



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

CENAE-PPE

August 12, 2025

Gwen B. Zervas, P.E., Director
New Jersey Department of Environmental Protection
Division of Remediation Management
401 East State Street
Trenton, New Jersey 08625-0420

SUBJECT: NJDEP Comments on the Proposed Plan
Former Naval Air Station Cape May, AOC 1: Abandoned Dumping Station
FUDS Site Number C02NJ0951, Cape May County, New Jersey

Dear Ms. Zervas:

The U.S. Army Corps of Engineers (USACE) is pleased to provide the enclosed responses to the New Jersey Department of Environmental Protection (NJDEP) comments on the Proposed Plan for the subject project.

The Proposed Plan was submitted to the NJDEP for review on June 17, 2025. Comments were received from the NJDEP in a letter dated August 8, 2025. All comments will be recorded in the Record of Decision.

As acknowledged in the NJDEP's letter, the Formerly Used Defense Site (FUDS) Defense Environmental Restoration Program (DERP) is required to follow the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A CERCLA-compliant Human Health Risk Assessment and Ecological Risk Assessment determined there is no unacceptable risk to support the need for remedial action, thus resulting in the selection of No Further Action.

As a courtesy to the NJDEP, the USACE will refer these comments to the federal land manager (i.e., the United States Coast Guard).

Please feel free to contact me with any questions at heather.l.sullivan@usace.army.mil or (978) 318-8543.

Sincerely,

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Heather L. Sullivan
FUDS Program Manager

Enclosure

USACE Response to NJDEP Comments on the Proposed Plan
Former Naval Air Station Cape May, AOC 1: Abandoned Dumping Station
FUDS Site Number C02NJ0951,
Cape May County, New Jersey
August 2025

NJDEP Comments Dated August 8, 2025

1. The presence of pesticides, metals, and polycyclic aromatic hydrocarbons (PAHs) above the New Jersey residential soil remediation standard for the ingestion-dermal exposure pathway requires an institutional control in the form of a federal facilities land use control or Base Master Plan advisory. A Remedial Action Permit is required if the property is transferred from the Coast Guard to a private party.

USACE Response:

The USACE executes the FUDS-DERP in accordance with CERCLA, the DERP statute, and the National Oil and Hazardous Substances Pollution Contingency Plan. If the USACE determines prior to the Feasibility Study (FS) that AOC-1 does not pose unacceptable risk to human health, safety, or the environment, the USACE is not required to complete an FS or a response action and shall not evaluate Applicable or Relevant and Appropriate Requirements (ARARs) pursuant to 42 USC § 9621(d)(2)(A) of CERCLA. Because there is no unacceptable risk at AOC-1, ARARs, such as the New Jersey soil remediation standard, will not be considered or evaluated.

Furthermore, only the federal land manager (i.e., the United States Coast Guard (USCG)) has agency to prepare a land use control or modify the Base Master Plan (i.e., not the USACE).

2. The Ecological Risk Assessment was not conducted according to the Department's technical guidance. Pesticides in particular exceed the medium effects range for saline water environments.

USACE Response:

See Response to Comment # 1.

3. The Department requires pesticides to be addressed in accordance with the Historically Applied Pesticide Technical Guidance.

USACE Response:

See Response to Comment # 1.