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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 5, 2008

Mark Patterson
Ravenna Army Ammunition Plan
Building 1037
8451 State Route 5
Ravenna, OH 44266

Steve Smith
CESWF-PER-DD
819 Taylor Street, Room 3A12
PO Box 17300
Fort Worth, TX 76102-0300

**RE: APPROVAL WITH MODIFICATION
KICKOUT INVESTIGATION WORK PLAN, MARCH 23, 2008
FORT WINGATE DEPOT ACTIVITY,
MCKINLEY COUNTY, NEW MEXICO
EPA ID# NM6213820974
FWDA-06-005**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) has completed its review of the Department of the Army's (the Permittee) revised *Kickout Investigation Work Plan* (Work Plan), dated March 23, 2008. This submittal is a requirement of Section IV of the *Fort Wingate Depot Activity RCRA Permit* (RCRA Permit) and is in response to NMED's Notice of Disapproval (NOD) dated April 3, 2008. Based on the information presented in the Work Plan, NMED hereby approves the Work Plan with the modifications listed in this letter.

COMMENT 1

In Comment 3 of the NOD, NMED requires that the Permittee address a number of previous investigations (listed in Comment 3.) by providing a short summary. In the response to NOD, the Permittee states that "[t]he Army proposes the projects listed by NMED be addressed in other upcoming submittals such as the Closure Plan Phase I Work Plan for OB/OD Unit, which will be forwarded to the State at a later date." The Permittee was required to summarize the

investigations listed in Comment 3 in the Work Plan; however, the Permittee failed to do so. The Permittee must specify if the activities referenced in Comment 3 are located outside of the kickout boundary or if these investigations are encompassed within the kickout boundary. If these investigations are located outside of the kickout boundary and/or the delineation area, the Permittee must provide a figure showing these locations and incorporate these areas in the Kickout Delineation Work Plan.

COMMENT 2

In Comment 4 of the NOD, NMED required that the Permittee provide a figure that includes the approximate locations of munitions and explosives of concern (MEC) found during the previous investigations conducted at the site. In the Comment Response Table the Permittee states that “[m]aps of these two previously investigated areas has been included in Appendix B of the work plan, see Figure B-2.” The Permittee did not include the locations of the MEC items found during the referenced investigations in Figure B-2. The Permittee must provide a figure that includes the approximate locations of MEC items found during the 1995 and 1998 to 1999 clearance operations.

COMMENT 3

In Comment 14 of the NOD, NMED states that the Permittee must describe how each MEC item listed in Section 3.2.1 of the former Work Plan will be addressed, managed and disposed. The Permittee did not address NMED’s Comment 14 in the Work Plan, but provided a response to Comment 14 in the Comment Response Table. The contents included in the response must be incorporated into the revised Work Plan.

COMMENT 4

In Comment 20 of the NOD, NMED requests that the Permittee describe the criteria for designating a MEC item as unacceptable to move. As stated in the Comment Response Table, the Permittee’s response is “[s]ection 3.22 has detailed explanation of the Blow-in-place criteria as well as the criteria for determining whether items are safe to move.” Section 3.22 does not discuss blow-in-place criteria, nor does this section discuss the criteria used for determining if an item is unacceptable to move. The Permittee must describe, in the revised Work Plan, the criteria used for determining if a MEC item is unacceptable to move. The Permittee must also include details for blow-in-place criteria.

COMMENT 5

In Comment 21 of the NOD, NMED states that the Permittee must explain how the kickout from MEC items related to the Old OB/OD is being addressed. In the Response Table, the Permittee states that Section 1.2 has been amended; however, the Permittee did not modify Section 1.2 of the Work Plan to address the Old OB/OD. In the response for Comment 21, the Permittee does discuss Kickout from the Old OB/OD; however, the Permittee does not include these details in

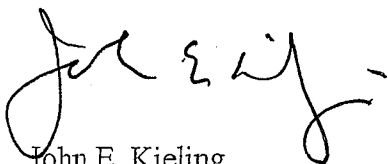
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the Work Plan. The additional information presented in the response to Comment 21 must be included in the revised Work Plan.

The Permittee must address all comments contained in this letter and submit a revised Kickout Investigation Work Plan. The cover page must indicate that the submittal is a revision and was prepared for NMED. The revised Work Plan must be accompanied with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. The Permittee must also submit an electronic copy of the Revised Work Plan with all edits and modifications shown in redline-strikeout format. Noncompliance with the modifications outlined in the approval letter will result in automatic withdrawal of the Work Plan approval and potentially subject the Permittee to an enforcement action. The revised Work Plan must be submitted to NMED no later than June 30, 2008.

If you have any questions please call Tammy Diaz of my staff at 505-476-6056.

Sincerely,



John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau

cc:

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FWDA 2008 and Reading File
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