

From: [Pandisseril, Biji A CIV USN NAVFAC SE JAX FL \(USA\)](#)
To: [Jonathan Walling](#); [Faulkner, Tracy L Sr CIV \(USA\)](#)
Cc: [OCE](#); [Michael Zwierzykowski](#)
Subject: RE: Non-compliance due to impacts from the Coronavirus- NASCC Extension_August 2020
Date: Sunday, August 30, 2020 3:48:36 PM

Mr. Walling,

Thank you for getting back to us.

We were in the impressing that reaching out to you for extension of the self-certification would be also provide extension of Delivery Certificate. As you are aware, after Mr. Zwierzykowski make it clear to us the two certification have two separate process, we have discontinued receiving fuel.

We will be placing the tanks out of service shortly and coordinate any requirements with Mr. Zwierzykowski and/or Mr. Weiss Thank you again.

Sincerely
Biji Pandisseril

From: Jonathan Walling <jonathan.walling@tceq.texas.gov>
Sent: Friday, August 28, 2020 2:47 PM
To: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA) <biji.pandisseril@navy.mil>; Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>
Cc: OCE <OCE@tceq.texas.gov>
Subject: [Non-DoD Source] Non-compliance due to impacts from the Coronavirus- NASCC Extension_August 2020

Good afternoon, Mr. Pandisseril:

The TCEQ has evaluated your enforcement discretion request. At this time, the TCEQ is unable to provide an extension beyond September 30, 2020, and unable to provide a temporary delivery certificate authorization. The September 30, 2020 deadline will now apply to the August 31, 2020 deadlines that were established on July 21, 2020.

This denial is based on several factors:

- The Corpus Christi Naval Air Station's fuel delivery certificate expired on March 31, 2020. It is the TCEQs understanding that since the expiration of your delivery certificate, fuel deliveries continued after expiration. It is recognized that deliveries have since ceased;
- Self-inspections have been conducted, but deficiencies have not all been corrected;
- The USTs are currently non-compliant with line leak detector tests which are required for all pressurized UST systems. Failure to have line leak detector tests was also the subject of a past TCEQ Agreed Order effective on September 16, 2019 (attached); and
- The USTs are not in direct support of naval or homeland security functions, but serve in a retail capacity.

It is understood that your current plans are to remove the subject USTs and associated piping and convert to aboveground fuel storage during the summer of 2021. If the Corpus Christi Naval Air Station is unable to bring the current UST system into full compliance with Title 30 Texas Administrative Code (TAC) Chapter 334 for active USTs by September 30, 2020, consideration may want to be given to temporarily removing the USTs from service (30 TAC §334.54) to avoid continued non-compliance. These regulations may be found at [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=334&rl=54](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=334&rl=54).

If you elect this option, the TCEQ is happy to provide technical assistance. You may contact Michael Zwierzykowski in the TCEQ's Corpus Christi Region Office at 361-825-3116 or michael.zwierzykowski@tceq.texas.gov or Nathan Weiss in the TCEQ's Occupational Licensing & Registration Division at (512) 987-7961 or nathan.weiss@tceq.texas.gov.

Regards,

Jonathan Walling, Area Director
Coastal & East Texas Area
Texas Commission on Environmental Quality

From: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA) <biji.pandisseril@navy.mil>
Sent: Wednesday, August 26, 2020 12:32 PM
To: Jonathan Walling <jonathan.walling@tceq.texas.gov>
Cc: Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>; Michael Zwierzykowski <michael.zwierzykowski@tceq.texas.gov>
Subject: RE: Non-compliance due to impacts from the Coronavirus- NASCC Extension

Mr. Walling,

Could you please let me know if you had a chance to review our request for regarding the UST at NASCC.

Sincerely
Biji Pandisseril

From: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA)
Sent: Thursday, August 20, 2020 11:36 AM
To: 'Jonathan Walling' <jonathan.walling@tceq.texas.gov>; 'Susan Clewis' <susan.clewis@tceq.texas.gov>
Cc: Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>; 'Timothy Perdue' <Timothy.Perdue@tceq.texas.gov>; Hass, Eric Wayne (CDR PWD Corpus Christi) CDR USN NAVFAC SE JAX FL (USA) <eric.w.hass@navy.mil>; De Pol, Courtney Z CIV USN NAVFAC SE JAX FL (USA)

<courtney.depol@navy.mil>; 'Michael Zwierzykowski' <michael.zwierzykowski@tceq.texas.gov>

Subject: RE: Non-compliance due to impacts from the Coronavirus- NASCC Extension

Mr. Walling,

As directed in your email on 8Aug2020, NAS Corpus Christi (NASCC) reached out to our local TCEQ agency to help us with compliance requirement of the USTs. As you are aware, NASCC is committed to assuring compliance with all Federal and State requirements.

NASCC currently owns and operated three (3) Underground Storage Tanks (USTs). The USTs are registered with TCEQ under PST:28854. NASCC did request extensions of the Self Certification in early April and was granted an extension until May 31. Subsequent extensions were granted until July 31 and then again until Aug 31/Sep30. That most recent extension was granted with specific conditions to be corrected by Aug 31 and few others by Sep 30. NASCC has reviewed the deficiency report and done our due diligence in contracting Contractors who can perform that work. We were unable to secure a contractor who can complete the work and guarantee passing self-certification. To avoid incompliance and releases to the environment, the NAVY has decided the best approach is to remove the old tanks and replace the tanks and associated piping with Above-ground Storage Tanks.

Due to the current pandemic and related end of fiscal year funding constraints, NASCC will award a Design/Build Contract to replace the USTs with ASTs in the first quarter of CY21. Based on the current design/construction timeline, we expect design to be completed in June 2021 and groundbreaking shortly thereafter. We will have a firmed up timeline as soon as the contract is awarded and will submit a Notice of Construction to TCEQ as we near construction.

To ensure there are no releases and with guidance provided by local TCEQ, we are proposing to use Statistical Inventory Reconciliation "SIR" and implement the operational controls as stated below. We believe the SIR service and operational controls will accurately provide a means to detect releases. If a release is detected, we will place the USTs out-of-service and immediately stop delivery of fuel. Our proposal is as follows:

1. SIR monitoring on a monthly basis by a certified SIR contractor.
2. Increasing the frequency of the Dispenser sump visual inspections from monthly to weekly. This inspection will focus on whether there is any evidence of primary system release into the sumps.
3. Increasing the frequency of the piping/transition sump visual inspections from monthly to weekly. This inspection will focus on whether there is any evidence of primary system release into the sumps. Particular attention will be focused on the stainless fuel hose with the excessive bend radius and inspect for any evidence potential failure of this stainless fuel hose (bulging, fuel beginning to leak, etc.)
4. During future fueling operations, personnel will be stationed in the back room where the overfill alarms are audible and relay the alarms via verbal

communication to the fuel truck driver filling the USTs. Special attention will be placed during diesel UST fueling operations due to the Flapper being broken and we shall secure filling when the alarm sounds at 90%.

In summary, NASCC is requesting an extension of the Delivery Certificate and Self Certification until start of construction of the new tanks.

Please contact me if you would like to discuss further or have any questions or concerns about our request. We look forward to hearing back from you.

Sincerely

Biji Pandisseril

Installation Environmental Program Director

NAS Corpus Christi

8851 Ocean Drive, Bldg 19

Corpus Christi, TX 78419

Office: 361-961-5353

From: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA)

Sent: Friday, August 7, 2020 3:25 PM

To: Susan Clewis <susan.clewis@tceq.texas.gov>; Timothy Perdue <Timothy.Perdue@tceq.texas.gov>

Cc: Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>; 'Jonathan Walling' <jonathan.walling@tceq.texas.gov>

Subject: RE: Non-compliance due to impacts from the Coronavirus- NASCC Extension

Ms. Clewis and Mr. Perdue,

NASCC has been in contact with Mr. Walling regarding enforcement discretion for the USTs. Currently we have completed the inspected of the UST tanks for our gas station and the inspection report revealed a number of deficiencies. Mr. Walling has provided us additional time until August 31, 2020 to complete the corrective actions (as stated below in his email). Due to current pandemic and our project acquisition process, we were not able to complete the corrective actions.

As a pass forward, we would like to discuss our goals and constrains with you. We would appreciate your thoughts and/or assistance regarding the self-certification.

At your earliest convenience, please let me know if you can be available the week of August 10th or August 17th for short meeting.

We will be happy to meet with you in-person at your office or by teleconference.

Please let me know your availabilities.

Sincerely
Biji Pandisseril

From: Jonathan Walling <jonathan.walling@tceq.texas.gov>
Sent: Friday, August 7, 2020 12:34 PM
To: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA) <biji.pandisseril@navy.mil>
Cc: Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>; Timothy Perdue <Timothy.Perdue@tceq.texas.gov>; Susan Clewis <susan.clewis@tceq.texas.gov>
Subject: [Non-DoD Source] RE: Non-compliance due to impacts from the Coronavirus- NASCC Extension

Good afternoon.

Activities regarding your specific compliance efforts, relating to the specific items under enforcement discretion, would best be discussed with staff in our Corpus Christi Region Office. I am copying Tim Perdue, Waste Section Manager and Susan Clewis, Regional Director, so they can assist you.

Regards,

Jonathan Walling, Area Director
Coastal & East Texas Area
Texas Commission on Environmental Quality

From: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA) <biji.pandisseril@navy.mil>
Sent: Thursday, August 6, 2020 11:16 AM
To: Jonathan Walling <jonathan.walling@tceq.texas.gov>
Cc: Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>
Subject: RE: Non-compliance due to impacts from the Coronavirus- NASCC Extension

Good Morning Mr. Walling,

Thank you for your direction regarding the enforcement discretion of the NEX USTs. To ensure complete compliance and disclosure we would like to meet to provide you the steps we are taking to ensure a pass forward and the complexities of our process.

At your earliest convenience, please let me know if you can be available the week of August 10th or August 17th for short meeting.

We will be happy to meet with in-person at your office or by teleconference.

Please let me know your availabilities.

Sincerely
Biji Pandisseril

From: Jonathan Walling <jonathan.walling@tceq.texas.gov>
Sent: Tuesday, July 21, 2020 11:01 AM
To: Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>
Cc: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA) <biji.pandisseril@navy.mil>; Phillips, John E CIV USN (USA) <john.phillips7@navy.mil>; OCE <OCE@tceq.texas.gov>
Subject: [Non-DoD Source] Non-compliance due to impacts from the Coronavirus- NASCC Extension

Good morning, Mr. Faulkner:

The TCEQ has evaluated your request. Based on the information you have provided, NASCC was able to complete the self-certification inspections of underground storage tanks 3A, 2A, and 1A, which have been under enforcement discretion until July 31, 2020, but are unable to complete deficiencies identified in the inspections by this date. The TCEQ will grant enforcement discretion as indicated below:

- Schrader valves missing at dispensers 1/2, 3/4, 5/6, 7/8, 9/10, 11/12- Enforcement discretion will be valid until August 31, 2020.
- **Piping/Transition Sump missing wall boots and test boots. Test boots that are present are torn- Enforcement discretion will be valid until September 30, 2020**
- The stainless fuel hose exceeds bend radius in the piping sump- Enforcement discretion will be valid until September 30, 2020
- Diesel flapper is missing on OPV (1290-03)- Enforcement discretion will be valid until September 30, 2020
- The alarm outside the building does not work- Enforcement discretion will be valid until August 31, 2020.
- There no sensors installed in any of the STP sumps, transition sumps or the dispenser sumps. Some locations have wires but have been cut- Enforcement discretion will be valid until August 31, 2020.

These deficiencies must be corrected as soon as practicable by the prescribed dates. Should additional time be needed, please submit a new request for consideration.

Regulated entities must maintain records adequate to document activities related to any noncompliance under enforcement discretion, including details of the regulated entity's best efforts to comply.

Regards,

Jonathan Walling, Area Director
Coastal & East Texas Area
Texas Commission on Environmental Quality

From: Faulkner, Tracy L Sr CIV (USA) <tracy.l.faulkner@navy.mil>
Sent: Thursday, July 16, 2020 2:40 PM
To: Jonathan Walling <jonathan.walling@tceq.texas.gov>
Cc: Pandisseril, Biji A CIV USN NAVFAC SE JAX FL (USA) <biji.pandisseril@navy.mil>; Phillips, John E CIV USN (USA) <john.phillips7@navy.mil>
Subject: FW: Non-compliance due to impacts from the Coronavirus- NASCC Extension

To Mr. Jonathan Walling ,

Naval Air Station Corpus Christi (NASCC)-Facility #28854, is requesting an additional 90 days to complete the self-certification of USTs (3A, 2A, 1A).

NASCC was granted an extension until July 31 to complete an independent inspection and self-certification.

NASCC was able to ascertain the service of a contractor to conduct the inspection of the tanks. Due to impacts from the COVID-19, NASCC was not able to correct the deficiencies within the allotted timeframe to complete the self-certification of the USTs. We are in the process to evaluating and scoping a project to address the deficiencies as provided by the contractors.

Please advise. If you have any question, please feel free to contact Tracy Faulkner at 361-961-5355 or by email at tracy.l.faulkner@navy.mil

Thank you..

Tracy Faulkner.