

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

DATE: **MAR 14 1995**

SUBJECT: Applicability of Sole Source Aquifer Designation to ARARs
Identification and Selection at Picatinny Arsenal, Dover
Township, Morris County, New Jersey.

FROM:

TO: Frank Brock, Acting Chief *Frank Brock*
Groundwater Management Section/WMD

Robert Wing, Chief
Federal Facilities Section/ERRD

A question regarding the applicability of federal Safe Drinking Water Act (SDWA) Section 1424(e) has been raised by the Army with respect to NPL activities at Ft. Dix and Picatinny Arsenal. This memo serves as the WMD response to those questions.

The Army correctly notes that Safe Drinking Water Act Section 1424(e) requires EPA review and approval of federally funded projects which may impact groundwater when the project is located within the boundaries of a federally designated Sole Source Aquifer. We agree with the Army that remedial activities - even if federally funded - should not fall within the review and approval jurisdiction of SDWA 1424(e) since the objective of these activities is to mitigate impacts associated with past activities.

Notwithstanding the foregoing, within Sole Source Aquifer boundaries, the designation does confer at least a Class IIA Current Source of Drinking Water groundwater classification. This classification emanates directly from the Sole Source Aquifer designation criteria regarding use as a principal or sole source of drinking water. Additional assessment of the vulnerability of aquifers within Sole Source Aquifer boundaries could result in EPA classifying groundwater as Class I Special Ground Waters, but not less than class IIA.

Regarding the impact of the Sole Source Aquifer designation with respect to Applicable or Relevant and Appropriate Requirements (ARARs), Section 300.430(e)(2)(i)(B) of the National Contingency Plan (NCP), states that "Maximum Contaminant Level Goals (MCLGs) established under the Safe Drinking Water Act, that are set at levels above zero, shall be attained by remedial actions for ground or surface waters that are current or potential sources of drinking water...." Section 300.430(e)(2)(i)(C) of the NCP notes that MCLs are relevant and appropriate when the MCLG for a compound otherwise fulfilling the above criteria is set at zero.

Since both Ft. Dix and Picatinny Arsenal are located within Sole Source Aquifer boundaries, the groundwater classification at both sites is at least Class IIA Current

Source of Drinking Water, the designated use of groundwater is as drinking water, MCLGs and MCLs are ARARs, and restoration to designated use indicates attainment of drinking water standards.

Per the Army's request, attached are Federal Register designation notices for the Upper Rockaway and Buried Valley Sole Source Aquifers, the NJ Coastal Plain Sole source Aquifer, and maps which display the delineated boundaries of each. Picatinny Arsenal is located within the boundaries of the Upper Rockaway SSA, and within the Streamflow Source Zone of the Buried Valley SSA. Ft. Dix is located with the boundaries of the NJ Coastal Plain SSA.

If you have any questions or require assistance regarding these comments, please call Dennis McChesney of my staff at extension 3851.

cc: R. Hargrove, EIB
B. Roach, FFS/ERRD
P. Ingrisano, FFS/ERRD