



# THE MEMPHIS DEPOT TENNESSEE

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## ADMINISTRATIVE RECORD COVER SHEET

AR File Number 30

CERTIFIED MAIL-----RETURN-RECEIPT-REQUESTED

DDRC-D

23 March 1993

Mr. Joseph R. Franzmathes  
Director  
Waste Management Division  
U.S. Environmental Protection Agency  
345 Courtland Street, NE  
Atlanta, Georgia 30365

Dear Mr. Franzmathes:

I have received your letter dated 8 March 1993; Notice of Technical Inadequacies (NOTI) of Draft RFI; Work Plan, Defense Distribution Region Central (DDRC), and your review comments on our draft Remedial Investigation Work Plan, which my staff submitted to your office approximately 15 months ago (November 1991). There are several matters relating to this letter (Notice) that I would like to address.

First, I am somewhat concerned about the RCRA "Notice" format and the tenor of your letter. You state that a revised work plan and the Community Relations Plan (CRP) must be submitted to EPA no later than sixty (60) calendar days from receipt of your letter. You further state that failure to comply may result in an enforcement action pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), under which EPA may seek the imposition of penalties of up to \$25,000 for each day of continued non-compliance.

In your notice letter, then, you appear to be suggesting a

RCRA rather than a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup process and documentation although your comments on the work plan recommend CERCLA procedures. Your letter retitles our original CERCLA submittal "Draft RI/FS Follow-On Work Plan" to "RFI Work Plan" and uses the enforcement provisions of the Federal Facility Compliance Act under RCRA. In addition, in your letter you seem to be requesting both confirmatory sampling and a Corrective Measures Study for different solid waste management units under RCRA. However, your comments on our submittal utilize CERCLA documents, terminology, and regulatory citations.

All sites proposed for Installation Restoration at Defense Distribution Region Central Memphis (DDRC) are past activities (pre-1985) and are clearly CERCLA not RCRA issues. To change the regulatory requirement from CERCLA to RCRA will change the entire scope of the project as well as our DERA funding source. We recommend the Installation Restoration remain under CERCLA regulatory requirements or the project will come to a halt.

My staff has been actively participating in Federal Facility Agreement negotiations with your office and the State of Tennessee concerning the implementation of the environmental restoration program here at Defense Distribution Region

Central Memphis. In May 1992, this office submitted a draft Federal Facility Agreement to your office. EPA added DDRC Memphis to the National Priorities List 14 October 1992. The draft Agreement is now close to finalization. We all need to promote a cooperative atmosphere in order to achieve our mutual remediation goals.

Under the terms of the pending FFA agreement, virtually all of the areas that we proposed for investigation in the subject work plan would be handled under CERCLA. The specific purposes of the agreement are to identify operable units, determine the nature and extent of the public health threat caused by the release of hazardous substances, and to select a remedial action to mitigate these releases under CERCLA. This process is designed to ensure cooperation amongst all parties in achieving these response actions.

Second, under our contract we were prepared to execute over \$800,000 of field investigations, with options for over an additional \$1,000,000 in field work, for well over a year. EPA, however, required over 15 months to complete its review of our work plan. This delay in providing comments back to us resulted in the expiration of the ordering period of our contract, as well as the expiration of the contract options. We can now neither execute nor modify any of the original field investigative efforts under the original contract.

This delay has hindered our ability to progress toward cleanup and has been costly for our agency.

Because of this situation, the contract was partially terminated in order to conserve precious environmental resources and in order to maintain the ability to work in a cooperative arrangement with both your organization and the State of Tennessee.

We feel that it is important to address fully both your comments and the comments from the State of Tennessee. We anticipate that in order to properly respond, we will require 90 days to submit our revised work plan and community relations plan to EPA. Upon receipt of your comments, we immediately held a technical meeting with your staff. The purpose of the meeting was to clarify some technical confusion on some of the comments and to discuss exactly how the comments would be addressed in the revised work plan. Some of your comments requiring revision of the work plan might be outside of the scope of work of the existing contract and will require detailed evaluation for adequate incorporation.

Finally, my staff suggests that the next document be considered a "draft final" document rather than a draft document for both the work plan and the community plan.

Starting over with a draft document would greatly increase the review time and further delay progress on what we feel is an important project. We presently have the funds to execute a fair amount of environmental investigation work this fiscal year and we are anxious to get started. However, as you know, an approved work plan is a key step in being able to execute contracts in a responsible manner. Further delay could extend the project beyond this fiscal year and require new funding. We also suggest that the EPA/State review period for the "draft final" document be extended to 45 days for this document so that you have sufficient time to ensure that your comments have been addressed adequately. After the 45 day review, you would have the opportunity to comment on items that you find were not adequately addressed from your draft comments. We would incorporate these comments and the document would then be considered final.

As I have stated to your staff during federal facility negotiations, I am, and have been, firmly committed to this restoration project at DDRC. I consider it of the highest priority and I would like to see expedited implementation.

We look forward to hearing from you at the earliest possible opportunity.

Starting over with a draft document would greatly increase the review time and further delay progress on what we feel is an important project. We presently have the funds to execute a fair amount of environmental investigation work this fiscal year and we are anxious to get started. However, as you know, an approved work plan is a key step in being able to execute contracts in a responsible manner. Further delay could extend the project beyond this fiscal year and require new funding. We also suggest that the EPA/State review period for the "draft final" document be extended to 45 days for this document so that you have sufficient time to ensure that your comments have been addressed adequately. After the 45 day review, you would have the opportunity to comment on items that you find were not adequately addressed from your draft comments. We would incorporate these comments and the document would then be considered final.

As I have stated to your staff during federal facility negotiations, I am, and have been, firmly committed to this restoration project at DDRC. I consider it of the highest priority and I would like to see expedited implementation.

We look forward to hearing from you at the earliest possible opportunity.

Sincerely,

W.F. MURPHY  
Colonel, USMC  
Commander



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