



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

**CERTIFIED MAIL, – RETURN RECEIPT REQUESTED**

August 12, 2015

Mark Patterson  
FWDA, BRAC Coordinator  
P.O. Box 93  
Ravenna, OH 44266

Steve Smith  
USACE FWDA Program Manager  
CESWF-PEC-EF  
819 Taylor Street, Room 3A12  
Fort Worth, TX 76102

**RE: APPROVAL WITH MODIFICATIONS  
FINAL RCRA FACILITY INVESTIGATION REPORT  
PARCEL 23, REVISION 1.0  
FORT WINGATE DEPOT ACTIVITY  
MCKINLEY COUNTY, NEW MEXICO  
EPA ID# NM6213820974  
HWB-FWDA-12-002**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) has reviewed the *Final RCRA Facility Investigation Report, Parcel 23, Revision 1.0* (Report), dated February 28, 2015 for Fort Wingate Depot Activity (Permittee). NMED hereby issues this Approval with Modifications with the following modifications.

**Modifications**

1. The Permittee must submit a Phase II Work Plan as stated in the response to NMEDs Disapproval, dated August 19, 2014. The Permittee's response letter was dated February 28, 2015 and is included in Attachment A of this Report. The Phase II Work Plan must be written and submitted in accordance with Section VII.H.1.b of the Permit prior to conducting any field activity. The work plan must describe in detail the proposed soil sampling activities and include figures identifying the proposed soil boring locations.

2. In future responses to Disapprovals the Permittee must reference the Permittee's response letter comments in the applicable sections of the Report where future work is being proposed; otherwise it appears that comments in the disapproval were not addressed. The Permittee is required to provide a response letter that cross-references NMEDs comments and demonstrates where changes have been made to the revised document.

3. The Permittee must use the 2014 NMED Risk Assessment Guidance as updated for the work proposed performed in the Phase II Work Plan.

4. In Section 3.6.2, the Permittee proposed to install three additional borings at SWMU 21 in an effort to evaluate the horizontal extent of contamination near soil boring SB08. The proposed method is acceptable; however, a survey must be conducted in order to accurately apply correction factors for terrain slope in order to ensure that the proposed depth of 17-18 feet-below ground surface (ft-bgs), relative to soil boring 08 (SB08) to equal the baseline ground surface depth of 0 feet. NMED recommends that samples be collected at two-and-one-half-foot intervals for the upper ten feet and at five foot intervals from the surface thereafter. This recommendation stems from the exceedances in the "clean fill" and the fact that residential risk is applicable to 10 ft-bgs. The method proposed by the Permittee would not provide data to determine an acceptable risk for the first 10 ft-bgs as proposed in this Report.

5. In Section 4.6.2, the Permittee recommends no further corrective action for AOC 73. NMED concurs with this recommendation pending an evaluation of the data collected for a soil background study based on incremental (IM) samples. The approved 2010 Shaw soil background study conducted at FWDA represents grab samples, which are discrete sample data. Discrete sample results provide a measure of the distribution of concentrations in relatively small volumes of soil in a specified area, where IM samples provides measure of the distribution of mean concentrations, each of which is an estimate of the population mean for the entire decision unit. Due to the differences in attributes, a comparison of IM results to discrete background data cannot be conducted. Comparison of an IM estimate of the mean to a discrete sample collected from soil representing background is likely to lead to decision errors in which one incorrectly concludes that the contaminant distribution on site is consistent with background conditions (refer to Chapter 4 ITRC Incremental Sampling Methodology: <http://www.itrcweb.org/>). Submit a Phase II Work Plan to conduct a soil background study for IM data for comparison to the site IM data.

The Permittee must submit a Phase II Work Plan to address comments contained in NMED's Disapproval dated August 19, 2014 and must address all comments contained in this Approval with Modifications. The Phase II Work Plan must be submitted on or before **November 30, 2015**.

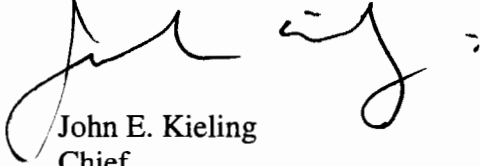
Messrs. Patterson and Smith

August 12, 2015

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If you have any questions regarding this letter, please contact Vicky Baca at (505) 476-6059.

Sincerely,



John E. Kieling

Chief

Hazardous Waste Bureau

cc: Dave Cobrain, NMED, HWB  
Neelam Dhawan, NMED, HWB  
Kristen Vanhorn, NMED, HWB  
Chuck Hendrickson, EPA-6PD-N  
Tony Perry, Navajo Nation  
Val Panteah, Governor, Pueblo of Zuni  
Clayton Seoutewa, Southwest Region BIA  
Rose Duwyenie, Navajo BIA  
Judith Wilson, BIA  
Eldine Stevens, BIA  
Christy Esler, Sundance Consulting, Inc.

File: FWDA 2015 and Reading  
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