



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV 27 2012

Ted Gabel
Project Manager for Environmental Restoration
IMCOM-NERO-PIC-PWE
Building 319
Picatinny Arsenal, NJ 07806-5000

Re: PICA-001 Proposed Plan - LUC/ARAR Issue
Picatinny Arsenal, NJ

Dear Mr. Gabel,

EPA is pleased to announce that the LUC/ARAR issue has been settled between EPA Region 2 and Picatinny Arsenal. Specifically, Picatinny, in conjunction with existing land use controls, will monitor land use at PICA-001 sites and report the monitoring results to EPA. This represents no further action. Consequently, compliance with ARARs will not be necessary. Please refer to the attached memo which details the agreement reached between Picatinny Arsenal and EPA on this issue.

If you have any questions regarding the above, please do not hesitate to contact me at (212) 637-4335.

Sincerely yours,

A handwritten signature in blue ink that reads "William A. Roach".

William A. Roach, P.E.
Project Manager
Federal Facilities Section

cc: A. Pavelka, NJDEP

EPA Region 2 Memo

From: Bill Roach, EPA Project Manager

To: Ted Gabel, Picatinny Arsenal Project Manager for Environmental Restoration

Subject: Revisions to PICA-001 Proposed Plan representing settlement of LUC/ARAR issue.

Date: November 27, 2012

The revisions listed below are the final agreement between EPA Region 2 and Picatinny Arsenal regarding the Land Use Control/Applicable or Relevant and Appropriate Requirement issue (LUC/ARAR). Picatinny Arsenal, as lead agency in the CERCLA cleanup at Picatinny Arsenal, shall ensure all Institutional Controls (ICs) are in place to protect human health and documented in the PP for PICA-001 and other documents as appropriate.

1. The title of the PP should be something like: No Further Action with Monitoring of Land Use.
2. Statement that Picatinny has all the ICs in place to ensure protection of human health.
3. Monitoring of ICs will be conducted.
4. EPA will be notified of any change in land use of sites being considered in the PP, and Picatinny Arsenal shall evaluate whether the remedy remains protective of human health and the environment under the new land use.
5. Specifically, monitoring of land use will include the maintenance and notification of the following existing Picatinny Arsenal-specific ICs and LUCs (based on LUCs documented in Picatinny CERCLA documents) and others as needed to be protective of human health:
 - a. Site Clearance/Soil Management Procedures
 - b. Munitions and Explosives of Concern Clearance Procedures
 - c. Picatinny Arsenal Installation Master Plan environmental notations to include the Picatinny Geographic Information System Database [showing the boundary of land use restrictions]
 - d. Picatinny Access Regulations
 - e. Picatinny Safety Program
 - f. Army Military Construction Program Development and Execution
6. Annual monitoring reports (certification) to be provided to EPA Region 2 reporting that the sites with existing ICs remain protective of human health (similar to current LUC certification reports).