



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOLID AND HAZARDOUS WASTE MANAGEMENT PROGRAM  
BUREAU OF LANDFILL & HAZARDOUS WASTE PERMITTING

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BOB MARTIN  
*Commissioner*

CHRIS CHRISTIE

*Governor*

KIM GUADAGNO

*Lt. Governor*

APR -

Virginia Michelin  
Morris County Planning & Development  
30 Schyler Place PO Box 900  
Morristown, NJ, 07963

RE: US Army-Picatinny Arsenal (PA), Federal Enclave Located in Morris County,  
EPA ID No. NJ3210020704, HWP940001

Dear Ms. Michelin:

As a courtesy, please find enclosed a copy of the Bureau of Landfill and Hazardous Waste Permitting's (Bureau) final determination regarding PA's Resource Conservation and Recovery Act (RCRA) Revised Part A permit application for the relocation of interim status (existing) open burning ground.

PA submitted a revised Part A application dated October 27, 2008 to request the Department's approval to relocate the open burning grounds to the 500 Area of PA where PA has constructed a new state-of-the-art facility. The new burning ground will only treat approximately 20% of the waste currently being treated at the existing open burning area, as the balance of the waste will be processed in PA's new incinerator.

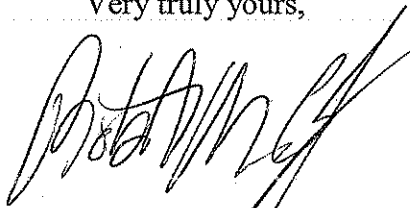
The Department determined that PA's proposed continuation of open burning was a deviation from its earlier publicly stated position that open burning would be completely eliminated after the explosive waste incinerator was permitted and operational. Therefore, the Department required PA to hold a public meeting in accordance with RCRA regulations at 40 C.F.R. 124.31 to inform the public of this change. On August 6, 2009, PA held the public meeting at the Hilton Garden Inn, in Rockaway, New Jersey to inform the public of the open burning operations' proposed relocation and continuation at much lower volumes.

Please note, the permitting of PA's relocated open burning operation is a two-step process. The first step was completed with the Bureau's approval of the revised Part A application. The second step will involve the Part B permit application, which is due

within six months of the enclosed approval and which will provide detailed technical information about the hazardous waste unit, process, and any potential impact on human health and the environment. The information will also address the matters of interest as raised and discussed at the August 6, 2009 public meeting. The Part B permit application will be subject to the decision-making procedures as outlined at 40 CFR 124, which include a public hearing and a public comment period.

Should you have any questions regarding this matter, please contact John Scott of my staff at 609-984-2040 or by e-mail at [john.scott@dep.state.nj.us](mailto:john.scott@dep.state.nj.us).

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert M. Confer", written over a horizontal dotted line.

Robert M. Confer, Chief  
Bureau of Landfill and  
Hazardous Waste Permitting

Doc.: distribution PA OB approval 1  
Enclosure: Feb. 05, 2010 letter to Mr. Thomas Solecki  
HF09-6818



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BOB MARTIN  
Acting Commissioner

FEB 05 2010

Mr. Thomas Solecki  
Chief, Environmental Affairs Division  
Installation Management Command, North East Region  
Headquarters, United States Army Garrison, Picatinny Arsenal  
Environmental Affairs Division, Bldg. 319  
Picatinny Arsenal, New Jersey 07806-5000

RE: October 27, 2008, Revised Part A Permit Application for the Moving of the Interim Status (Existing) Open Burning Ground to a Proposed Future Open Burning Ground, U.S. Army - Picatinny Arsenal, Federal Enclave Located in Morris County, EPA ID No. NJ3 210 020 704, HWP940001

Mr. Solecki:

The Bureau of Landfill and Hazardous Waste Permitting (Bureau) is in receipt of your October 31, 2008, letter containing a revised Part A permit application dated October 27, 2008. The application requests moving the interim status (existing) open burning ground to a proposed new location at the 500 Area of Picatinny Arsenal (PA).

Because PA's proposed continuation of open burning is a clear deviation from its earlier publicly stated position that the explosive waste incinerator would completely replace open burning, the Department has found it necessary to have public participation in the open burning application process. Therefore, in accordance with the procedures of 40 C.F.R. 124.31, the Bureau's May 14, 2009, letter required PA to hold a public meeting to inform the public about its application for the continuation of open burning.

PA informed the public of the meeting by publication in the Star-Ledger and Daily Record, a radio announcement on WDHA-FM, a sign posted at the entrance of PA and by letter to persons on the Bureau's mailing list. On August 6, 2009, PA held a public meeting at the Hilton Garden Inn, Rockaway, New Jersey to receive and answer the public's comments on its application to continue open burning.

On September 4, 2009, PA submitted proof of the mailing and publication of the meeting including copies of the stamped, dated certified mail envelopes, U.S. Postal Service track

and confirm proof of delivery, and copies of the certified affidavits of the newspaper and radio publications. In addition, PA submitted a certified copy of the transcript of the public meeting; a photograph of the posted sign and a copy of the public meeting sign in sheets.

In accordance with 40 C.F.R. 270.72(a)(3) an owner or operator of an interim status hazardous waste facility may made changes to the processes for the treatment of hazardous waste or the addition of processes, provided the owner or operator submits a revised Part A permit application, written justification for the change and the Department approves the change.

On October 31, 2008, PA submitted a revised Part A permit application for the continuation of open burning. PA submitted the following justification for the continuation of open burning:

The proposed new open burning grounds will be smaller and will be treating only approximately 20% of the waste currently being treated at the existing open burning grounds except for waste that is incompatible with the explosive waste incinerator. Because the existing open burning grounds is close to the Route 15 a public highway and PA plans on building an industrial park in the vicinity of the existing open burning grounds it is necessary to move the existing open burning grounds to comply with Federal U.S. Department of Defense (DOD) and Department of the Army (DOA) safety standards in DOD6055.9-STD, entitled "DOD Ammunition and Explosives Safety Standards" dated October 5, 2004, and DOA Pamphlet 385-64, entitled "Ammunition and Explosives Safety Standards" dated December 15, 1999.

The Bureau has evaluated the information submitted regarding informing the public about PA's application for the continuation of open burning and determined that it is in compliance with 40 C.F.R. 124.31. In addition, the Bureau has evaluated the information submitted regarding changes during interim status and determined that it is in compliance with 40 C.F.R. 270.42 and is necessary to comply with DOD and DOA safety standards.

In addition, the Bureau of Technical Services (BTS), a support group of this Bureau has reviewed the revised Part A permit application, which requests an increase in lead emissions from 8 lbs/year to 100lbs/year. In addition, the application requests moving the existing burning ground to the proposed 500 Area. BTS has determined that the proposed lead emissions increase, and change in open burning location will not cause a contravention of the National Ambient Air Quality Standard (NAAQS) for lead, nor will they result in any significant cancer and non-cancer risks.

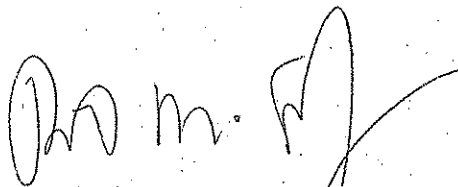
Air dispersion modeling of the lead increase shows that the resulting maximum predicted 24-hour average concentration of  $0.038 \mu\text{g}/\text{m}^3$  is less than the 3-month average NAAQS for lead of  $0.15 \mu\text{g}/\text{m}^3$  and the 24-hour health based reference concentration of  $0.1 \mu\text{g}/\text{m}^3$ . A distance to the property line receptor of 450 meters (1,500 ft) was modeled since this is the shortest distance to a property line receptor from the new open burning grounds. The predicted annual concentration of lead at this nearest receptor location, assuming a 100

lbs/year potential to emit is  $0.006 \mu\text{g}/\text{m}^3$ . Multiplying this predicted annual impact by a unit risk of  $1.25\text{E}-5 (\mu\text{g}/\text{m}^3)^{-1}$  for lead results in a negligible cancer risk.

Based on the above referenced determinations, the Bureau conditionally approves PA's October 31, 2008, revised Part A permit application for the continuation of open burning provided PA submits a Resource Conservation and Recovery Act (RCRA) Part B permit application for the new open burning grounds within six months of the date of this letter.

Should you have any questions regarding this matter, please contact John Scott of my staff at 609-984-2040 or at [john.scott@dep.state.nj.us](mailto:john.scott@dep.state.nj.us).

Very truly yours,



Robert M. Confer, Chief  
Bureau of Landfill and  
Hazardous Waste Permitting

Doc.: Continuation of Open Burning  
HF09-6818

C: Nancy Wittenberg, Assistant Commissioner Environmental Regulation  
Barry Tornick, EPA Region II  
Jennifer Meyer, BLHWP  
Joel Leon, BTS  
Greg John, BTS  
Jeffery Sterling, BHWCE-Northern Region  
Robert Mann, BOP