



THE MEMPHIS DEPOT TENNESSEE

ADMINISTRATIVE RECORD COVER SHEET

AR File Number 802



DEFENSE LOGISTICS AGENCY
DEFENSE DISTRIBUTION CENTER
2001 MISSION DRIVE
NEW CUMBERLAND, PA 17070-5000

IN REPLY
REFER TO

DDC J-3/J-4E

September 24, 2004

Mr. Clayton Bullington
Tennessee Department of Environment and Conservation (TDEC)
Division of Solid Waste Management (DSWM)
401 Church Street, 5th Floor, L & C Tower
Nashville, Tennessee 37243-1535

RE: Corrective Action Permit Application
Defense Depot Memphis Tennessee (DDMT)
Permit Number TNHW-053
EPA I.D. TN4 210 020 570

Dear Mr. Bullington:

Due to recent discussions between TDEC and U.S. Environmental Protection Agency (EPA) Region 4 Chief Resource Conservation and Recovery Act (RCRA) Programs, on behalf of Defense Logistics Agency (DLA) and the Department of Army (permittee), I respectfully withdraw the RCRA permit renewal application submitted for the DDMT on March 29, 2004.

It is my understanding that all parties have agreed that the permit is not necessary considering: 1) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) cleanup being conducted pursuant to a Federal Facilities Agreement (FFA), effective March 6, 1995, between DLA, TDEC and EPA; 2) the fact that permittee does not operate a hazardous waste management unit; and 3) the EPA policy to integrate RCRA and CERCLA cleanup programs at sites such as DDMT.

We are pleased the parties acknowledge that any corrective action which otherwise might be required under a RCRA permit for releases from all of the known Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) has been and shall continue to be deferred to the CERCLA response action process consistent with the FFA Section IX. RCRA/CERCLA INTEGRATION. The cleanup of DDMT under CERCLA pursuant to the FFA satisfies the requirements of RCRA Section 3004(u) and (v), as well as TCA 68-212-101 et seq. and TDEC regulations [Chapter 1200-1-11-.06(6)(1)]. As requested, a list of all the SWMUs and AOCs identified to date at the facility, along with the current status of the unit/area under the CERCLA response action process, is included with this letter [Attachment 1] for your files.

As you know, the original Part B RCRA permit issued by the TDEC on October 28, 1990 for a hazardous waste storage facility was terminated by TDEC (effective October 22, 1998) upon request of DDMT because the unit was not constructed or operated. Also, the Hazardous and Solid Waste Amendments of 1984 (HSWA) portion of the RCRA permit was issued by the EPA Region 4 on October 28, 1990, for purpose of RCRA Section 3004(u) and (v) corrective action for releases from SWMUs.


It is DLA's and the Army's understanding, based upon discussions with TDEC and EPA Region 4, that the HSWA portion issued by EPA (which expired on September 28, 2001) remains



in effect until either TDEC takes action on the DDMT permit for corrective action, or it is terminated. We believe that by virtue of submitting a permit application to TDEC who is authorized by EPA to implement RCRA Section 3004(u) and (v), the parties implicitly agreed that the EPA HSWA permit was not necessary. Accordingly, a decision by TDEC and EPA not to issue (i.e., deny) DDMT a permit would effectively terminate the EPA HSWA permit.

If there are any questions regarding this matter, please contact David Buxbaum Regional Counsel of the US Army Southern Region Environmental Office, at 404 524-5061 e.287 or david.buxbaum@sreo.army.mil.

Sincerely,



MICHAEL A. DOBBS
Environmental Program Manager

Enclosure

cc: David M. Buxbaum, Regional Attorney, US Army SREO, w/ enclosure
Tom Lederle, Hampton BRAC Office, US Army, w/enclosure
Jon Johnston, Chief RCRA Programs, US EPA Region 4, w/o enclosure
Caron Falconer, RCRA Programs, US EPA Region 4, w/o enclosure
Otis Johnson, RCRA Programs, US EPA Region 4, w/ enclosure
Jamie Burroughs, Manager, TSD Section, TDEC-DSWM, w/o enclosure
William Krispin, Manager, Permitting Section, TDEC-DSWM, w/o enclosure

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