



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SITE REMEDIATION

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Commissioner

APR 23 2014

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

Re: Picatinny Arsenal - No Further Action with Monitoring of Land Use Record of Decision (ROD) for Sites within PICA 001, 006, 022, 085, 143, 146, 163, 171, 192, and 199

Dear Mr. Mugdan:

The New Jersey Department of Environmental Protection (Department) has completed its review of the March 2014 "No Further Action with Monitoring of Land Use ROD for Sites within PICA 001, 006, 022, 085, 143, 146, 163, 171, 192, and 199, 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 selected 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.
- In some areas soil contamination is uncontrolled and may continue to migrate into surface water/sediments in the future.
- 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 the proposed plan in the Department's March 7, 2013 letter to the Army and EPA. The Department also provided comments on the May 14, 2013 draft ROD in a June 27, 2013 email to the Army and EPA.

With regard to the specific ROD language, the Department presents the following comments:

- The Department's position on the selected remedy is very briefly summarized on the last page of the responsiveness summary in a section titled Technical and Legal Issues. The Department would prefer that its position be presented in a more prominent place in the ROD.
- In the response to Point 4 on page 3-3 of the ROD, the Army states that the remedial investigations were approved by the Department. The Department would like to further clarify this point. The remedial investigation for the sites in this ROD and the Department's review were completed seven or more years ago and were consistent with a 1999 agreement between the Army and the Department (Geis letter) that the Army would take action based on 10^{-6} risk. Complete contaminant delineation was not required at that time since the additional data would be collected in the remedial action phase. Had a no further action remedy been contemplated, the Department would have required full delineation.

In conclusion, and for the reasons listed above, the Department does not concur with the selected remedy in the March, 2014 Record of Decision. The Department's position is that the remedy is not protective of human health and the environment.

If you have any questions, please do not hesitate to contact me (609) 252-1250.

Sincerely,



Mark J. Pedersen
Assistant Commissioner
Site Remediation Program

c: William Roach, USEPA

Anne Pavelka, NJDEP

Ted Gabel, Army