



THE MEMPHIS DEPOT TENNESSEE

ADMINISTRATIVE RECORD COVER SHEET

AR File Number 31



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File: 541.460.D
C.G.DEFENSE LOGISTICS AGENCY
DEFENSE DISTRIBUTION REGION CENTRAL
2183 AIRWAYS BOULEVARD
MEMPHIS, TENNESSEE 38114-5210CERTIFIED MAIL - RETURN RECEIPT REQUESTEDIN REPLY DDRC-D
REFER TO

1 APR 1993

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

RE: Notice of Technical Inadequacy (NOTI) of Draft RFI
Work Plan Defense Distribution Region Central (DDRC),
Memphis, TN.
EPA I.D. No.: TN4 210 020 570

Dear Mr. Franzmathes:

I have received your letter dated March 8, 1993, 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 Resource Conservation and Recovery Act (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 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 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) clean-up 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.

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Mr. Joseph R. Franzmathes

During a meeting at EPA Region IV Headquarters in Atlanta on March 24, 1993 my staff was told to continue using the CERCLA clean-up process for our facility, as we have been doing up until now. DDRC requests that your office give us a written statement to this effect to avoid confusion in the future.

EPA added DDRC Memphis to the National Priorities List October 14, 1992. The entire facility is now covered under CERCLA. My staff has been actively participating in Federal Facility Agreement (FFA) negotiations with your office and the State of Tennessee concerning the implementation of the environmental restoration program here at DDRC. In May 1992, this office submitted a draft FFA to your office. The draft Agreement is close to finalization. We all need to promote a cooperative atmosphere in order to achieve our mutual remediation goals.

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 clean-up 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 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 120 days to submit our revised community relations plan to EPA. Upon receipt of your comments, we immediately held a technical meeting with your staff to clarify and discuss how the comments would be addressed in the revised Work Plan. It was agreed that your comments requiring items to be separated out by Operable Units (OUs) in the Work Plan will be incorporated at a later date with a new contractor. These changes are outside the scope of work of the existing contract.

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Mr. Joseph R. Franzmathes

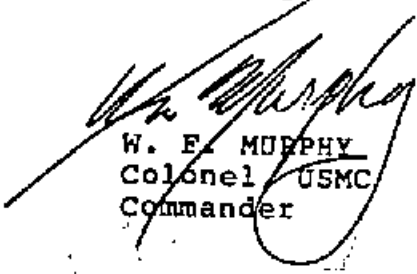
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Finally, my staff suggests that the next document be considered a "draft final" document rather than a draft document for both the Work Plan and the Community Plan. Starting over with a draft document would greatly increase the review time and further delay progress on what we feel is an important project. We presently have the funds to execute a fair amount of environmental investigative work this fiscal year and 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 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 implementation expedited.

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

Sincerely,



W. E. MURPHY
Colonel USMC
Commander

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