



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-9
600 ARMY PENTAGON
WASHINGTON, DC 20310-0600

24 April 2023

Army Environmental Division - BRAC Operations Branch

Mr. Rick Shean
Acting Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Dear Mr. Shean,

The Army is responding to the New Mexico Environment Department's (NMED) February 28, 2023, letter that requested an acceptable schedule for submitting outstanding documents at Fort Wingate Depot Activity (FWDA). A draft schedule is presented at the end of this letter. As noted in previous correspondence, since receiving Notices of Violation (NOV) in 2019, the Army has continued to implement remedial actions at FWDA, obligating an additional \$15 million annually and over 500,000 hours of effort toward on the ground remediation.

The following proposals and updates form the basis for the draft schedule presented at the end of this letter:

- 1) NMED identified 19 outstanding documents and the Army is aware of an additional 12 documents, for a total of 31 documents that require action at FWDA. In preparing this response, the Army considered how to complete these documents in an accelerated manner within its limited resources. These documents are at various stages of development, review, and/or approval by NMED, some with data collected in recent years and some with correspondence and data from more than 10 years ago.
- 2) NMED stated that Army contracting issues are not an acceptable justification for delay at FWDA and the Army understands and appreciates NMED's position. However, federal anti-deficiency and contracting laws underpin the legal and fiscal requirements of firm-fixed-price contracting based on a defined scope of work. The previously agreed to schedule and over \$120M in remediation contracts did not foresee the magnitude of modifications in scope of work required at FWDA, including those due to NMED comments on submitted documents.
- 3) To address these contracting and sequencing challenges, the Army proposes to implement the outstanding requirements at FWDA sequentially as follows:
 - a. Complete Remedial Facility Investigation (RFI) Work Plans and Reports in the phases needed to complete the RFI process for each FWDA parcel.

- b. Complete Remedial Actions (RA) identified in Final RFI Reports as required for each Area of Concern (AOC) and Solid Waste Management Unit (SWMU) and finalize documentation for completed RAs.
- 4) Some of the 31 outstanding documents are related to Permittee Initiated Interim Measures (PIIM). Except for Parcel 3, the Army requests approval to defer work on PIIM documents until the RFI Report for each of the parcels is complete. The RFI Reports will summarize field work completed in PIIM actions to date and will subsequently characterize contamination that may still remain.
- 5) For parcels in the Northern Area (Parcels 6, 7, 11, 13, 21, 22, 23), the Army proposes to complete outstanding RFIs that have been initiated but not completed. The Army's plan is to award one contract with capacity to complete the RFI Reports for the seven (7) Northern Area parcels. The contract is expected to include provisions to maximize the use of previously collected data, and to identify additional data that may be required to complete the RFI process. The Contractor will then revise and/or prepare any necessary additional work plans, complete additional field work, and submit documents for NMED approval. Through this process the Army will address previous direction from NMED from earlier reviews of the relevant 31 documents.
- 6) For parcels in the Northern Area, NMED has provided direction in recent letters to submit new work plans and perform additional field work and reporting. These include the February 2023 Notice of Disapproval (NOD) for the Groundwater RFI, which includes a requirement to submit a work plan for a new well, a work plan for a new soil boring for hexavalent chromium, and a work plan for investigation of perchlorate and removal of perchlorate contaminated unconsolidated material. Future work for perchlorate could include corrective measures and a pilot study for remaining bedrock and groundwater perchlorate contamination. The Army plans to address these requirements through the upcoming Document Completion contract, though the requirement for additional work plans as described above will be addressed through the RFI process for the parcel where the potential contamination occurs. The Army respectfully requests that existing NMED due dates for the various work plans be re-established at the appropriate RFI submittal date for the relevant parcel (as proposed in the draft schedule provided at the end of this letter).
- 7) Regarding laboratory analytical methods (Limits of Quantitation (LOQ)), the Army submitted the third and final phase of an NMED requested LOQ study on April 24, 2023. The study involved a survey of 65 Department of Defense (DoD) Environmental Laboratory Accreditation Program (ELAP) certified laboratories, of which 45 responded. In Phases 1 and 2 of the study, the Army evaluated the reported analytical performance from the laboratories against NMED screening levels (SL) for groundwater, to determine the extent to which SLs could be met by the laboratories. In Phase 3, for those analytes where LOQ remained above the SL in Phases 1 and 2, the Army proceeded with a multiple Lines-of-Evidence (LOE) approach to assess whether the analyte(s) is/are unlikely to be found at FWDA. At the conclusion of the LOE steps, the Army identified twenty-seven (27) analytes that could be present at FWDA, where the laboratory LOQ is above the NMED Screening Level (SL). Based on the results of the LOQ survey, the Army proposes the following:

- a. For analytes where 50% or more of the responding laboratories can achieve $LOQ < SL$, the Army will utilize DoD-ELAP certified laboratories that report as being able to achieve $LOQ < SL$ for those analytes.
 - b. For analytes where less than 50% of the responding laboratories can achieve $LOQ < SL$, the Army will perform Fort Wingate specific baseline risk assessments to determine whether concentrations of those analytes at the LOQ present unacceptable risk at FWDA.
 - i. If cumulative risk is unacceptable (i.e., incremental lifetime cancer risk greater than $1E-05$ or the noncancer hazard index greater than 1.0), the Army will develop a work plan for NMED approval to perform a targeted study to address the remaining uncertainty for these 27 analytes.
 - ii. If risk is acceptable (i.e., incremental lifetime cancer risk less than $1E-05$ or the noncancer hazard index less than 1.0. target risk $< 1E-05$), the Army will use the LOQ for these outstanding analytes for decision making.
- 8) The Army will complete work on the current Parcel 3 contract addressing the HWMU Removal project to coincide with the contract end date in mid-2024.
- 9) The Army is pursuing a change in status for parcels in the Fort Wingate Launch Complex (Parcels 2, 9, 19, and 20) and Parcel 3, from Inactive non-military use to Active Status.
- 10) The Army anticipates it will not be able to transfer the Parcel 3 Open Burn/Open Detonation (OB/OD) area and will therefore secure the entire Parcel 3 perimeter and implement additional measures necessary to prevent and address potential MEC migration from the site.
- 11) For earth covered magazines (Igloos) in the Northern Area at FWDA (i.e., Parcels 6, 16, 22, and 24), the Army will prepare the Igloos for transfer by cleaning the Igloo interiors to a surface wipe occupational health screening criteria derived from Occupational Safety and Health Administration (OSHA) Permissible Exposure Limits (PEL) for an industrial/commercial standard. The Army recently completed a case study on Igloo cleaning procedures and will provide results to NMED immediately as it is available.
- 12) The Army needs and desires NMED's support to appropriately scope the proposed FWDA Northern Area Document Completion contract prior to award. The Army will also need to work with NMED to determine the extent to which various and previously collected data will be acceptable for use in completing the RFIs. Subsequent to this review, the Army anticipates working closely with NMED to develop a schedule for completing the RFIs and subsequent RAs. The Army considers the draft dates in the table below to be feasible based on experience to date at FWDA. These dates are subject to change based on collaboration with NMED.

The Army's Point of Contact for Fort Wingate is, George H. Cushman IV
George.h.cushman.civ@army.mil 703-455-3232 (Temporary Home Office, preferred) or 703-608-2245 (Mobile).

Sincerely,

RAMSDELL.RICHARD.C.11614514
RD.C.1161451408

Digitally signed by
RAMSDELL.RICHARD.C.11614514
08
Date: 2023.04.24 17:14:32 -04'00'

Richard Ramsdell
Army BRAC Branch Chief

Enclosure

cc:

Ben Wear, NMED, HWB
Michiya Suzuki, NMED, HWB
Laurie King, USEPA, Region 6
Lucas McKinney, USEPA, Region 6
Alan Soicher, USACE
Matt Earthman, USACE

NMED Issued Notices of Violation (NOV), Outstanding Deadlines, and Proposed Resolution

Parcel	2/28/23 Letter Table Number	NOV #	Document	Proposed Approach	Submittal Date to NMED
3	1	1	Final Interim Measures Work Plan Areas of Concern and Solid Waste Management Units in the Kickout Area	Submit following completion of Parcel 3 RFI . See column 2 document #19.	Pending
3	2	2	Final Report Munitions and Explosives of Concern Removal and Surface Clearance Kickout Area	Parcel eligible for retention for active mission requirements.	N/A
6	3	2	Permittee-Initiated Interim Measures Report, Parcel 6, Areas of Concern 28, SWMU 8 - Former Building 537, SWMU 20 - Feature 4 (Areas A and B) and Locomotive	Submit following completion of Parcel 6 RFI. See column 2 document #22.	Pending
7	4	2	Final RCRA Facility Investigation Report	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 7. See column 2 document #12.	3/15/2024
11	5	2	Final RCRA Facility Investigation Phase 2 Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 11.	3/15/2024
GW	6	2	Groundwater Monitoring Work Plan, Parcel 3	Submitted Parcel 3 Groundwater RFI Supplemental Sampling Work Plan to NMED for implementation after Parcel 3 replacement monitoring wells are installed.	4/19/2023
21	7	3	Final RCRA Facility Investigation, Phase 2 Report	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 21.	3/15/2024
24	8	3	Final RCRA Facility Investigation Phase 2 Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 24.	12/1/2024
13	9	3	Final RCRA Facility Investigation Report	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 13.	12/1/2024
21	10	3	Final Permittee-Initiated Interim Measures Report	Submit following completion of Parcel 21 RFI. See column 2 document #7.	Pending
22	11	3	Final RCRA Facility Investigation Report	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 22.	3/15/2024
7	12	3	Final RCRA Facility Investigation Phase 2 Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 7.	12/1/2024

13	13	3	Final RCRA Facility Investigation Phase 2 Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 13.	12/1/2024
22	14	NA	Final RCRA Facility Investigation Phase 2 Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 22.	3/15/2024
19	15	NA	Final RCRA Facility Investigation Work Plan	Parcel retained for active missions and operational requirements.	N/A
9	16	NA	Final RCRA Facility Investigation Work Plan	Parcel retained for active missions and operational requirements.	N/A
2	17	NA	Final RCRA Facility Investigation Work Plan	Parcel retained for active missions and operational requirements.	N/A
9	18	NA	Final Investigation Report Igloo Block A Parcel 9	Parcel retained for active missions and operational requirements.	N/A
3	19	NA	Final RCRA Facility Investigation Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 3.	3/1/2025
3	20	3	HWMU Removal Report - Progress Report	Submit annual HWMU Removal status report summarizing work performed in 2022.	6/30/2023
6	21	NA	Final RCRA Facility Investigation Report	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 6.	12/1/2024
6	22	NA	Phase 2 RCRA Facility Investigation Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 6.	12/1/2024
11	23	NA	Final Phase 2 RCRA Facility Investigation Report for Munitions and Explosives of Concern Parcel 11 Solid Waste Management Unit (SWMU) 40 and SWMU 10 MEC Removal Action	Submit Work Plan to fill remaining data gaps and complete RFI process for MEC in Parcel 11.	3/1/2025
20	24	NA	Final RCRA Facility Investigation Work Plan	Parcel retained for active missions and operational requirements.	N/A
21	25	3	Interim Measure Report Parcel 21 - SWMU 1 - TNT Leaching Beds	Interim Measures Completion Report approved 6/6/2022. [Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 21 on 3/1/2024.]	3/15/2024
22	26	NA	Final RCRA Facility Investigation Report for Munitions and Explosives of Concern (MEC Parcel 22 Solid Waste Management Units 12, 27, 70 and Areas of Concern 88A and 88B)	Submit Work Plan to fill remaining data gaps and complete RFI process for MEC in Parcel 22.	3/1/2025

23	27	NA	Final RCRA Facility Investigation Phase 2 Work Plan	Submit Work Plan to fill remaining data gaps and complete RFI process for Parcel 23.	12/1/2024
GW	28	2	Final Groundwater Supplemental RCRA Facility Investigation Report	Submit revised Groundwater Supplemental RFI Report (Revision 3). Submit Work Plan to fill remaining data gaps and complete RFI process for Northern Area Groundwater.	6/30/2023 3/15/2024
GW	29	2	Parcel 3 Groundwater Monitoring Report	Data will not be submitted for decision making. Will rely on data from document #6 column 2 above for decision making.	N/A
GW	30	3	Background Well Installation Completion Report	Army submitted Completion Report on 10/24/19. NMED issued Approval on 8/5/20.	N/A
GW	31	NA	Final Bench and Pilot Testing Work Plan to Support Future Corrective Measures Study	Submit following completion of Groundwater Supplemental RFI Report. See column 2 document #28.	Pending