



REGION 4

ATLANTA, GA 30303

June 20, 2024

Mr. James Foster
Base Realignment and Closure Division (ACSIM-ODB)
2530 Crystal Drive (Taylor Building), Room 5000
Arlington, VA 22202-3940

Dear Mr. Foster,

The Environmental Protection Agency (USEPA) is submitting its conditional approval for the 2023 Annual Site Inspection Report, Final (Annual Report) for the Defense Depot Memphis, Tennessee (DDMT), submitted by the United States Army (USARMY/ Lead Agency) in May 2024.

The USEPA approves the Annual Report but requests further clarification on past changes from the requirements established on the Dunn Field's Operable Unit 1 (OU-1) Land Use Controls Implementation Plan (LUCIP). The USEPA is looking for evidence of a formal agreement among the Federal Facility Agreement parties, including the USARMY, USEPA, and the Tennessee Department of Environment and Conservation (TDEC), known as the Remedial Team, to reduce the perimeter fence required to restrict public access and prevent illicit usage.

Per OU-1 LUCIP, Land Use Controls (LUC), prior to transfer, sale, or lease of the property, it included fencing surrounding Dunn Field boundary, with previous existing and any additional fence added to the site. The fencing that helps the lead agency in achieving the LUC objectives may be deemed non-essential if the new property owner exercises control over the property. Nonetheless, a determination to deem unnecessary fencing, on some of the areas of OU-1 should have only been reached formally through a documented decision within the remedial team. Therefore, if such evidence exists, the lead agency is requested to share it with regulators and property owners to ensure compliance and transparency.

For the contrary, in the absence of documented evidence of a formal agreement, the remedial team should officially discuss the need for modifying existing OU-1's engineering controls requirements within 90 days of this letter, setting a deadline of September 18, 2024. In such case, the remedial team is expected to work towards creating and signing a formal written document that outlines any agreed-upon changes to the LUC's requirements. This approach

aims to ensure that all modifications to existing LUCs are properly documented, mutually agreed upon, and effectively communicated to all relevant stakeholders. Then, if a formal agreement has been documented, and the transferred property is occupied on a regular basis by the new owner or its tenants, the fence can be deconstructed without creating an unacceptable risk to human health or the environment.

Finally, the USEPA anticipates that the current Annual Report will remain unchanged. However, it requests that the official agreement be incorporated into the final version of the 2024 Annual Site Inspection Report.

The USEPA commends the USARMY for its efforts on further investigating the DDMT environmental conditions. If you have any questions about this letter, please contact me via email at martinez-torres.fernando@epa.gov or at 404-695- 4991.

Sincerely,

Fernando Martinez Torres
Remedial Project Manager
Department of Defense Section
Superfund & Emergency Management Division
United States Environmental Protection Agency

cc: Jamie A. Woods, TDEC
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Ben Bentskowski, USEPA, R4
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