



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

August 20, 2014

Ms. Suzanne Dietrick
Supervising Environmental Specialist
Office of Dredging and Sediment Technology
Site Remediation Program
New Jersey Department of Environmental Protection
Trenton, New Jersey 08625

Ms. Anne Pavelka, Case Manager
New Jersey Department of Environmental Protection
Division of Responsible Party Site Remediation
Bureau of Case Management,
401 East State Street, Floor 5 P. O. Box 420. Mail Code 401-05F
Trenton, New Jersey 08625-0028

SUBJECT: Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)/Interagency Agreement (IAG) Administrative Docket No. II-CERCLA-FFA-001-04, Section 24: Permit Equivalency Authorization for Freshwater Wetlands Statewide General Permit #4, Flood Hazard Individual Permit with hardship exception Flood Hazard Verification & Water Quality Certificate Permit Equivalency File No(s): 1435-06-0006.2 FHA130001 (IP/Verification)1435-06-0006.2 FWW130001 (GP #4)

Dear Ms. Dietrick and Ms. Pavelka:

This letter responds your June 13, 2014 letter referencing the permit equivalency evaluation that Picatinny identified as part of the remedial response in the 2005 Record of Decision (ROD) for Site 34/PICA 02.

The 2005 ROD was issued under authorities of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Defense Environmental Restoration Program and is in compliance with the Federal Facility Agreement that was jointly signed by United States Environmental Protection Agency and the Army.

In accordance with CERCLA, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and EPA policy, on-site response actions are exempted from requirements to apply for permits or obtain approvals from a State or Federal permitting authority. The permit equivalency evaluation noted in the ROD is Picatinny's good-faith effort to facilitate coordination and consultation with NJDEP regarding any substantive requirements found in an otherwise non-applicable permit.

As we discussed at our April 6th meeting and captured by both the meeting minutes and my cover letter for the **Final Phase II Remedial Action Work Plan** (RA WP), most of your letter contained administrative requirements from which this CERCLA action is exempt. Accordingly, these administrative conditions will not be met.

These administrative requirements include all references to an actual permit or permit application, notification requirements, report requirements, violation provisions, signage particularly sign wording and any modification of the Picatinny's Master Plan that is outside of the modifications already prescribed in the RA WP and 2005 ROD.

All of the planting for the wetlands mitigation have been completed. Construction of the cover for the site is ongoing and will be completed by the end of August. These actions were done in compliance with the substantive requirements of the RD WP. Reporting related to the mitigation will be as outlined and scheduled in the RA WP and/or the quarterly IAG Schedule.

The 2005 ROD requires that the site to be remediated to support future military/industrial use. The response action was needed to prevent any exposure to unacceptable risk posed by site contaminants. Picatinny has already planned and procured both a contractor and equipment to utilize the site as the solar panel field. Work is scheduled to begin as soon as the cover is completed. Such utilization will not disturb the wetlands outside the cover or change the nature/function of any wetland transition area on the new grass and asphalt cover as described in Section 3.5 of the RA WP.

Sincerely,



Ted Gabel, Project Manager for
Environmental Restoration

Enclosures

CC:

Ms. Barbara Dolce, TAPP Contractor (FTP Site only)

Mr. William Roach, USEPA