



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON
PICATINNY ARSENAL, NEW JERSEY 07806-5000

December 17, 2013

Garrison Command Office

Walter E. Mugdan, Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway
New York, NY 10007-1866

Subject: Resolution of the 5-Site Dispute

Dear Mr. Mugdan:

The Army has decided to accept EPA's position that where an unacceptable soil risk has been identified for a current or reasonably anticipated future land use, that any NJDEP soil cleanup standard which is promulgated, more stringent than the Federal standard, identified in a timely manner, and is legally applicable or relevant and appropriate, must be attained (or waived) by the remedial action, regardless of whether the contaminant has been designated as a risk driver or not.

Our decision is based on the cost impact of this position and is in the interest of progressing quickly to an acceptable remedy decision. The position relates to the sites in this dispute (i.e., Site 149/PICA 085, Site 131/PICA 091 and Site 118/PICA 097). As you had suggested at the Dispute Resolution Meeting (DRC) on November 19th, text will be included in a revised Feasibility Study (FS), Proposed Plan, and Record of Decision to reflect these caveats.

At the DRC meeting, agreement was reached that Site 122/PICA 011 and Site 138/PICA 108 would drop from this 5-Site FS. You had concurred with the Army position that since the EPA's manganese soil remediation goal of 23,000 mg/kg is higher than the soil exposure point concentration for manganese at these two sites; the sites can drop from this "action" FS. Our respective project managers will decide which existing FS these 2 sites will now be included within.

For the three remaining sites involved with this dispute agreement, the agreement leads to the following actions within the Feasibility Study's alternative 4 (Removal and Off-Site Disposal). Details will be further negotiated by our staffs during the remedial design process.

- Site 149/PICA 085: Removal of soils with concentrations of 2,4-DNT and PAHs will be conducted to the extent required to reduce the Exposure Point Concentration below the identified ARARs of 3 mg/kg for 2,4-DNT and the applicable PAH compound ARARs.

IMPI-ZA

Subject: Resolution of the 5-Site Dispute

- Site 131/PICA 091: Removal of soils with concentrations of arsenic and PAHs will be conducted to the extent required to reduce the Exposure Point Concentration below the identified ARARs of 19 mg/kg for arsenic and the applicable PAH compound ARARs.

- Site 118/PICA 097: Removal of soils with concentrations of thallium and arsenic will be conducted to the extent required to reduce their Exposure Point Concentrations below the identified ARARs of 79 mg/kg and 19 mg/kg, respectively.

I thank you for your assistance in resolving this dispute and I hope other unresolved issues are also brought to such a reasonable conclusion.

Sincerely,



Jason C. Mackay
Lieutenant Colonel, US Army
Commanding

cc:

David E. Sweeney, Assistant Commissioner, Site Remediation Program, NJDEP