
15. EQB shall be defined as the Environmental Quality Board.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to this Request for Information, and all documents submitted herewith; that I am an officer or agent who is authorized to respond on behalf of the facility which is the subject of this Request; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

Title (print or type)

Signature

Date

NOTICE OF VIOLATION

On or about February 26 through March 1, 2002, duly authorized representative of EPA conducted an inspection of U.S. Naval Station Roosevelt Roads, Ceiba, Puerto Rico, pursuant to Section 9005 of RCRA, 42 U.S.C. §6991. During the inspections there were several violations noted in accordance with Underground Storage Tanks Control Regulations, promulgated by resolution (R-90-42-1) to ensure the protection of Puerto Rico's surface and groundwater resources and of public health, safety, welfare and the overall environment, by means of an adequate control of the Underground Storage Tank systems (dated November 7, 1990).

Based on the above, and specific described on Enclosure II, EPA determined that U.S. Naval Station Roosevelt Roads, Ceiba, Puerto Rico violated the following UST Rules:

Rule 501

Rule 503

Rule 701

ENCLOSURE I I

On or about February 26 through March 1, 2002, a duly authorized representative of the US EPA conducted a RCRA Sub-Title I Compliance Inspection at U.S. Naval Station Roosevelt Roads. The following violations were noted:

BUNDY AREA

Findings:

At the time of the inspection, the monitoring release detection system, read " high water in the tank". Also, according to personnel the system was not working. A repair call had been placed since December 2001.

Violations:

Failure to comply with the following:

Rule 501

Owners and operators must report to the Board within 24 hours, and follow the procedures in Rule 503 for any of the following conditions:

- B. Unusual operating condition observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced; and,
- C. Monitoring results form a release detection method required under Rule 402 and Rule 403 that indicate a released may have occurred unless:
 - (1) the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result

Rule 503

Unless corrective action is initiated in accordance with Part VI, owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Rule 501 within seven (7) days using either the following steps or another approved by the Board.

- A System test.

Owners and operators must conduct tests (according to the requirements for tightness testing in Rules 404 (C) and 405 (B) that determine whether a leak exists in that portion of the tank that routinely contains the regulated substance or the, or the attached delivery piping, or both.

- (1) Owners and Operators must repair, replace or upgrade the UST system, and begin corrective action in accordance with Part VI if the test results for the system, tank or delivery piping indicate that a leak exists.
- (2) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.
- (3) Owners and operators must conduct a site as described in paragraph (B) of this Rule if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

B Site Check

Owners and operators must measure in accordance to subsection (A) (3) of this Rule for the presence of release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of ground water and other factors appropriate for identifying the presence and source of the release.

- (1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators must begin corrective action in accordance with subpart VI;
- (2) If the test results for the excavation zone of the UST site do not indicate that a release has occurred, further investigation is not required.

FUELS PUMP HOUSE

Findings:

At the time of the inspection, there were two (2) USTs that were out of service for approximately two (2) years and continue to be out of service as of March 1, 2002.

Violations:

Failure to comply with the following:

Rule 701

- A. When an UST system is temporarily closed, owners and operators must continue operation and maintenance of corrosion protection in accordance with Rule 302, and any release detection in accordance with Part IV. Part V and Part VI must be complied with if a release is suspected for confirmed. However, release detection is not required as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.
- B. When an UST system is temporary closed for three (3) months or more, owners and operators must also comply with the following requirements:
1. Leave vent lines open and functioning; and
 2. Cap and secure all other lines, pumps, man ways, and ancillary equipment.

CAMP MOSCRIP

Findings:

At the time of the inspection, there were five (5) 1,000 gallon UST in this area. All of these USTs were out of service for approximately four (4) months and continue to be out of service as of March 1, 2002. In addition, the release detection monitoring system was out of service for approximately four (4) months and continues to be out of service since March 1, 2002.

Violations:

Failure to comply with the following:

Rule 501

Owners and operators must report to the Board within twenty-four (24) hours, and follow the procedures in Rule 503 for any of the following conditions:

- B. Unusual operating condition observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced; and,
- C. Monitoring results from a release detection method required under Rules 402 and 403 that indicate a release may have occurred unless:
- (1) the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result.

Rule 701

- A. When an UST system is temporarily closed, owners and operators must continue operation and maintenance of corrosion protection in accordance with Rule 302, and any release detection in accordance with Part IV. Part V and Part VI must be complied with if a release is suspected for confirmed. However, release detection is not required as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.
- B. When an UST system is temporary closed for three (3) months or more, owners and operators must also comply with the following requirements:
 - 1. Leave vent lines open and functioning; and
 - 2. Cap and secure all other lines, pumps, man ways, and ancillary equipment.

REQUEST FOR COMPLIANCE

BUNDY AREA

The following Information is requested:

If the system will continue to be in operation, the release detection must be repaired immediately as cited previously. If the system will be taken out of service, you must make a determination and comply with all requirements of temporary closure in accordance with Rule 701 which include and is not limited to release detection requirements.

Please submit all documentation as it pertain to the release detection system and a letter stating whether you will close, temporary close or keep in service the UST system at this area.

FUELS PUMP HOUSE

The Following Information is requested:

Submit all the appropriate documentation as it regards temporary closure for the UST systems' located in this area. In addition, submit release detection records for the past six (6) months for both systems. In addition, submit a modification form to the Environmental Quality Board (EQB) as it regards to these UST systems.

CAMP MOSCRIP

The following information is requested:

If the system will continue to be in operation, the release detection must be repaired immediately as cited above. If the system will be taken out of service, you must make a determination and complied with all requirements of temporary closure in accordance with Rule 701 which include and is not limited to release detection requirements.

Please submit all documentation as it pertains to the release detection system and a letter stating whether you will close, temporary close or keep in service the UST system at this area.