

NOTICE OF FINAL DECISION TO DENY A HAZARDOUS WASTE CORRECTIVE ACTION PERMIT UNDER THE TENNESSEE HAZARDOUS WASTE MANAGEMENT ACT

The Tennessee Department of Environment and Conservation's (TDEC), Division of Solid Waste Management (DSWM) has made a final decision, effective as of January 19, 2005, to deny the renewal of hazardous waste permit (Permit Number: TNHW-053, EPA ID Number: TN4 210 020 570) for Defense Depot Memphis Tennessee (DDMT). This decision is based on the Defense Logistics Agency's (DLA) request to withdraw the RCRA (hazardous waste) permit renewal application (as per the reasons in the request letter dated September 24, 2004). This action follows a 45-day public comment period, which ended on September 27, 2004. It included a public hearing held on September 21, 2004. Two comments were received from the public during this comment period. This decision can be appealed pursuant to the Hazardous Waste Management Act, T.C.A. 68-212-113 and Rule 1200-1-11-.07(7)(k).

The draft permit identified known solid waste management units (SWMUs) and areas of concern (AOCs) at DDMT and required DLA to investigate any releases of hazardous waste or hazardous constituents pursuant to the 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 investigate and implement appropriate response actions at the DDMT, as necessary to protect the public health and the environment. In accordance with the FFA, all corrective action under the permit was deferred to, and being performed under, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process. As part of the request to withdraw their application, DLA updated the status of the SWMUs and AOCs listed in the draft permit attachment. All the units and areas at DDMT have been investigated and now have a selected remedy under CERCLA. Since no hazardous waste activity that would require a permit is being performed at DDMT and because TDEC and EPA will have full authority to continue to enforce implementation of the selected remedies under CERCLA, DSWM will not issue the renewal permit.

A copy of the Response to Comments is available for public inspection at the Memphis/Shelby County Public Library - Cherokee Branch, 3300 Sharpe Ave., Memphis, TN 38111 (901-743-3655). These materials are also available for public inspection during normal business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the TDEC Memphis Environmental Field Office, Public Access Area, Perimeter Park, 2510 Mt. Moriah, Suite E-645, Memphis, TN 38115 (901-368-7939).

For further information contact: Mr. Clayton Bullington, Corrective Action Section, Division of Solid Waste Management, TDEC, 5th Floor, L & C Tower, 401 Church St., Nashville, TN 37243-1535; phone 615-532-0859; fax 615-532-0859; or e-mail to clayton.bullington@state.tn.us.

TDEC is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator or the ADA Coordinator at 1-888-867-2757 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

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

RIGHTS OF APPEAL

The administrative and judicial review of this final permit is pursuant under the Tennessee Uniform Administrative Procedures Act, T.C.A. Sections 4-5-317 and 4-5-222 and the Hazardous Waste Management Act, T.C.A. 68-212-113 and Tennessee Rule 1200-1-11-.07(7)(k).

PUBLIC NOTICE ISSUED: February 1, 2005

AR 1361