



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SITE REMEDIATION

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Mr. Ted Gabel
Project Manager for Environmental Restoration
Environmental Directorate, B319
U.S. Army IMA-NERO Garrison
Picatinny Arsenal. New Jersey 07806-5000

June 9, 2014

Mr. Walter Mugdan
Division Director
Emergency and Remedial Response Division
USEPA-Region 2
290 Broadway, Floor 19
New York, NY 10007-1866

Re: Picatinny Arsenal - Final No Further Action with Monitoring of Land Use Proposed Plan for 26 Sites, May, 2014

Dear Mr. Gabel and Mr. Mugdan:

The New Jersey Department of Environmental Protection (Department) has completed its review of the May 2014 "Final No Further Action with Monitoring of Land Use Proposed Plan for 26 Sites, U.S. Army Garrison Picatinny Arsenal, New Jersey" prepared by the U.S. Army and reviewed by the U.S. Environmental Protection Agency (EPA) Region II. The Department does not concur with the proposed remedy for the following reasons:

- The risk at Picatinny Arsenal should have been evaluated on a site wide basis. Once it was determined that there is unacceptable risk for the site, the appropriate New Jersey Soil Remediation Standards would apply to the entire site.
- The Army is not applying the New Jersey Soil Remediation Standards to determine if a remedial action is necessary.
- EPA's decision to determine the need for a remedial action based on a risk range and to ignore exceedances of promulgated statewide Soil Remediation Standards is precedent-setting and will have negative impacts on remedial decisions made at other National Priorities List, Federal Facility and responsible party sites across the country.

The Department has expressed its position in detail regarding these issues in the Department's March 7, 2013 letter to the Army and EPA. The Department also provided comments on drafts of this proposed plan and associated response to comment documents via email on August 26, 2013, November 12, 2013, January 30, 2014, February 20, 2014, and May 5, 2014. To date these comments have generally not been addressed to the Department's satisfaction. Listed below are some of the major technical issues that remain.

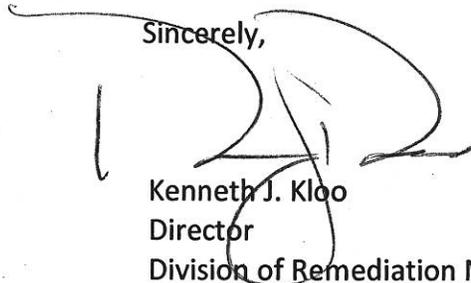
- The Department, in cooperation with the Department of Energy is in the process of closing out Formerly Utilized Sites Remedial Action Program (FUSRAP) facilities in New Jersey, one of which is Picatinny Arsenal. Site 117 and PICA 208, which are sites in this proposed plan, still have FUSRAP issues. The Army will be conducting radiological sampling in these areas outside of the CERCLA process. The Department cannot make a final decision on Site 117 and PICA 208 until after the radiological sampling is completed, and the Department's Bureau of Environmental Radiation agrees that the investigation is adequate and agrees to a path forward with respect to radiological issues. The Department recommends that these sites be removed from the proposed plan until the radiological issues are addressed in a manner consistent with the strategy approved for the Detonation Area.
- A number of the sites in this proposed plan (Sites 52, 95, 96, 117, 119, 120, 121, 145 and 207) contain contamination related to former railroad lines. The vertical and horizontal extent of railroad related contamination has not been delineated at these sites. In a response document, the Army stated "the railroads tracks were not a primary activity at any of the sites within this proposed plan; the risk posed by the small area of track within the borders of each site is minimal relative to the other site activities". The Department disagrees with this statement. The former rail lines at Picatinny cover a significant area. The nature and extent of contamination associated with the former rail lines has not been characterized, nor has the potential risk to human health and the environment been assessed. The former rail lines throughout Picatinny should be designated as a separate area of concern and investigated and remediated as appropriate. Remedial options for the potentially widespread PAH and arsenic contamination related to the extensive former railroad infrastructure throughout the Arsenal must be addressed prior to selecting a remedy for the individual sites. Therefore, the Army's proposal for no further action is unacceptable for these sites with rail lines that have contamination which is not delineated. The Department requires delineation and remediation of former rail lines.
- The Department does not agree with the proposed remedy for Site 176, Site 187

- (Building 67), Site 173 and PICA 208 because either insufficient data has been collected during the remedial investigation and/or soil contamination is present above New Jersey Soil Remediation Standards.

In conclusion, and for the reasons listed above, the Department does not concur with the proposed plan, nor is the remedy protective of human health and the environment.

If you have any questions, please contact Anne Pavelka, Case Manager, at (609) 292-3007.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Kloo', is written over the typed name and title.

Kenneth J. Kloo
Director
Division of Remediation Management

c: William Roach, USEPA