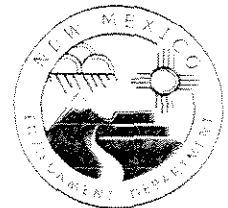


NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 7, 2008

Mark Patterson
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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
RCRA FACILITY INVESTIGATION WORK PLAN, PARCELS 12, 14 AND 25
FORT WINGATE DEPOT ACTIVITY
EPA ID# NM6213820974
FWDA-08-003**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) has completed its review of the Department of the Army's (the Permittee) *RCRA Facility Investigation Work Plan, Parcels 12, 14, and 25* (Work Plan), dated June 27, 2008, submitted in response to NMED's Notice of Disapproval (NOD) dated May 30, 2008. NMED hereby approves the Work Plan with the modifications outlined below.

COMMENT 1

In Section 3.2.2 (Historical Records Review), page 3-4, lines 13-14, the Permittee states that "[o]n June 18, 2008, the Army contacted Tom Coke, New Mexico National Guard Public Affairs Officer. Mr. Coke indicated that he will provide the Army with a signed statement by the retired Lieutenant General commanding the NM National Guard during the period in question on FWDA stating that no ammunition was transported to or fired at FWDA during NM National Guard operations conducted on Parcels 12, 14, or 16. The Army will forward this statement to

NMED upon Receipt.” Pending the letter provided by Tom Coke no additional characterization is necessary at Parcel 14 and the Permittee may proceed with submittal of a Class III Permit Modification request for a corrective action complete determination for AOC 93 after the investigation of AOC 93 on Parcel 12 is complete (see Comment 3 below) and to remove Parcel 14 from the RCRA Permit.

COMMENT 2

In Section 3.2.3 (Site Reconnaissance), page 3-6, lines 10-14, the Permittee states “[i]t is the Army’s current understanding based on this information that Parcel 25 is not owned by the Army and thus proposes postponing sampling until ownership is verified. If it is determined that Parcel 25 does not belong to the Army, the Army will submit a Class I Permit Modification to remove it from the RCRA permit with no further action.”

The Permittee has since confirmed that it does own the property and has provided NMED with information that confirms that the Army leases rights-of-way (ROW) in Parcel 25 to the BNSF Railroad and the State of New Mexico. Since the ROW leases are for indefinite time periods, the lessee’s are responsible for the maintenance and upkeep of the property. Therefore, no further characterization is necessary at Parcel 25 and the Permittee may proceed with submittal of a Class I Permit Modification request to remove Parcel 25 from the RCRA Permit.

COMMENT 3

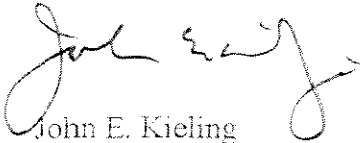
In Section 3.4 (Scope of Activities), page 3-7, lines 33-37, the Permittee states that “[i]n order to confirm the presence or absence of releases of hazardous constituents within the trenches, pits or other disturbed areas located in the portion of AOC 93 situated within Parcel 12, a number of shallow and subsurface discrete soil samples will be collected.” On page 3-8, lines 13-16 the Permittee states that “[a]ll soil sampling sites will consist of a sample collected from the surface (nominally zero to three inch depth interval) and a sample collected from the subsurface (one foot depth) with a decontaminated stainless steel spoon or disposable plastic trowel.”

NMED approves these sampling depths; however, if there is evidence of any hazardous material in the trenches other than construction debris (e.g., concrete, wood, bricks, and metal) the Permittee must collect samples from the locations proposed in Figure 3-3 from the native soil from depths of zero to six inches and one foot below the basis of each individual disposal pile, trench and pit. All samples must be analyzed for Target Compound List (TCL) semi-volatile organic compounds (SVOCs), TCL volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), metals, asbestos, and diesel range organics (DRO).

Messrs. Patterson and Smith
August 7, 2008
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If you have any questions regarding this letter, please contact Tammy Diaz of my staff at (505) 476-6056.

Sincerely,



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

cc: Tammy Diaz, NMED HWB
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File: FWDA 2008 & Reading File
FWDA-08-003