

NOTICE OF PUBLIC HEARING INTENT TO REISSUE A CORRECTIVE ACTION PERMIT

Date: September 21, 2004
Time: 6:30 p.m. (Central)
Location: South Memphis Senior Citizens Center
1620 Marjorie St., Memphis, TN

The Tennessee Department of Environment and Conservation's (TDEC) Division of Solid Waste Management (DSWM) will conduct a public hearing on September 21, 2004, to receive comment on TDEC's proposal to reissue a permit for corrective action to the U.S. Department of Army, owner of the former Defense Depot Memphis Tennessee (DDMT), and the Defense Logistics Agency (DLA), the permit operator. The permit will include conditions for continuation of corrective action of solid waste management units and areas of concern.

The hazardous waste storage permit for the former DDMT (Installation I.D. Number TN4 21 002 0570) was originally issued jointly by TDEC and the U.S. Environmental Protection Agency (EPA) on September 28, 1990. The permit-terminated storage unit was never constructed and that portion of the permit was terminated on October 22, 1998. However, the corrective action portion of the permit remained in effect, including the requirement to reapply.

On March 31, 2004, the DLA submitted an application to TDEC to renew the corrective action permit. (TDEC has received full authority, in lieu of EPA, to regulate corrective action.)

The draft permit identifies known solid waste management units (SWMUs) and areas of concern (AOCs) at the former DDMT. The owner and operator (permittee) shall be required to investigate any releases of hazardous waste or hazardous constituents pursuant to this permit, regardless of the time at which waste was placed in a unit, and to take appropriate corrective action for any such releases. The DLA, EPA and TDEC entered into a Federal Facility Agreement (FFA), effective March 6, 1995, to conduct investigation and implement appropriate response actions at the former DDMT as necessary to protect the public health and the environment. In accordance with the FFA, all corrective action under this permit is deferred to, and being performed under, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process.

There are 89 SWMUs/AOCs described in the draft permit and the fact sheet for which the FFA parties have decided no further action is required, or have had a final remedy selected under CERCLA as part of the Dunn Field and Main Installation Records of Decision (RODs). All of the remedy selections were described in Proposed Plans that were previously noticed for public comment in accordance with CERCLA. As required by the FFA, these remedies are being incorporated by reference into this permit, however implementation will continue to be performed under CERCLA authority. Currently, there are no units or AOCs requiring further investigation or remedy selection. In addition to corrective action, under the conditions of this permit, the permittee will also be required to notify the TDEC Commissioner of imminent hazards; and as applicable, comply with the requirements developed under land disposal restrictions. When issued, the permit will be valid for 10 years, unless terminated earlier upon approval of the Commissioner.

DSWM proposes to reissue the corrective action permit under the authority of the Tennessee Hazardous Waste Management Act of 1977, Tennessee Code Annotated, Section 68-212-101 et seq., and Chapter 1200-1-11 of the Tennessee Hazardous Waste Management Rules. A draft permit has been prepared and is available for public review and comment. A Fact Sheet summarizing the facility and the proposed actions under the corrective action program has also been prepared and is available for public review.

Copies of the former DDMT's application, the draft permit and fact sheet are available for public inspection at the Memphis/Shelby County Public Library - Cherokee Branch, 3300 Sharpe Ave., Memphis, Tennessee 38111 (901-743-3655). These materials are also available for public inspection during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the TDEC Memphis Environmental Assistance Center, Public Access Area, Perimeter Park, 2510 Mt. Moriah, Suite E-645, Memphis, TN 38115 (901-368-7939).

To submit written comments on DSWM's proposal or obtain further information, please contact: Mr. Clayton Bullington, Division of Solid Waste Management; TDEC; 5th Floor, L&C Tower; 401 Church St.; Nashville, TN 37243-1535; phone 615-532-0859 or e-mail clayton.bullington@state.tn.us. The comments must be received by 4:30 p.m. on September 27, 2004, to assure consideration. After considering all public comments received, the DSWM Director will issue a final permit decision and a Response to Comments.

TDEC is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Persons who wish to be on DSWM's mailing list should request a Mailing List Request form by calling or writing: Public Participation Officer; Division of Solid Waste Management; Tennessee Department of Environment and Conservation; 5th Floor, L&C Tower; 401 Church St.; Nashville, TN 37243-1535; phone 615-532-0798 or e-mail Solid.Waste@state.tn.us.

NOTICE ISSUED: August 13, 2004

