

July 20, 2010

Ted Gabel
Project Manager for Environmental Restoration
INCOM-NERO-PIC-PWE
B319
Picatinny Arsenal, NJ 07806-5000

Re: Lakes Feasibility Study, October 2009
Picatinny Arsenal, NJ

Dear Mr. Gabel,

EPA has reviewed the response to comments on the Lakes Feasibility Study e-mailed to this office on July 19, 2010 and finds them to be satisfactory except for the following:

Specific Comment 6 – The July 2, 2010 e-mails between Bill Roach and Ted Gabel were preliminary discussions regarding ARARs. Further clarification on ARARs was provided to Brian Stempowski of Arcadis in July 14, 2010 e-mail from Bill Roach. That e-mail stated:

“Ted, I spoke to the lawyer who covers Picatinny and he said that we should still recognize NJ SRSs as ARARs in the 25 Site Group and state that the LUC remedy complies with the ARARs using the same language in the Group 1 ROD for arsenic, PAHs, and PCBs. See response to comment No. 26. For the LUC remedy, the language is: “S2-2 will comply with chemical-specific ARARs by implementing ICs and ECs to control exposure to contaminants that may result in unacceptable risk to human health until such a time that unrestricted use and unlimited exposure may occur.” Active remedies comply with chemical-specific ARARs.”

Therefore, NJ SRSs should be recognized as ARARs unless a site is suitable for no further action where “no remedial action is necessary to reduce, control, or mitigate exposure because the site or portion of the site is already protective of human health and the environment” (EPA Publication 9234.2-01/FS-A). As pertains to this FS, compliance with ARARs would not be required for the EOD Pond and Lake Denmark as they are suitable for no further action. However, since Lake Picatinny will require a remedy, it must comply with ARARs and the no action alternative for this OU does not comply with chemical-specific ARARs.

As pointed out in a June 17, 2010 e-mail from Bill Roach to Ted Gabel, soil cleanup standards must still consider the inhalation pathway whether or not EPA Region 2 recognizes the NJ cleanup standards based on inhalation.

Specific Comment 24. Compliance with ARARs is not required for the “no-action” decision. However, if a remedy is required, including land use controls, then the no-action alternative does not comply with chemical-specific ARARs. Please refer to Specific Comment 6 above.

If you have any questions regarding the above, please do not hesitate to contact me at (212) 637-4335.

Sincerely yours,

William A. Roach, P.E.
Project Manager
Federal Facilities Section

cc: Greg Zalaskus, NJDEP