



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303

December 16, 2010

Mr. Michael A. Dobbs
Environmental Program Manager
Defense Distribution Center
S Avenue, Bldg. 1-2
DES-DDC-EE
New Cumberland, PA 17070-5000

Re: Reply to DLA Proposal to Terminate the Federal Facilities Agreement at the Former
Memphis Defense Depot, Memphis Tennessee

Dear Mr. Dobbs:

The U.S. Environmental Protection Agency, Region 4 (EPA) has reviewed your letter dated Sept 29, 2010. The letter documents a request by the Defense Logistics Agency (DLA), acting as Agent for the Department of Defense (DoD) at the former Memphis Defense Depot (DDMT), to terminate the Federal Facilities Agreement (FFA) under which the cleanup of DDMT has been conducted over the last 16 years.

EPA agrees that the majority of the work has been accomplished at DDMT, as documented in the request, and that many of the objectives of the FFA have been satisfied. However, we do not agree that all objectives called for in the agreement have been met. An obvious example of this is that Section XIV.B.1 of the FFA identifies a series of Primary Documents that DoD must submit towards satisfying FFA objectives. The current BRAC Cleanup Plan/Site Management Plan (BCP/SMP) master schedule identifies a primary document deliverable due to EPA and Tennessee in FY11. That document is the Interim Remedial Action Completion Report (IRACR) for the Off-Depot Groundwater Remedy. Another example of an outstanding deliverable is a Final Remediation Report, also called a Final Remedial Action Completion Report (FRACR) by EPA. An FRACR documents that the remedy has been completed and that all remedial action objectives (RAOs) and cleanup levels have been met. An example at DDMT of an FRACR is that for the excavation remedy of disposal sites at Operable Unit 1, Dunn Field. This action was completed and all objectives achieved. In contrast, at both the Main Installation (OUs 2-4) and OU-1 EPA has approved Interim RACRs that document achievement of all RAOs with the exception of certain soil and ground water cleanup levels, as provided for in EPA's guidance Closeout Procedures for National Priorities List Sites, (OSWER Directive 9320.2-09A-P). Until all cleanup levels are achieved a FRACR cannot be finalized, and remains an unsatisfied term or condition of the FFA.

Another example of ongoing primary document obligations is that of the Five Year Review. Section XV of the FFA identifies Five Year Reviews as a primary document. DDMT is scheduled to finalize its next Five Year Review in 2013. Further, until these requirements have been satisfied, EPA expects DoD's Agent for DDMT to maintain a current SMP at the installation, updated annually

There may be other objectives yet to be achieved, but these examples illustrate the point. Accordingly, EPA declines to agree with DLA's proposal to terminate the FFA. We would be happy to meet with you or your successor, Mr. John Deback of the Army, to begin identifying remaining obligations of DoD that must meet prior to termination of the FFA. If you have any questions, please contact me at 404/562-8553.

Sincerely yours,

Wm. Turpin Ballard, RPM
Federal Facilities Branch

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