



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR MOBILITY COMMAND  
JOINT BASE MCGUIRE-DIX-LAKEHURST

27 September 2012

Mr. Curtis A. Frye  
Chief, Environmental Restoration Program  
87 CES/CEAN  
2403 Vandenberg Avenue  
JB MDL, NJ 08641-5104

Ms. Theresa Lettman, RAB Member  
Pinelands Preservation Alliance  
17 Pemberton Road  
Southampton, NJ 08088

Re: Final Minutes, 10 May 2012 Joint Base McGuire-Dix-Lakehurst (JB MDL) Restoration  
Advisory Board Meeting and Draft Minutes, 9 August 2012 JB MDL Restoration Advisory  
Board Meeting

Dear Ms. Lettman:

Attached are the final minutes from the 10 May 2012 Restoration Advisory Board (RAB) meeting. Also, we have attached the draft minutes from the 9 August 2012 RAB meeting and a copy of the handouts that were distributed at the meeting. The next RAB meeting is tentatively scheduled for Thursday, 15 November 2012 at 6:30 PM, at the Edward Holloway Senior Citizen and Community Center on Main Street in Cookstown, New Jersey.

If you have any questions concerning this matter, please call Mrs. Nicole Brestle at (609) 754-0068 or Mr. King Mak at (609) 754-3323.

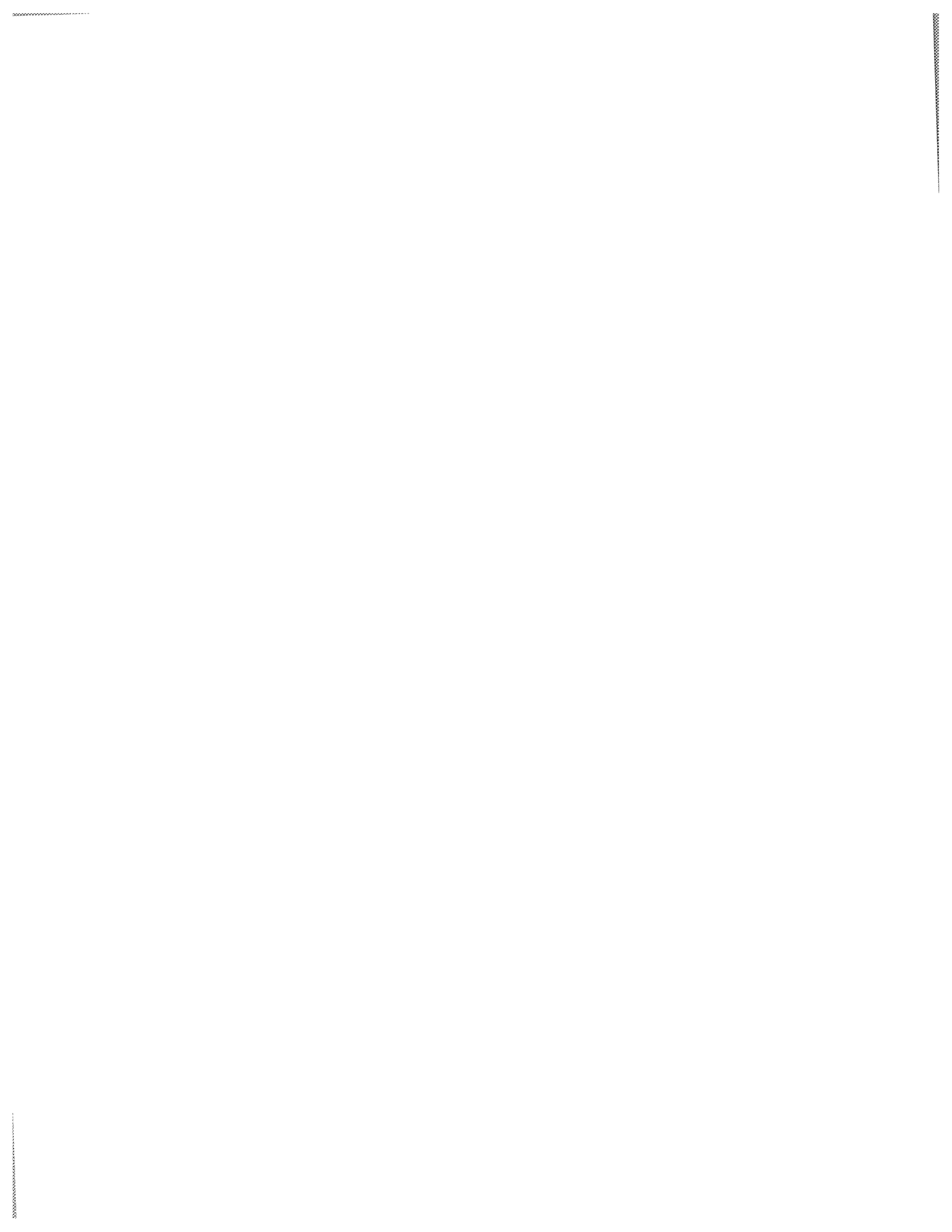
Sincerely,

A handwritten signature in cursive script, reading "Curtis A. Frye".

CURTIS A. FRYE, P.E., DAFC  
Chief, Environmental Restoration Program

Attachments:

1. Final Meeting Minutes, 10 May 2012
2. Draft Meeting Minutes, 9 August 2012
3. Presentation Materials, 9 August 2012
4. Handout Packet, 9 August 2012



Joint Base McGuire-Dix-Lakehurst  
Restoration Advisory Board (RAB) Draft Meeting Minutes  
Meeting No. 39 – 9 August 2012

SUBJECT: Restoration Advisory Board (RAB) Meeting No. 39 – Meeting Minutes

- 1) Place: Edward Holloway Senior Citizen Community Center, 5 Cookstown Browns Mills Road, Cookstown, New Jersey
- 2) Date/Time: Thursday, 9 August 2012; 6:30 PM
- 3) Co-Chairs: COL Joseph E. Whitlock, Deputy Joint Base Commander, Joint Base McGuire-Dix-Lakehurst  
Mr. Michael Tamm, Resident, Pemberton Township, New Jersey

4) Attendees:

Mr. Frank Storm	Resident, Burlington County, RAB Member
Mr. John Malleck	US Environmental Protection Agency, Region II
Mr. Doug Pocze	US Environmental Protection Agency, Region II
Mrs. Carla Struble	US Environmental Protection Agency, Region II
Mr. Phil Cole	New Jersey Department of Environmental Protection
Mrs. Donna Gaffigan	New Jersey Department of Environmental Protection
Mr. Chris Archer	JB MDL, 87 CES, Deputy Civil Engineer
Mr. Ken Smith	JB MDL, 87 CES/CEAN, Chief, Environmental Division
Mr. Curtis Frye	JB MDL, 87 CES/CEAN, Chief, Environmental Restoration Program
Mr. Michael Figura	JB MDL, 87 CES/CEAN, Environmental Restoration Program
Mr. King Mak	JB MDL, 87 CES/CEAN, Environmental Restoration Program
2 <sup>nd</sup> Lt David Murphy	JB MDL, 87 ABW/PA, Public Affairs
Mrs. Nicole Brestle	JB MDL, 87 CES/CEAN, Environmental Restoration Program (BB&E)
Mr. G. Michael Brown	JB MDL, 87 CES/CEAN, Environmental Restoration Program (BB&E)
Mr. Michael Wierman	JB MDL, 87 CES/CEAN, Environmental Restoration Program (BB&E)
Mr. Jack Potosnak	JB MDL, 87 CES/CEAN, Environmental Restoration Program (BB&E)
Mrs. Pidge Carroll	Representative for Congressman Chris Smith
Mr. Matthew Csik	Ocean County Health Department
Mrs. Jennifer Azzarano	Burlington County College
Mr. Paul Angelillo	Shaw Environmental & Infrastructure

5) Handouts

- JB MDL Restoration Advisory Board, Meeting No. 39, 9 August 2012, Agenda
- JB MDL Restoration Advisory Board, Meeting No. 39, 9 August 2012, Presentation Slides
- JB MDL Restoration Advisory Board, Document Availability List, 9 August 2012
- Deletion Docket from Federal Register Volume 77, Number 143, posted on Wednesday, July 25, 2012: Final Public Notice of Deletion of the Fort Dix Sanitary Landfill from the National Priority List (NPL)
- Public Notice for the Time Critical Removal Action (TCRA) planned for the McGuire Operable Unit 3 former landfill Sites LF-19 and LF-20

- Public Notice for the posting of Lakehurst's Munitions Response Site Priority Protocol (MRSPP) scores for the former Lakehurst Proving Grounds and the former Submarine Bombing Targets
- Restoration Advisory Board Acronym List
- Fact sheet concerning the effect of ethene on the Pinelands ecology
- McGuire Compliance Restoration Program (CRP) Site Fact Sheets

6) Call to Order:

The meeting was called to order at 6:38 PM by COL Whitlock, who welcomed everyone to the meeting and announced that he would be changing duty stations prior to the November RAB.

7) Minutes of Previous Meeting and Review of Agenda Items:

Mr. Tamm asked for a motion to approve the minutes from the 10 May 2012 RAB meeting: a motion was made by Mr. Storm, seconded by Mr. Cole; the minutes were approved.

8) Review of Action Items from the May 2012 RAB:

Mr. Curtis Frye, Chief, JB MDL Environmental Restoration Program, provided a brief overview of the responses to Action Items from the May 2012 RAB.

Dr. Richardson, from Solutions IES was asked to provide more information regarding the effects of ethene on the ecology of the Pinelands.

- JB MDL provided a copy of Dr. Richardson's explanation in the RAB handout packet.

National Priority List (NPL) Delisting of the Sanitary Landfill:

- The Deletion Docket was posted in the Federal Register on July 25, 2012. A copy of this was included in the RAB handout packet.

Community Relations Plan Update:

- JB MDL plans to provide a draft version to the RAB prior to the November RAB.

9) Lakehurst Proving Grounds Munitions Response Site Priority Protocol (MRSPP) Scores:

Mr. Michael Figura, JB MDL ERP Project Manager, provided an overview of the MRSPP scores for the former Lakehurst Proving Grounds and Submarine Bombing Target. In general:

- Mr. Figura explained how the MSRPP prioritizes Military Munitions Response Program (MMRP) sites for an investigation and a response action. The score given to each MMRP site is used to ensure the highest priority sites receive funding. The MRSPP is based on three modules which assess the explosive hazard, chemical hazard, and human health hazard for each site. The MRSPP scores for the two McGuire sites are under review and will be presented at a future RAB meeting.
- Mr. Storm inquired if there was any radiation testing conducted at either of these Lakehurst sites. Mr. Figura explained that there was no radiation testing conducted for the MMRP sites since the munitions tested at these sites were not radioactive. The list of constituents sampled was included in the Site Inspection Report.

10) McGuire Compliance Restoration Program Summary:

Mr. Mike Figura provided an overview of the McGuire Compliance Restoration Program (CRP). Prior to December 2008, this program was funded with Air Force Environmental compliance funds. In December 2008, DOD funding policy changes made the CRP sites eligible for Defense Environmental Restoration Account (DERA). Key points included:

- Comparison of the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) processes
- Summary of the number of sites included within the CRP program and their current status.
- Hand-out of fact sheets was provided for each of the McGuire compliance restoration sites.

11) Upcoming Removal Action at McGuire Installation Restoration Program (IRP) Operable Unit 3 Sites LF-19 and LF-20:

Mr. Paul Angelillo, Shaw Project Manager, provided a brief Site history of former Landfill Number 5 (Site LF-19) and former Landfill Number 6 (LF-20). After discussing the former use of the Sites, Mr. Angelillo explained the rationale driving the proposed Time Critical Removal Action (TCRA) at both sites. In general:

- Mr. Angelillo explained that the tropical storms last summer and heavy rainfalls has accelerated the erosion of LF-19 adjacent to the South Run channel. Further erosion could result in a discharge of landfill refuse into the channel. Therefore JB MDL (under contract to Shaw) will be regrading and redistributing portions of the landfill material and placing a subgrade cover cap and vegetative cover to stabilize the area near the channel.
- Site LF-20 has also been affected by the precipitation over time and erosion of the perimeter areas of the landfill, which has resulted in uncovered debris. JB MDL (under contract to Shaw) will consolidate debris and install fencing to demarcate the landfill site from the adjacent recycling storage area.

Concerning the fly ash present within the LF-19 landfill, Mr. Tamn inquired if it was sampled for dioxins during the remedial investigation. Mr. Angelillo explained that, because the landfill is being capped under a presumptive remedy, the remedial investigation did not include sampling within the landfill boundary. The sampling effort focused on the exterior perimeter of the landfill area.

12) Public Comment Period:

- Mr. Tamn asked for clarification on a NJDEP No Further Action (NFA) letter that he had received for BOMARC Site RW-01. Mr. Frye explained that the Air Force remediated the site to residential standards, with no restrictions on land use, and NJDEP issued their concurrence letter in March 2012 that the site has been documented as requiring no further action. He offered to provide the RAB with a summary list of documents which support the conclusions reached for the site by the Air Force and NJDEP.

13) Action Items and Proposed Agenda Topics for the next RAB Meeting:

- Compile a list of documents which support the NFA status for BOMARC Site RW-01;
- Provide an update on the Dix Magazine 1 Site and the McGuire BOMARC OT-16 Site.


14) Meeting Adjourned:

- Mr. Michael Tamn, RAB Co-Chair, adjourned the meeting at 7:25 PM



**87th Air Base Wing**


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**Outstanding Action Items/Questions  
from Previous RAB Meeting**

Mr. Curtis Frye  
Chief, Environmental Restoration Program  
87 CES/CEAN

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**Outstanding Action Items**



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- Question from Ms. Lettman on effects of ethene on ecology
  - ✓ Dr. Richardson, from Solutions IES, researched issue and provided 2 page hand-out, which is on the back table
- NPL Delisting of Dix Sanitary Landfill Site
  - ✓ Deletion docket was posted in the Federal Register on July 25, 2012
  - ✓ Copy of Federal Register notice on back table
- Community Relations Plan Update
  - ✓ Plan to provide a draft version to the RAB prior to the November RAB

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**Munitions Response Site Priority Protocol  
(MRSPP)**

Mr. Michael Figura  
Project Manager  
Joint Base McGuire – Dix – Lakehurst

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**MRSPP Introduction**




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- MRSPP is used to prioritize MMRP sites for response actions
  - The MRSPP applies to sites known or suspected to contain UXO, DMM, or MC, and that are included in the inventory established pursuant to 10 U.S.C. 2710(a)
    - Promulgated under 32 CFR Part 179 (May 2007)
  - Reviewed annually and must be revised whenever new data are obtained that could potentially impact the score
  - The score may be used during subsequent site sequencing phase, along with other factors, to determine funding sequence for MRSs
  - MRSPP requires Services to establish a Quality Assurance (QA) panel to ensure consistent application of the Protocol

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**MRSPP Update - Modules**




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- MRSPP consists of three modules
  - Explosives Hazard Evaluation (EHE) module evaluates hazards posed by MEC  
score: 2 (high) to 8 (low)
  - Chemical Warfare Materials Hazard Evaluation (CHE) module evaluates hazards (if any) posed by Chemical Warfare Material  
score: 1 (high) to 7 (low)
  - Human Health Evaluation (HHE) module evaluates risks posed by munitions constituents  
score: 2 (high) to 8 (low)

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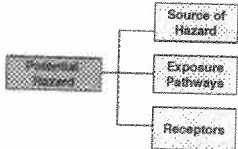


**MRSPP Update - Modules  
(continued)**



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- Three-axis structure for deriving the outcome of each module
  - Hazard or contaminant
  - Accessibility or migration pathway
  - Receptors
- This structure limits the influence of any one factor



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graph LR
    PH[Potential Hazard] --> SH[Source of Hazard]
    PH --> EP[Exposure Pathways]
    PH --> R[Receptors]
            
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### MRSP Update – Modules (continued)

• All three modules are evaluated to determine the site priority

EHE Module

CHE Module

HHE Module

}

Relative Site Priority

Relative Risk

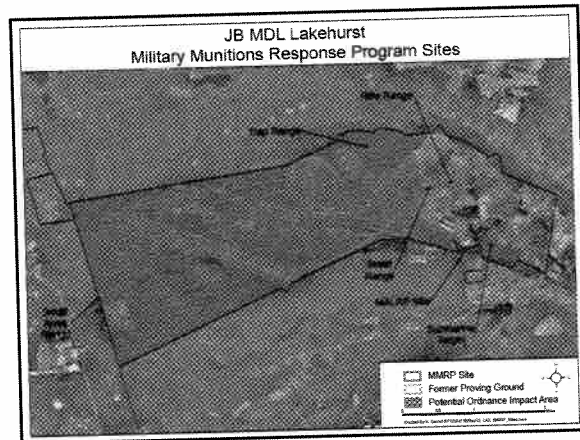
➔

Other Factors

Site Sequencing

Programmatic

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### Joint Base MMRP Sites MRSP Scores August 2011

Site	EHE	CHE	HHE	MRS Priority
McGuire Skeet Range	TBD	TBD	TBD	TBD
McGuire Ordnance Storage Area	TBD	TBD	TBD	TBD
Dix Small Arms Range	8	No Hazard	5	5
Dix Practice Mortar Range	5	No Hazard	No Hazard	5
Lakehurst Sub Target	TBD	TBD	TBD	TBD
Lakehurst MALRE Site	TBD	TBD	TBD	TBD
Lakehurst Proving Grounds	TBD	TBD	TBD	TBD
Lakehurst Small Arms Range	8	No Hazard	5	5
Lakehurst Trap Range	8	No Hazard	6	6
Lakehurst Rifle and Pistol Range	8	No Hazard	5	5
Lakehurst Skeet Range	8	No Hazard	6	6

### Joint Base MMRP Sites MRSP Scores August 2012

Site	EHE	CHE	HHE	MRS Priority
Lakehurst Sub Target	6	No Hazard	6	6
Lakehurst Proving Grounds	2	3	5	2

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- ### Air Force MMRP MRSP Annual Review
- The MRSP must be reapplied if the following apply:
    - You collect new site data that may change a table's scoring
    - You complete a response action since your last scoring that would change a table's scoring
    - You have a subdivision of a previously scored MRS, where the subdivision would change a table's scoring
    - You have a MRS previously classified with the alternative MRS rating of "Evaluation Pending"
- "WIN AS ONE"*

## Questions?





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**McGuire Compliance Restoration Program Overview**



Mr. Michael Figura  
Project Manager  
Joint Base McGuire – Dix – Lakehurst

**Compliance Restoration Program Sites**



- McGuire Identified 126 Compliance Restoration Program Sites
  - 45 Underground Storage Tank Sites
  - 81 Spill Sites
- Compliance Site Status
  - 88 Sites No Further Action (NFA)
  - 4 Sites NFA Pending
  - 28 Sites Currently RCRA Facility Investigation and Removal Action as Required
  - Recently Added 6 New Oil-Water Separator Sites

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**RCRA Process vs. CERCLA Process**


RCRA		CERCLA
■ Site Assessment (SA)	➔	■ Site Inspection (SI)
■ RCRA Facility Investigation (RFI)	➔	■ Remedial Investigation (RI)
■ Corrective Measures Study (CMS)	➔	■ Feasibility Study (FS)
■ Decision Document	➔	■ Record of Decision (ROD)
■ Corrective Measures Implementation (CMI)	➔	■ Remedial Action (RA)
■ Long-term Operations (LTO)/Long-term Monitoring (LTM)	➔	■ Remedial Action Operations (RA-O)/Long-term Maintenance (LTM)

**Questions?**



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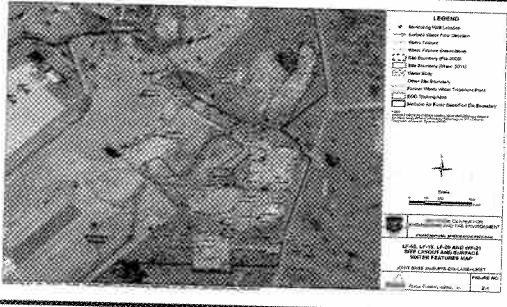


**Operable Unit 3  
Sites LF-19 and LF-20  
Time Critical Removal Action**

Mr. King Mak  
Restoration Program Manager – JB MDL  
Paul Angelillo – Project Manager  
Shaw Environmental & Infrastructure, Inc

**LF-19 and LF-20  
Time Critical Removal Action**



**LF-19**  
**Time Critical Removal Action**

- **Site LF-19: Former Landfill Number 5 Site History**
  - A narrow, 5.5-acre parcel between WP-21 Access Road and the South Run
  - Primarily used for the disposal of coal ash, wood and waste metal
  - Waste disposal occurred by burning bulk waste in-place and leveling, followed by a soil cover
  - No evidence of trench-and-fill
  - Waste material extends approximately 8-12 ft from current grade (a mound on the pre-LF-19 land surface)
  - LF-19 contains approx. 82,000 cubic yards of material and was closed in 1973

**LF-19**  
**Time Critical Removal Action**

**LF-19**  
**Time Critical Removal Action**

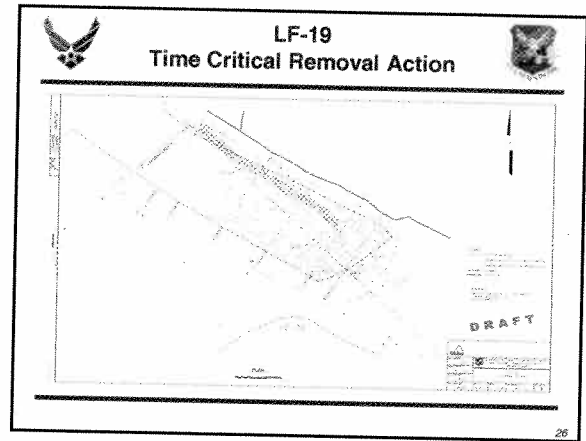
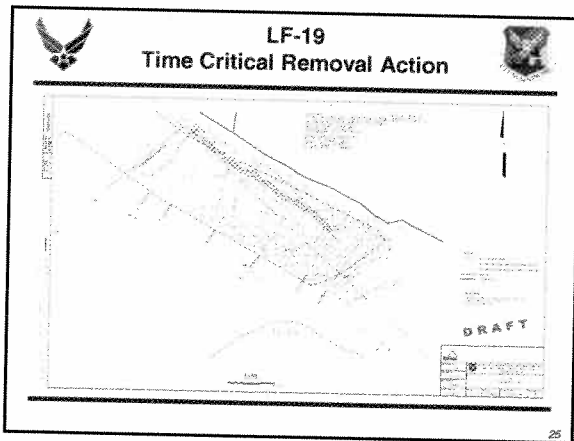
- **Rationale for the TCRA at LF-19:**
  - Erosion of the South Run channel in the vicinity of the eastern portion of LF-19 has created a condition that has resulted in landfill refuse coming in close proximity to the South Run
  - The erosion of the channel was accelerated by heavy precipitation during August and September 2011 (TS Lee and Hurricane Irene)
  - Additional erosion of the channel may cause landfill refuse to enter the South Run
  - A discharge to the South Run would constitute a threat to human health and the environment

**LF-19**  
**Time Critical Removal Action**

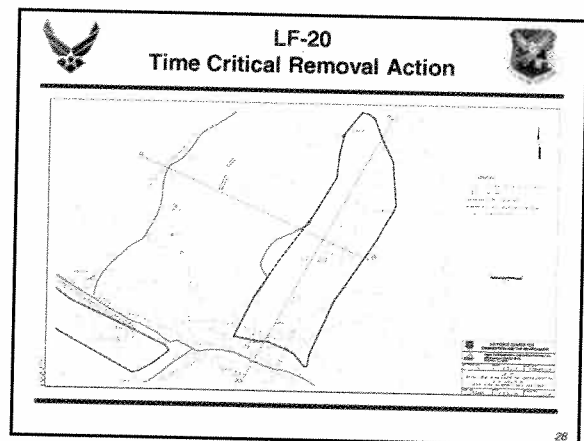
**LF-19**  
**Time Critical Removal Action**

**LF-19**  
**Time Critical Removal Action**

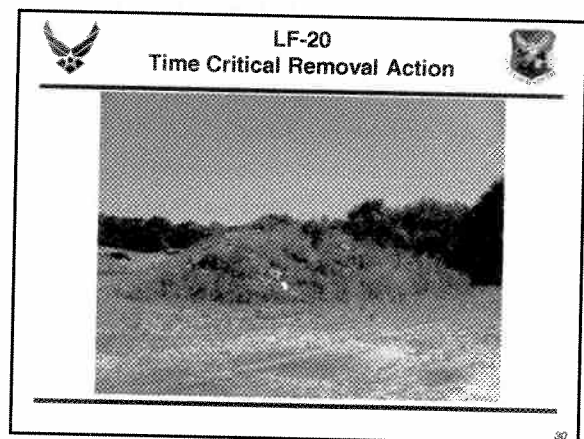
- **TCRA Objectives at LF-19:**
  - Remove 1,700 cubic yards of landfill material within 20 feet of the South Run channel over a 330-foot length, creating a 20-foot shelf between LF-19 and the South Run
  - Any large, bulky metal objects encountered will be segregated, decontaminated and recycled or disposed off-site. Any free-flowing liquid waste will be contained, drummed and disposed properly off-site
  - Place material in southeastern portion of LF-19 not affected by the removal and grade the material according to subgrade plan
  - Cap subgrade with a two-foot soil cover utilizing 20-inches of certified clean fill under 4-inches of topsoil
  - Cover cap and shelf with permanent vegetative cover using seed and mulch
  - Remainder of LF-19 will be addressed as part of the normal FS/PP/ROD.
  - The TCRA cap will "tie-into" the final remedy cap at LF-19
  - The TCRA cap is consistent with the OU-3 caps being recommended in the OU-3 FS




- LF-20**  
**Time Critical Removal Action**
- **LF-20 - Former Landfill No.6 Site History**
    - A 6.5-acre parcel north of WP-21 and the South Run
    - Primarily used for the disposal of general JB MDL refuse including concrete, metal, wood, glass, paper and plastic
    - Waste disposal utilized the trench-and-fill technique
    - Waste material extends approximately 15 ft. from current grade
    - LF-20 contains approx. 120,000 cubic yards of material and was closed in 1976
    - After the landfill was closed, debris from various construction projects has been occasionally piled on the landfill (in discrete piles) as well as sloughed refuse present around the periphery of LF-20
    - The area directly to the west of LF-20 currently serves as a staging area for recyclable materials
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- LF-20**  
**Time Critical Removal Action**
- **Rationale for the TCRA at LF-20:**
    - Several uncovered post-closure deposited piles have been documented at LF-20, consisting of demolition debris and large concrete fragments
    - Fugitive, uncovered landfill material is present along the periphery of LF-20, consisting of material that sloughed off the landfill during its operation
    - A milled asphalt pile is adjacent to the western border of LF-20. Removal of this material occurred in April 2012
    - The peripheral landfill material and uncovered debris piles are uncontrolled and may be a source of contaminant release to the environment; asphalt pile was removed in April 2012
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**LF-20  
Time Critical Removal Action**



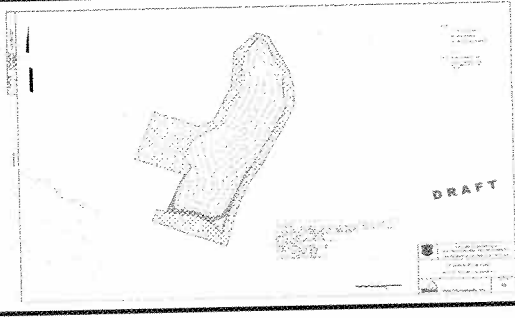
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**LF-20  
Time Critical Removal Action**

- **TCRA Objectives at LF-20:**
  - Remove piled asphalt millings for off-site recycling. Completed in April 2012
  - Consolidate periphery debris and surface piles onto LF-20, breaking up large pieces of concrete as the waste is consolidated
  - Any large, bulky metal objects encountered will be segregated, decontaminated and recycled or disposed off-site. Any free-flowing liquid waste will be contained, drummed and disposed properly off-site
  - Grade LF-20, utilizing the consolidated, fragmented debris according to subgrade plan. The material is inert construction rubble and constitutes solid, rather than hazardous waste
  - Install engineering controls consisting of fence and signs, indicating the presence of a CERCLA site and prohibition on any dumping
  - Following the TCRA, the full remedy for LF-20 will be addressed as part of the normal CERCLA process for OU-3: FS/PP/ROD

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**LF-20  
Time Critical Removal Action**



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**LF-19 and LF-20  
Time Critical Removal Action**

- **Removal Action Activities**
  - Public Notice issued July 26, 2012 initiating 30-day public review period of TCRAM and TCRA WP (ending August 25)
  - Finalize RAWP based on comments
  - Determine boundaries of TCRA through land survey and install SESC measures (August 2012)
  - Field activities anticipated to commence in September 2012; expected duration is 6-8 weeks
  - Removal Action Report (Draft January 2013)

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**Next Steps**

- Complete TCRA Removal Action
- Removal Action Report (Draft January 2013)
- Continue with FS/PP/ROD process at OU-3 (LF-02, LF-19, and LF-20)


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**Questions?**

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**November RAB Agenda Ideas**





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- Tentative RAB date is November 8, 2012
  - ✓ Update by Shaw on McGuire Operable Unit's 1, 2, 3, 4 and 5
  - ✓ Community Relations Plan Update
  - ✓ Administrative Record Update
  - ✓ RAB link on JB MDL Website

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**PUBLIC COMMENTS**

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## *Restoration Advisory Board – Joint Base McGuire-Dix-Lakehurst*

### JOINT BASE MCGUIRE-DIX-LAKEHURST, N.J. RESTORATION ADVISORY BOARD (RAB)

Information Repository/Administrative Record Document Availability  
Thursday, 9 August 2012

*Document Control Point of Contact:* Mrs. Nicole Brestle (609) 754-0068

*Background:* The documents below have been delivered since the last RAB meeting.

*Documents delivered to Mr. Tamn, the RAB Co-Chair:*

- Final Treatability Study Report, Central Operable Unit OU-2, Site SS-36, Building 2305, Joint Base McGuire-Dix-Lakehurst, NJ, **April 2012**
- Final Remedial Investigation Report, New Egypt Armory, Joint Base McGuire-Dix-Lakehurst (Dix), NJ, **May 2012**
- Final Background Groundwater Metals Study, Joint Base McGuire-Dix-Lakehurst (Dix), NJ, **May 2012**
- Restoration Advisory Board, New Member Application, **May 2012**
- Munitions Response Site Prioritization Protocol (MRSP) Worksheets for Lakehurst Munitions Response Sites – UXO-03 (Former Lakehurst Proving Grounds) and UXO-01 (Submarine Bombing Target), **July 2012**
- Draft Time Critical Removal Action Work Plan, Operable Unit-3: LF-19 and LF-20, Joint Base McGuire-Dix-Lakehurst, NJ, **June 2012**
- Draft Action Memorandum for Time-Critical Removal for Operable Unit -3: LF-19 and LF-20, Joint Base McGuire-Dix-Lakehurst, NJ, **June 2012**
- Draft Remedial Investigation Report, Operable Unit 5, SS-24 (C-17 Hangar) and SS-25 and SS-26 (Pesticide OU), **July 2012**

*Documents delivered to the Burlington County Library:*

- Munitions Response Site Prioritization Protocol (MRSP) Worksheets for Lakehurst Munitions Response Sites – UXO-03 (Former Lakehurst Proving Grounds) and UXO-01 (Submarine Bombing Target), **July 2012**
- Final Background Groundwater Metals Study, Joint Base McGuire-Dix-Lakehurst (Dix), NJ, **May 2012**
- Final Remedial Investigation Report, New Egypt Armory, Joint Base McGuire-Dix-Lakehurst (Dix), NJ, **May 2012**

**V. Conclusion**

Therefore, tolerances are established for residues of acetamiprid, *N* 1-[(6-chloro-3-pyridyl)methyl]-*N* 2-cyano-*N* 1-methylacetamidine, in or on asparagus at 0.80 ppm; *Brassica*, leafy greens, subgroup 5B at 15 ppm; turnip greens at 15 ppm; vegetable, fruiting, group 8–10 at 0.20 ppm; fruit, citrus, group 10–10 at 0.50 ppm; fruit, pome, group 11–10 at 1.0 ppm; and *Brassica*, head and stem, subgroup 5A at 1.20 ppm.

Also, due to the tolerances established in this unit by this document, the following existing tolerances are removed as unnecessary: Fruit, citrus, group 10; fruit, pome, group 11; vegetable, fruiting, group 8; and vegetable, *Brassica*, leafy, group 5.

**VI. Statutory and Executive Order Reviews**

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions

of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

**VII. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 17, 2012.

**Daniel J. Rosenblatt,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.578 is amended by removing the entries for “fruit, citrus, group 10”; “fruit, pome, group 11”; “vegetable, fruiting, group 8”; and “vegetable, *Brassica*, leafy, group 5” and by alphabetically adding the following entries to the table in paragraph (a)(1) to read as follows:

**§ 180.578 Acetamiprid; tolerances for residues.**

(a) *General.* (1) \* \* \*

Commodity	Parts per million
Asparagus .....	0.80
<i>Brassica</i> , head and stem, subgroup 5A .....	1.20
<i>Brassica</i> , leafy greens, subgroup 5B .....	15
Fruit, citrus, group 10–10 .....	0.50
Fruit, pome, group 11–10 .....	1.0
Turnip greens .....	15
Vegetable, fruiting, group 8–10 .....	0.20

[FR Doc. 2012–18059 Filed 7–24–12; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[EPA–HQ–SFUND–1987–0002; FRL–9703–4]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fort Dix Landfill Superfund Site**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 2 is publishing a direct final Notice of Deletion of the Fort Dix Landfill Superfund Site (Site), located in Pemberton Township, New Jersey, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct



final deletion is being published by EPA with the concurrence of the State of New Jersey, through the NJ Department of Environmental Protection, because EPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** This direct final deletion is effective September 24, 2012 unless EPA receives adverse comments by August 24, 2012. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-1987-0002, by one of the following methods:

- <http://www.regulations.gov>. Follow on-line instructions for submitting comments.
- *Email:* [karas.alida@epa.gov](mailto:karas.alida@epa.gov).
- *Fax:* (212) 637-3256.
- *Mail:* Alida M. Karas, Remedial Project Manager, Federal Facilities Section, Emergency & Remedial Response Division, U.S. Environmental Protection Agency Region 2, 18th floor, 290 Broadway, New York, NY 10007.
- *Hand delivery:* U.S. EPA Records Center, 290 Broadway, 18th floor, New York, NY 10007.

Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID no. EPA-HQ-SFUND-1987-0002. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured

and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at: U.S. EPA Region 2 Records Center, 290 Broadway, 18th floor, New York, NY 10007 Hours: 9:00 a.m. to 5:00 p.m. Monday through Friday. Phone: 212-637-4308; and Burlington County Library, 5 Pioneer Boulevard, Westampton, New Jersey 08060.

**Hours:** Monday 9:00 a.m. to 9:00 p.m., Tuesday-Friday 10:00 a.m. to 9:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., Sunday 1:00 p.m. to 5:00 p.m.; July and August: close at 5:00 p.m. on Fridays, closed on Sundays.

**FOR FURTHER INFORMATION CONTACT:**

Alida M. Karas, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 18th floor, 290 Broadway, New York, NY 10007; email: [karas.alida@epa.gov](mailto:karas.alida@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Site Deletion
- V. Deletion Action

**I. Introduction**

EPA Region 2 is publishing this direct final Notice of Deletion of the Fort Dix Landfill (Site), from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability

Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Because EPA considers this action to be noncontroversial and routine, this action will be effective September 24, 2012 unless EPA receives adverse comments by August 24, 2012. Along with this direct final Notice of Deletion, EPA is co-publishing a Notice of Intent to Delete in the "Proposed Rules" section of the **Federal Register**. If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Fort Dix Landfill Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

**II. NPL Deletion Criteria**

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the state, whether any of the following criteria have been met:

- i. Responsible parties or other persons have implemented all appropriate response actions required;
- ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- iii. The remedial investigation has shown that the release poses no significant threat to public health or the

environment and, therefore, the taking of remedial measures is not appropriate. Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

### III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the state of New Jersey prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the "Proposed Rules" section of the **Federal Register**.

(2) EPA has provided the state 30 working days for review of this notice and the parallel Notice of Intent to Delete prior to their publication today, and the state, through the New Jersey Department of Environmental Protection, has concurred on the deletion of the site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in the major local newspaper, the Burlington County Times. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations.

Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

### IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

#### *Site Background and History*

The Fort Dix Landfill is now named the "Dix Area Sanitary Landfill" due to the formation of the Joint Base McGuire Dix Lakehurst (JBMDL). The Dix Area Sanitary Landfill is located in the southwest section of the JBMDL in Pemberton Township, Burlington County, New Jersey. The landfill covers approximately 126 acres and is located about 2,200 feet from the post boundary. Two streams flow near the landfill: Cannon Run is located on the east side of the landfill, and flows south into the North Branch of Rancocas Creek; and an unnamed stream is located northwest of the landfill, and flows to the west into the North Branch of Rancocas Creek. A swamp that drains into Budd's Run is located to the west of Pipeline Road. The area immediately surrounding the Dix Area Sanitary Landfill consists of a hardwood swamp and densely vegetated hardwood forest. The town of Browns Mills is immediately to the east of the Military Reservation. To the south of the Dix Area Sanitary Landfill are two abandoned farms, approximately 12 homes, several county buildings, the County Hospital, and the Burlington County Juvenile Detention Center and shelter. Pemberton Township municipal buildings, sewage disposal plant, public water supply wells, and several homes are located to the southwest of the landfill. The surficial aquifer consists of a fine to silty sand unit (Cohansey and Kirkwood Formations) that overlies the fine grained silts and clays of the Manasquan, Hornerstown, and Navesink Formations. The Cohansey and Kirkwood Formations form a single unconfined aquifer at the site. Groundwater flow in this aquifer is to the south and southwest. The underlying Manasquan, Hornerstown, and Navesink Formations form a confining layer that limits downward vertical groundwater flow from the landfill site.

The Dix Area Sanitary Landfill began operation in 1950; it was officially

closed on July 6, 1984. Prior to landfill development, the area was used for Army training. Between 1950 and 1984, the landfill was used and operated by the Fort Dix Military Reservation. McGuire Air Force Base also used the landfill from 1968 until it was closed. Access to the landfill was not controlled until 1980; therefore, records of disposal practices, waste types, and quantities are incomplete. Wastes that have been reportedly disposed of at the landfill include domestic waste, paints and thinners, demolition debris, ash, and solvents.

An interim New Jersey Pollutant Discharge Elimination System (NJPDDES) permit was issued for the Dix Area Sanitary Landfill on May 29, 1984. On July 6, 1984, the Army ceased the disposal of waste at the landfill in compliance with the landfill closure date. The landfill was proposed for inclusion on the NPL on October 15, 1984 (49 FR 40320). On September 16, 1985, the Army entered into an Administrative Consent Order (ACO) with the New Jersey Department of Environmental Protection (NJDEP). The ACO required the Army to conduct a Remedial Investigation/Feasibility Study (RI/FS) and to implement the selected remedial alternative approved by NJDEP and United States Environmental Protection Agency (USEPA). The Dix Area Sanitary Landfill Site was placed on the NPL on July 22, 1987 (52 FR 27620).

On July 19, 1991, the Army entered into an interagency agreement, under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120, known as the Federal Facility Agreement (FFA) with USEPA. The FFA superseded the ACO and provided the formal basis for selection of the remedy and the implementation of the Record of Decision (ROD) at the Dix Area Sanitary Landfill Site at JBMDL.

#### *Remedial Investigation/Feasibility Study*

The Remedial Investigation/Feasibility Study (RI/FS) was completed in 1987. The RI/FS included a risk assessment to determine the potential for impact to public health and the environment, which may result if the contamination associated with the Dix Area Sanitary Landfill, was not controlled. In conducting this assessment, the focus was on the human health and environmental effects that could result from exposure to contaminants associated with the landfill in various media (air, surface water, sediment, soil, and groundwater). During the evaluation of site risks, chemicals detected at the site were

screened to select indicator chemicals for the Dix Area Sanitary Landfill site. These chemicals were selected as most representative of site conditions and expected to contribute the greatest risks to human health and the environment. The indicator chemicals for the site include: 1,2-dichloroethane, benzene, vinyl chloride, trichloroethylene, tetrachloroethylene, chlorobenzene, 2-butanone, toluene, trans-1,2-dichloroethylene, bis(2-ethylhexyl)phthalate, 1,4-dichloroethylene, 1,1,1-trichloroethane, ethylbenzene, nickel, mercury, cadmium, zinc, chromium, and manganese. Based on an evaluation of the data obtained during the RI, the ROD summarizes the following remedial objectives:

- To prevent contaminants migrating from the landfill from affecting drinking water supplies of the local population;
- To prevent landfill contaminant migration/exposure via Cannon Run and Budd's Run (swamp) from restricting State-designated downstream surface water uses on the North Branch of Rancocas Creek (i.e., fishing, swimming, and future water supply);
- To protect people who perform military-related or unauthorized recreational activities on the JBMDL property from potentially harmful effects due to landfill contaminants;
- To satisfy all appropriate local, State, and Federal requirements for landfill closure;
- To prevent significant adverse environmental impacts on the surrounding flora and fauna caused by contaminant release from the Dix Area Sanitary Landfill; and
- To satisfy all site-specific Applicable or Relevant and Appropriate Requirements (ARARs) as practicable.

#### *Selected Remedy*

The Record of Decision (ROD), signed on September 24, 1991, consists of the following requirements:

- Installation of a cap on the southern 53 acres of the landfill consisting of vegetative, drainage, and low-permeability layers. Maintenance of 2 ft of existing final cover on the remaining portion of the landfill.
- Installation of a landfill gas venting and air monitoring system to determine if methane gas and VOC emissions require treatment.
- Installation of a chain link fence around the perimeter of the landfill to restrict access.
- Implementation of landfill closure requirements in accordance with New Jersey Closure Requirements, New Jersey Administration Code (NJAC) 7:26-2A et seq., and Resource

Conservation and Recovery Act (RCRA) guidance.

- Perform long-term groundwater, surface water, sediment and air monitoring (30 years) pursuant to the New Jersey State closure requirements. Perform a yearly statistical analysis on the chemical analysis results to determine the trend of the overall contamination levels.
- Long-term O&M to provide inspection of and repairs to the landfill cap.
- Implementation of ICs in the form of deed and water restrictions on future uses of the landfill and groundwater in the immediate vicinity of the landfill.
- Development and implementation of a Soil Erosion and Sediment Control Plan in accordance with the Soil Erosion and Sediment Control Act Regulations of 1975—New Jersey Statutes Annotated (NJSA) 4:24-40 et seq., and NJAC 2:90-1.1 et seq.
- Using the data obtained in the monitoring program, review the risk assessment and subsequently revise the risk assessment if the trend shows significant changes in water quality. These reviews and revisions will be performed within three years of commencement of a remedial action and at least every five years thereafter. Any changes in actual exposure scenarios will be addressed in the revised risk assessments. Risk assessments will use USEPA guidance and policy effective at the time of the review.
- Except for monitoring, no groundwater remedy was specified because the contaminant plume could not be defined beyond isolated "hot spots".

#### *Response Actions*

The U.S. Army Corps of Engineers (USACE) acted on behalf of the Army at Fort Dix for both phases of the project and supervised all engineering and construction contracts required for completion of the work. Professional engineering services for both phases were provided by Law Engineering and Environmental Services, Inc. (Law Environmental).

Phase I encompassed the approximately 126 acre Landfill with a six-foot perimeter chain link fence and provided two feet of soil cover to the northernmost 73 acres. This was completed early in fiscal year (FY) 1992. The contractor for Phases I and II was the George Hanus Co.

Phase II included covering of the southernmost 50 acres with a multilayer impermeable cap. The contract for the construction requirements of Phase II Remedial Action was awarded on June 30, 1994. Construction was completed

in FY 97. In September, 1997 Law Environmental provided a Construction Completion Report to USACE. It was prepared and certified by C. Keith Brasher, a Professional Engineer licensed in the State of New Jersey.

The remedial design, work plans, performance standards, construction quality control measures, O&M, and long-term monitoring plans (LTMPs) were submitted to and approved by USEPA and NJDEP. The Army, its design contractor, the USACE, NJDEP, and USEPA reviewed, monitored, and inspected all design and construction activities, and have determined all activities were completed in accordance with the approved documents. USEPA made a final inspection of the completed work on March 28, 1998.

Institutional Controls in the form of Master Plan Amendments that are equivalent to deed restrictions on future uses of the Dix Area Sanitary Landfill have been implemented since the property is under the control and ownership of the Federal government. The Dix Area Master Plan restricts Army use of the Dix Area Sanitary Landfill site including the surrounding impacted areas. In the event the landfill property were no longer under the control and ownership of the Federal Government, implementation of appropriate deed notices or additional remediation to meet non-restricted use standards would be required to ensure the remedy remains protective of human health and the environment. In addition to the Dix Area Master Plan, the site will be enrolled in the NJDEP Classification Exception Area (CEA) program upon deletion from the NPL. The CEA program is established as a groundwater land use control (LUC) that serves to restrict the use of groundwater until regulatory standards have been achieved.

#### *Cleanup Goals*

The 1991 ROD including long term monitoring for contaminated groundwater outside the landfill unit boundary. The indicator chemicals for the site include: 1,2-dichloroethane, benzene, vinyl chloride, trichloroethylene, tetrachloroethylene, chlorobenzene, 2-butanone, toluene, trans-1,2-dichloroethylene, bis(2-ethylhexyl)phthalate, 1,4-dichloroethylene, 1,1,1-trichloroethane, ethylbenzene, nickel, mercury, cadmium, zinc, chromium, and manganese. These contaminants were evaluated in groundwater samples and compared to EPA MCLs and state standards, as appropriate. The method used to determine the appropriate groundwater screening criteria is a

comparison of the NJDEP groundwater quality standards (NJGWQS) and the USEPA maximum contaminant level (MCL) values. The more stringent of the values is used.

#### Inorganic Groundwater Monitoring Results

Based on groundwater monitoring conducted to date, nutrient metals are the only analytes exceeding screening criteria and exhibiting increasing concentration trends according to the Mann-Kendall Analysis. These exceedances and increasing trends occur both upgradient and downgradient of the landfill. In reviewing historical analytical data for this site, it has been noted that nutrient metals have been consistently present at concentrations above screening criteria. In an effort to understand the geochemical make-up of the local hydrogeology, several studies were reviewed. Following this review, it was evident that several naturally-occurring characteristics of the local hydrogeology are contributing to the elevated concentrations of nutrient metals in groundwater.

Fresh, uncontaminated groundwater in the Kirkwood-Cohansey aquifer system has naturally-occurring low pH. During the groundwater sampling program, pH levels were measured between 3 and 6 at both upgradient and downgradient locations. In the Kirkwood-Cohansey aquifer, calcium and bicarbonate are usually dominant ions in solution, with smaller amounts of sodium, potassium, magnesium sulfate, manganese and chloride. The surficial aquifer underlying and adjacent to the Dix Area Sanitary Landfill exhibits persistent exceedances of calcium, magnesium, manganese, sodium, and potassium that are attributed to this naturally-occurring condition. In 1988, the USEPA determined that concentrations of iron and manganese present a problem near the water table because the groundwater tends to have a low pH. Elevated concentrations of manganese and iron are also attributed to reductive dissolution by metal reducing bacteria feeding on petroleum contaminants. The reduced form of both iron and manganese are more water soluble than their oxidized counterparts. During the Spring 2010 and Fall 2010 sampling events, water quality data collected indicated a sporadic distribution of anaerobic and aerobic groundwater conditions. The data show both acid leaching and anaerobic degradation of gasoline contamination that is a waste of concern at the landfill, leading to elevated concentrations of manganese

and iron. As a result of these evaluations, the Addendum to the 2005 CERCLA Five-Year Review concluded that manganese is naturally occurring and was removed as a COC from the site.

#### Organics

In 1979 and 1982, a series of groundwater monitoring wells were installed around the perimeter of the landfill. Reports indicated volatile organic compounds (VOCs) were detected in many of the groundwater samples taken in 1982. The two major VOCs exceeding the NJDEP groundwater limits were methylene chloride and trichloroethylene. In December 1983, eight additional groundwater monitoring wells were installed to further define groundwater contamination. Eleven additional wells were installed in May 1984 as part of a groundwater investigation performed by the U.S. Army Engineers Waterways Experiment Station. VOCs and heavy metals were detected in the groundwater samples collected from wells located immediately to the south, southeast, and southwest of the landfill. These compounds included methylene chloride, dichloroethane, trichloroethane, trichloroethylene, tetrachloroethylene, methyl ethyl ketone, methyl isobutyl ketone, mercury, cadmium, and other heavy metals. Based on the 2010 five year review recommendations, eight sentinel wells were evaluated and established downgradient of the landfill cap. These groundwater monitoring locations were sampled for eight continuous quarters (September 2009 to July 2011) and groundwater was analyzed for all contaminants of concern (COCs). With the exception of manganese (which was removed as a site COC), the results show no screening criteria exceedances were observed downgradient of the landfill and that COCs are below screening criteria at the landfill unit boundary. After the evaluation of the proposed sentinel wells, JBMDL proposed nine alternative wells, closer to the landfill, that are currently in the LTMP, to make up the sentinel well network. Wells LTM-9, 10, 12, 13, 14, 17, 18, 34 & 36 are now designated as sentinel wells and shall be used for compliance determination.

#### Operation and Maintenance

In general, O&M of the Dix Area Sanitary Landfill consists of the collection and analysis of groundwater, sediment, and surface water samples; routine mowing; limiting erosion; and maintaining site security.

#### Air Monitoring

With concurrence from USEPA and NJDEP, the Dix Area Sanitary Landfill gas venting and air monitoring system is no longer sampled and analyzed after it was determined there was no longer a need to monitor for methane gas or VOC emissions. Approval to terminate the air monitoring was received by NJDEP and USEPA in 2000.

#### Surface Water Monitoring

The majority of the surface water location samples that exceed analyte concentrations contain nutrient metals that are not COCs for surface water at the Dix Area Sanitary Landfill.

As part of the five-year review process an Ecological Risk Assessment was completed evaluating surface water analytical data up to and including September 2009. With the exception of manganese and mercury, there have been no COC screening criteria exceedances at the landfill in the last three years. The Addendum to the 2005 CERCLA Five-Year Review (Plexus, 2009) concluded that manganese is naturally occurring and was removed as a COC from the program. During the Spring 2010 and Fall 2010 sampling events, mercury exceeded screening criteria at three surface water locations (SW-1, SW-2, and SW-9). All three of these locations are situated northwest of the Dix Area Sanitary Landfill, along Budd's Run and immediately downgradient of the PDO Landfill, where mercury is the main COC. The issue of mercury exceedances along Budd's Run (the body of water that contains these surface water locations) has been addressed in the 2005 CERCLA Five-year Review Addendum. The five year review addendum concluded that the mercury exceedances are attributed to a separate site upgradient of the Dix Area Sanitary Landfill. The results of the ERA illustrate that in September 2009 only one COC (zinc) at SW-2 exceeded ecological screening criteria (ESC). Since this ESC exceedance, the concentration of zinc at SW-2 has reduced in concentration below the ESC.

#### Sediment Monitoring

The majority of the sediment location samples that exceed analyte concentrations contain nutrient metals that are not COCs for sediment at the Dix Area Sanitary Landfill. As part of the five-year review process an Ecological Risk Assessment was completed evaluating sediment analytical data up to and including September 2009. With the exception of chlorobenzene, manganese and

mercury, there have been no COC screening criteria exceedances at the landfill in the last three years. Although chlorobenzene exceeds the screening criteria, it does not exceed its respective ecological benchmark. The Addendum to the 2005 CERCLA Five-Year Review (Plexus, 2009) concluded that manganese is naturally occurring and was removed as a COC from the program. Since April 2010 the only sample location that exceeds screening criteria is SD-9. SD-9 is situated northwest of the Dix Area Sanitary Landfill, along Budd's Run and immediately downgradient of the PDO Landfill, where mercury is the main COC. The issue of mercury exceedances along Budd's Run (the body of water associated with this sediment location) has been addressed in the 2005 CERCLA Five-year Review Addendum. The five year review addendum concluded that the mercury exceedance is attributed to a separate site upgradient of the Dix Area Sanitary Landfill.

Low-level pesticide exceedances of dichlorodiphenyldichloroethylene (DDE) and dichlorodiphenyltrichloroethane (DDT) occur at locations SD-5 and SD-6, but do not occur at the landfill boundary. DDE and DDT are ubiquitous to Fort Dix and are not considered COCs for the Dix Area Sanitary Landfill. The results of the ERA illustrate that in September 2009 only one COC (mercury) at SD-9 exceeded ESC. Since this ESC exceedance, the concentration of zinc at SW-2 has reduced in concentration below the ESC. The 2005 CERCLA Five-year Review Addendum concluded that the mercury exceedances at this location are attributed to a separate site upgradient of the Dix Area Sanitary Landfill.

#### Site Inspections

Site inspections are performed by a JB MDL representative every 30 days and after large rain events or episodes of severe weather. The O&M contractor also performs a separate inspection on a quarterly basis. A compilation of these quarterly inspection reports is submitted to the regulatory agencies for review on annual basis. For areas that do not have a landfill cap installed, visual observations are made to ensure run-on and runoff controls are performing as intended. Any exposed waste in these areas is covered with compacted soil.

#### Cap Maintenance

On the landfill cap, tree and brush growth is not allowed for protection of the cap's liner system. Areas of settlement and damage by burrowing

animals are repaired as needed. The sediment and erosion control features are maintained by cleaning debris and accumulated sediment to maintain proper infiltration and prevent clogging of the outlet control structure and emergency spillway. Since the last Five-year Review, there has been evidence of minor burrowing activity; however, the effects of the burrowing activity have not impacted the landfill cap or the protectiveness of the remedy. When located, burrows are routinely destroyed during the inspection process.

NJDEP will assume lead regulatory responsibility for all future O&M, implementation of ICs, and ensuring that the remedy remains protective into the future. Site LUCs will continue under the current NJDEP CEA program for the site. Long Term Monitoring of groundwater, surface water and sediment will continue in accordance with Long-Term Monitoring Plan.

#### Five-Year Review

The third five year review was completed September 15, 2100. The technical assessment summary concluded that the remedy is functioning as intended and remains protective of human health and the environment. There were three issues highlighted in the review. Evidence of erosion along the western slope of the landfill was identified. This erosion was stabilized and vegetation cover was restored. A fallen tree along the northern boundary perimeter fence was removed, and the fence was restored. There was a lack of sentinel wells to delineate groundwater COCs. Sentinel wells have been selected or installed.

The next Five-year Review for the Dix Area Sanitary Landfill is required by September 2015.

#### Community Involvement

Public participation activities for this Site have been satisfied as required in CERCLA sections 113(k) and 117. 42 U.S.C. 9613 (k) and 9617. Throughout the removal and remedial process, EPA and the NJDEP have kept the public informed of the activities being conducted at the Site by way of public meetings, progress fact sheets, and the announcement through local newspaper advertisement on the availability of documents such as the RI/FS, Risk Assessment, ROD, Proposed Plan and Five-Year Reviews. Notices associated with these community relations activities were also mailed out to the area residents and other concerned parties on the mailing list for the Site.

#### Determination That the Site Meets the Criteria for Deletion From the NCP

The NCP specifies that EPA may delete a site from the NPL if "responsible parties or other persons have implemented all appropriate response actions required" as stated in 40 CFR 300.425(e)(1)(ii). EPA, with the concurrence from the State of New Jersey, through NJDEP, dated May 3, 2012, believes that this criterion for deletion has been met. Consequently, EPA is deleting this Site from the NPL. Documents supporting this action are available in the Site files.

The Site meets all the site completion requirements as specified in the ROD, and all of the remedial actions at the site have been implemented. The implemented remedy achieves the degree of clean-up and protection specified in the ROD for all pathways of exposure. Continued implementation of the ICs and LTMP will ensure the long-term protectiveness of the remedy. Currently, none of the COCs outlined in the ROD have migrated past the landfill unit boundary as evidenced by groundwater, surface water and sediment data collected.

No further Superfund response is needed to protect human health and the environment.

#### V. Deletion Action

The EPA, with concurrence of the State of New Jersey through the NJ Department of Environmental Protection, has determined that all appropriate response actions under CERCLA, other than operation, maintenance, monitoring and five-year reviews have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective September 24, 2012 unless EPA receives adverse comments by August 24, 2012. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 9, 2012.

**Judith Enck,**

*Regional Administrator, Region 2.*

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

#### **PART 300—[AMENDED]**

- 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

#### **Appendix B to Part 300 [Amended]**

- 2. Table 2 of Appendix B to part 300 is amended by removing “Fort Dix (Landfill Site)”, “Pemberton Township” under NJ.

[FR Doc. 2012–18136 Filed 7–24–12; 8:45 am]

**BILLING CODE 6560–50–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 2**

[FCC 12–60]

#### **Grantee Codes for Certified Radiofrequency Equipment**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document modifies the rules to remove the restriction that grantee codes must consist of only three characters. This action will permit the Commission to issue longer grantee codes, thus greatly increasing the supply of available codes and ensuring that it will continue to have new ones to assign to parties that wish to certify new equipment.

**DATES:** Effective August 24, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Hugh Van Tuyl, Office of Engineering and Technology, (202) 418–7506, email: [hugh.vantuyl@fcc.gov](mailto:hugh.vantuyl@fcc.gov), TTY (202) 418–2989.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Order*, FCC 12–60, adopted June 13, 2012 and released June 13, 2012. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The

complete text of this document also may be purchased from the Commission’s copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov).

#### **Summary of the Order**

1. The Commission operates an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operates effectively without causing harmful interference and otherwise complies with the rules. RF devices that are subject to the “certification” procedure of the equipment authorization program must be labeled with an FCC identifier (“FCC ID”) that is unique to the device. This FCC ID includes a Commission-issued code identifying the grantee of the certification (“grantee code”). By this action, the Commission modifies §§ 2.925 and 2.926 of the rules to remove the restriction that grantee codes must consist of only three characters. This action will permit the Commission to issue longer grantee codes, thus greatly increasing the supply of available codes and ensuring that it will continue to have new ones to assign to parties that wish to certify new equipment.

2. Authorized equipment must be labeled to show that it complies with the rules prior to being imported into or marketed within the United States. The label for a device subject to certification must include an FCC ID that conforms to a format defined in the rules. The FCC ID consists of two parts: a three-character alphanumeric grantee code assigned by the Commission to the party that applies for equipment authorization, and a one- to 14-character product code selected by the applicant. Once a party obtains a grantee code from the Commission, the party may use the same grantee code, but must use a different product code, each time it applies for a new equipment certification from the Commission or a TCB. The Commission adopted a three-character format for grantee codes in 1979 and codified that format in the rules.

3. Due to the large number of grantee codes that have already been assigned to manufacturers and other parties responsible for equipment compliance, the Office of Engineering and Technology anticipates that the Commission may run out of unassigned grantee codes in the near future. If that

were to occur, parties that did not already have a grantee code would not be able to apply for certification of RF equipment. The Commission therefore finds it necessary to modify the rules to increase the supply of grantee codes to accommodate all parties that wish to obtain a grantee code and apply for equipment certification in the future.

4. Specifically, the Commission is eliminating the requirement in § 2.926(c) that grantee codes must consist of three alphanumeric characters, and it is replacing it with a requirement that grantee codes will consist of alphanumeric or other characters in a format specified by the Commission’s Office of Engineering and Technology. The Commission is not codifying a particular grantee code format in the rules in order to allow the Office of Engineering and Technology the flexibility to modify the format in the future if necessitated by changing technology or other factors. The Commission also eliminated the text in § 2.925(a)(1) that shows an example of a three character grantee code.

5. While three characters was an adequate code length for grantee codes when the rules were originally adopted and for many years thereafter, the Commission finds that it is now necessary to permit longer codes to allow for a significantly greater number of possible combinations. In particular, the Commission notes that the Office of Engineering and Technology is planning to issue new five-character grantee codes in the format described in Appendix B of the *Order*. Using this code length and format, the Commission calculates that there will be approximately 8 million additional grantee codes. The Commission currently assigns approximately 1000 grantee codes per year, so even if the rate of assignment increases substantially in the future, the supply of five-character codes will last for many years. Parties that have been assigned three-character grantee codes may continue to use those codes indefinitely for future applications and for equipment that is already approved. The five-character codes will be assigned only to future applicants for grantee codes once the new rules are effective. The Commission is not changing the requirements for the product code format.

6. The changes adopted in the *Order* do not require prior notice and an opportunity for comment under the Administrative Procedure Act (APA). Section 553(b) of the APA establishes exceptions to the notice-and-comment requirement, and one of those exceptions is for cases in which the

**NEW HANOVER TOWNSHIP  
PUBLIC NOTICE JOINT BASE MCGUIRE-DIX-LAKEHURST**

Joint Base McGuire-Dix-Lakehurst (JB MDL) is conducting a Time Critical Removal Action (TCRA) on McGuire within Operable Unit-3 at closed landfills LF-19 and LF-20. This TCRA is being conducted by the Air Force under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and, to the maximum extent possible, the New Jersey Technical Requirements for Site Remediation (N.J.A.C. 7:26E). This notice is being issued in accordance with 40 CFR Part 300. A TCRA Memorandum and TCRA Work Plan, both dated June 2012, have been prepared to support this action. The TCRA Memorandum recommends waste consolidation, grading and capping at portions of landfill LF-19, and waste consolidation and grading at landfill LF-20. This action will prevent, minimize, and mitigate potential damage to public health, welfare and the environment.

Erosion of the South Run channel in the vicinity of landfill LF-19 has resulted in landfill refuse coming in proximity to the South Run. The removal action will remove the landfill material in proximity to the stream bank and consolidate to the southern portion of landfill LF-19, away from the stream bank. The consolidated refuse will be graded and covered with two feet of clean soil and vegetated. At landfill LF-20, several uncovered debris piles are present along the periphery of the landfill. The removal action will consolidate the material along the periphery, place the material onto LF-20, and grade the material.

The TCRA Memorandum and Work Plan are available for public review and comment at the Administrative Record File which is located at the Burlington County Library, 5 Pioneer Blvd., Westampton, N.J., 08060. The public comment period for this removal action will end on Aug. 25, 2012. Please submit comments to Mr. King Mak, Project Manager, 87th Civil Engineer Squadron, 2403 Vandenberg Ave., Joint Base McGuire-Dix-Lakehurst, N.J. 08641.

**County:** Burlington  
**Printed In:** Burlington County Times, Willingboro  
**Printed On:**

PUBLIC NOTICE

JOINT BASE MCGUIRE-DIX-LAKEHURST

The Department of Defense (DoD) has conducted live-fire training and testing of weapons at active and former military installations throughout the United States to ensure force readiness and defend our nation. While the DoD has made great progress in addressing the potential hazards associated with former munitions related activities, there remains work to be done. Through direction provided by Congress, the DoD has developed the munitions response site priority protocol (MRSPP) which assigns priority for funding investigation and clean-up of defense sites containing unexploded ordnance, discarded military munitions, or munitions constituents. Joint Base McGuire-Dix-Lakehurst (JB MDL) is currently investigating for the presence and extent of unexploded ordnance, discarded military munitions, or munitions constituents at the following Munitions Response Sites (MRSs): former Lakehurst Proving Grounds and Bombing Targets. In applying the MRSPP to these MRSs, the Air Force and JB MDL has considered various factors relating to potential safety and environmental hazards. The MRSPP evaluation criteria includes assessing types of munitions that may be potentially present, assessing land uses, determining ease of access to the MRSs, and quantifying the number of people with access to these sites.

In accordance with 32 CFR 179 and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the MRSPP score worksheets for the former Lakehurst Proving Grounds and Bombing Targets have been published for public review and comment. This report is available for review at the Burlington County Library, 5 Pioneer Boulevard, Westampton, NJ or the Ocean County Library, 101 Washington Street, Toms River, NJ. If you would like to comment on the MRSPP scores or request additional information on these MRSs or the MRSPP scoring process please contact JB MDL Public Affairs Chief Angel Lopez at (609) 754-2104, fax (609) 754-6999, email: angelica.lopez@us.af.mil. The public comment period for these scores will end on September 5, 2012. The scores will be modified or updated as additional information becomes available.



**County:** Monmouth  
**Printed In:** Asbury Park Press, Neptune  
**Printed On:**

PUBLIC NOTICE

JOINT BASE MCGUIRE-DIX-LAKEHURST

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JOINT BASE MCGUIRE-DIX-LAKEHURST, N.J.  
RESTORATION ADVISORY BOARD (RAB)  
LIST OF ACRONYMS AND ABBREVIATIONS

**ACRONYM MEANING**

AF	Air Force
BOMARC	Boeing and MARC Michigan Aerospace Research Center
COPC	Chemical of Potential Concern
CHE	Chemical Warfare Material Hazard Evaluation
CSE	Comprehensive Site Evaluation
CSM	Conceptual Site Model
DMM	Discarded Military Munitions
DRMO	Defense Reutilization and Marketing Facility
DQO	Data Quality Objective
EE/CA	Engineering Evaluation / Cost Analysis
ESTCP	Environmental Security Technology Certification Program
EHE	Explosive Hazard Evaluation
EVO	Emulsified Vegetable Oil
GPS	Global Positioning System
GW	Ground water
HHE	Health Hazard Evaluation
HASP	Health and Safety Plan
HHRA	Human Health Risk Assessment
HPT	Hydraulic Profiling Tool
HRR	Historical Records Review
HRS	Hazard Ranking System
LF	Landfill
JB MDL	Joint Base McGuire-Dix-Lakehurst
MC	Munitions Constituent
MD	Munitions Debris
MEC	Munitions and Explosives of Concern
MIP	Membrane Interface Probe
MMRP	Military Munitions Response Program
MRSP	Munitions Response Site Prioritization Protocol
MRA	Munitions Response Area
MRS	Munitions Response Site

MW	Monitoring Well
NTCRA	Non-Time Critical Removal Action
OU	Operable Unit
PAH	Polycyclic Aromatic Hydrocarbon
PAL	Project Action Level
PCB	Polychlorinated Biphenyl
PCE	Tetrachloroethene
pH	measure of acidity or alkalinity
PSL	Project Screening Level
QAPP	Quality Assurance Project Plan
RAB	Restoration Advisory Board
RAM	Removal Action Memorandum
RAWP	Removal Action Work Plan
RI	Remedial Investigation
RIR	Remedial Investigation Report
RIWP	Remedial Investigation Work Plan
SD	Sediment
SLERA	Screening Level Ecological Risk Assessment
sq ft	Square Feet
SW	Surface Water
TCE	Trichloroethene
UST	Underground Storage Tank
UXO	Unexploded Ordnance
VI	Vapor Intrusion
VOC	Volatile Organic Compound
WP	Work Plan
WP	Waste Pit (WP-21, and WP-05)
XRF	X-ray Fluorescence

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### **Restoration Advisory Board (RAB) Meeting No. 38**

*Ms. Lettman inquired as to whether ethene had an effect on the Pinelands ecology. Mr. Richardson agreed to look into that and provide answers.*

Ethene produced from PCE or TCE biodegradation can be further degraded by naturally-occurring bacteria in the aquifer under both aerobic (oxygen present) and anaerobic (oxygen-free) conditions [1, 2]. At most contaminated sites, anaerobic conditions exist closest to the source area but as you move away from the source, dissolved oxygen in the groundwater tends to increase eventually returning to baseline levels. Under these conditions, ethene will be degraded aerobically to carbon dioxide while other attenuation mechanisms such as sorption and volatilization will further reduce dissolved ethene concentrations. Often, ethene generation is the rate-limiting step during reductive dechlorination, resulting in a gradual formation of ethene at low concentrations (microgram per liter, ug/L) over time.

Limited work has been done to specifically investigate the effects of ethene (derived from reductive PCE or TCE dechlorination) on downgradient ecosystems. However, there is a significant body of work on the effects of gaseous ethene on agricultural crops and flowering plants [e.g., 3, 4, 5] that can provide some insight into the above question. In general, ethene can have both beneficial and undesirable effects in greenhouse crops. For many plants, ethene is naturally produced at trace concentrations (nanogram per liter; ng/L) and serves as a hormone for a variety of plant functions and responses to environmental conditions. However, long-term exposure of ethene at gaseous concentrations above 1 mg/L can have some detrimental effects (e.g., stunted growth, deformed leaves, delayed flowering) in some plants while in others the impact remains minimal [5]. Based on the concentrations of ethene observed at the test site

(south of Building 2305), it is unlikely that gaseous ethene will have a significant impact on the surrounding ecosystem. In addition, the field demonstration at Site SS-36 is small (50 ft x 50 ft) and is well within the confines of the base, significantly decreasing potential risks to the surrounding Pinelands ecosystem.

Additional information on ethene biodegradation and its effects on plant vegetation is available in the following references:

1. Bradley, P. M.; Chappelle, F. H. (2002). Microbial mineralization of ethene under sulfate-reducing conditions. *Bioremediat. J.*, 6 (1), 1–8.
2. Koene-Cottaar, F. H. M.; Schraa, G. (1998). Anaerobic reduction of ethene to ethane in an enrichment culture. *FEMS Microbiol. Ecol.* 1998, 25 (3), 251–256.
3. Yang, S. F., and Hoffman N. E. (1984). Ethylene biosynthesis and its regulation in higher plants. *Ann. Rev. Plant Physiol.* 35: 155–89.
4. Goeschla J.D., Kaysb S.J. (1975). Concentration Dependencies of Some Effects of Ethylene on Etiolated Pea, Peanut, Bean, and Cotton Seedlings. *Plant Physiol.*, 55(4): 670–677.
5. J.L. Gibson, B.E. Whipker, S. Blankenship, M. Boyette, T. Creswell, J. Miles, and M. Peet (2000). Ethylene: Sources, Symptoms, and Prevention for Greenhouse Crops, Horticulture Information Leaflet 530, August, North Carolina State University.

