



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, PICATINNY
PICATINNY ARSENAL, NEW JERSEY 07806-5000
May 13, 2011



REPLY TO
ATTENTION OF
IMCOM-PIC-PWE

*SUBJECT: Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)/Interagency Agreement (IAG) Administrative Docket No. II-CERCLA-FFA-001-04: Response to Comments on the **2010 Annual Land Use Certification (Draft Final): Review is ER,A-eligible***

Mr. William Roach
U.S. Environmental Protection Agency
Region 2
290 Broadway, 18th Floor
New York, NY 10007-1866

Dear Mr. Roach:

Enclosed for your review and approval are our responses to your comments on the on the **2010 Annual Land Use Certification (Draft Final)**. Once you agree to the responses, we will provide the revisions to the document, as necessary. However, we are still awaiting comments or approval from the New Jersey Department of Environmental Protection.

As a note, I am concerned that you consider the construction of a new facility on the area around former building 5 as a change in land-use.

Sincerely,

Project Manager for Environmental
Restoration

Enclosure

CC:

Mr. Greg Zalakus, NJDEP
Mr. Jim Kealy, NJDEP (ftp site only)
Ms. Barbara Dolce, TAPP contractor(ftp site only)
Mr. Mike Glaab, Civilian Co-Chair of Picatinny RAB (ftp site only)

**Comments and Responses on the 2010 Annual Land Use Certification (Draft Final)
for U.S. Army Garrison Picatinny Arsenal, New Jersey
Picatinny Arsenal, Morris County, New Jersey
April 2011**

**Commenter: Environmental Protection Agency
Comments Dated: April 21, 2011**

Item No.	Report Reference	Comment	Response
1.	General Comment	Photographs were taken to document land use controls (LUCs) when the sites were covered with snow. This made it impossible to evaluate the condition of vegetative covers which are a common element of the LUCs. In future land use certifications, photographs should be taken when the sites are not snow covered.	<i>Agreed. In the future, inspections will not be conducted while there is snow on the ground.</i>
2.	Section 2.1, Picatinny Land Use Controls, second paragraph, page 3	In the last sentence of the paragraph describing the risk levels there is a typo that should be corrected in future land use certifications: "...defines as unacceptable" should be changed to "defines as generally acceptable".	<i>Agreed. This will be revised in the Final Version of this report and in future reports.</i>
3.	Attachment 3, PICA-020, Site 86 (PICA 095) Checklist, page 3 of 12	The checklist indicates that two signs indicating "digging is not permitted" are missing from the site. It is requested that these signs be replaced.	<i>Agreed. These signs were reinstalled in March 2011 and documented as such as Item 5 in Section 6 of the report.</i>

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4.	Attachment 3, PICA-020, Site 182 (PICA 099), page 10 of 12	<p>a. The checklist indicates that Building 5 has been demolished and a parking lot has been constructed on the site. The PICA-020 ROD states: "A change in land use would include the re-evaluation of clean-up requirements and notification and concurrence of USEPA and NJDEP." EPA has no record of being notified about this change in land use or soil clearance notification that should have been involved with the construction of a parking lot at Site 182. In addition, this change in land use is not described in Section 3.2.1.5 which describes Building 5 as still existing at the site. It is requested that USEPA and NJDEP be notified in the future when land use changes involving construction and movement of soil at a site with a LUC remedy in place.</p> <p>b. The checklist indicates that the sign stating digging is not permitted was not observed at the site. EPA requests that the sign be replaced.</p> <p>c. There was not photograph of the site. It is requested that future land use certifications include a photograph of the site.</p>	<p>a. <i>Noted. The demolition of Building 5 was discussed in email correspondence with USEPA in 2008 (during signature of the Final ROD) and again with USEPA and NJDEP at the November 12, 2009 technical meeting. Per these discussions additional actions were not required because the land use remains unchanged (industrial) and the Picatinny soil management policy was followed (no soils were removed from the site).</i></p> <p><i>Army personnel attempt to inform USEPA and NJDEP of ongoing construction projects at the Arsenal as a courtesy; and, will meet all notification requirements when there is a change from the land use documented in the ROD (i.e. industrial to residential, or industrial to recreational). In the specific case of Site 182, demolition of Building 5 and construction of a parking lot does not constitute a change in land use, thus triggering the official notification requirements in the PICA 020 ROD. The land use at Site 182 remains industrial, consistent with the land use reflected in the risk assessment and ROD. The site description in Section 3.2.1.5 is incorrect and was not updated to reflect the demolition. This error has been corrected.</i></p> <p>b. <i>The 2009 Annual Land Use Certification stated that the sign at Site 182 not be replaced due to ongoing construction activities in the area. Given that these construction activities are now complete, this report, checklist and figures will be revised to recommend this sign be not replaced as the entire site is now a parking lot, making the installation of a sign impracticable.</i></p> <p>c. <i>Agreed. Photographs will be taken of the site in the future.</i></p>