



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON, DC 20310-0600

August 29, 2019

Base Realignment and Closure Division

John Kieling
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

RE: Additional Information Related to the August 16, 2019 Proposal to Reset Enforceable Schedule and Resolve Programmatic Issues at Fort Wingate Depot Activity (FWDA), McKinley County, New Mexico. EPA # NM6213820974

Dear Mr. Kieling:

The purpose of this letter is to follow up on a task identified in the Army's August 16, 2019 letter regarding Fort Wingate, NM. Specifically, this letter transmits an initial list of issues (Enclosure 1) associated with the FWDA program that are affecting the outstanding documents identified in the Army's August 16, 2019 letter. The initial list of issues includes a description of the issue, the actions that have been taken related to the issue, and a proposal for discussion on how to resolve the issue. As noted in the August 16, 2019 letter, we again request to schedule an initial meeting with NMED staff in Santa Fe in September or October of this year to begin to resolve these issues.

If you have questions, please contact me at mark.c.patterson.civ@mail.mil or at (505) 721-9770.

Sincerely,

PATTERSON.MAR
K.C.1229214493

Digitally signed by
PATTERSON.MAR.K.C.1229214493
Date: 2019.08.29 10:03:30 -04'00'

Mark Patterson
BRAC Environmental Coordinator

CF:

Mr. Dave Cobrain, NMED-HWB
Mr. Benjamin Wear, NMED-HWB
Mr. Michiya Suzuki, NMED-HWB
Mr. John Verheul, NMED OGC
Ms. Laurie King, EPA Regions 6 (6LCRRRC)
Mr. Charles Hendrickson, Region 6 (6LCRRRC)
Ms. Renee Terrell, BRACD
Mr. Ian Thomas, BRACD
Ms. Sue Ryan, BRACD
Mr. Mark Patterson, BRACD
Mr. Arnold Newman, USACE

Mr. Kevin Davee, USACE
Ms. Loretta Turner, USACE
Mr. Scottie Fiehler, USACE
Mr. Steve Smith, USACE
Mr. Alan Soicher, USACE
FWDA Admin Record, Ohio / New Mexico

Issue No.	Topic	Description	Action Taken to Date	Proposal for Discussion
1	Limit of Detection (LOD)/Limit of Quantitation (LOQ) for analytical testing at laboratories	NMED has requested that the Army use analytical laboratories that can achieve quantitation limits below regulatory screening levels.	Army has researched which DoD Environmental Laboratory Accreditation Program (ELAP) certified analytical laboratories can achieve what LOQs for the required analytes. None of the laboratories can achieve LOQs below screening levels for all required analytes.	Army and NMED meet to come to agreement on how to resolve this concern, potentially including how to prioritize which analytes are most important for ensuring the LOQ is below regulatory screening levels.
2	Searchable Electronic Database	NMED has requested that the Army provide analytical data in a searchable electronic database (for both historical data and newly collected data).	Army has committed to providing all newly collected data in Excel or Access database format. Army has considered how to address the request to provide historic data in this searchable format, and determined it would be exceedingly difficult to provide historic data in this format unless it is already in a searchable format.	Army is requesting that NMED accept that historical data will not be provided in searchable electronic format unless it is already available in that format.
3	Incremental Sampling Methodology (ISM)	In response to Army proposals, NMED has given direction on how and where it might be appropriate to use ISM for soil sampling at Fort Wingate.	Army has considered NMED's direction on the use of ISM, and is seeking clarification on the use of ISM data, particularly for data that has already been collected (e.g. igloo aprons and revetments at Fort Wingate).	Army and NMED meet to clarify the criteria that should be used to determine when and how ISM might be used at Fort Wingate.
4	Additional Characterization vs. Remedial Actions and Confirmation Sampling	To further define nature and extent of contamination, NMED has requested that Army perform step-out sampling at locations five to ten feet from the original sample location in at least four directions.	Army considered this direction from NMED. Army is requesting that NMED provide flexibility in how to address such contamination, either by determining the scale of step-out sampling for characterization of nature and extent, or by proceeding to an interim removal action followed by confirmation sampling. Army understands that it assumes all risk for needing to remediate any areas not characterized as clean.	Army is requesting that NMED allow Army to determine how best to address potential contamination, either by determining the scale of step-out sampling, or by implementing remedial actions and confirmation sampling. Regardless, Army understands it assumes all risks related to this determination.
5	Requests for follow-on work plans prior to approval of initial reports	NMED has requested that Army submit follow-on work plans before initial reports are approved (e.g. requesting a Phase 2 work plan in a Notice of Disapproval on an initial report).	Army has considered this request. Preparing a follow-on work plan before an initial report is approved creates significant uncertainty for Army funding and contracting requirements. Army proposes to submit work plans for follow-on phases of work only after receiving approval of reports on previous phases of work.	Army is requesting that NMED approve initial reports before requiring submittal of work plans for follow-on phases of work.
6	Providing additional comments on previously reviewed documents	NMED has generated new comments and raised new issues that were not identified in earlier reviews of the same document.	Army has identified numerous examples of NMED generating new comments on previously reviewed sections of documents. This creates significant uncertainty for Army funding and contracting requirements.	For revised document submittals, Army is requesting that NMED only comment on the parts of the document that were revised.
7	NMED Risk Assessment Guidance version	There has been inconsistent direction on which version of the NMED Risk Assessment Guidance to use.	Army reviewed the historical record and found differing direction on this topic, including to use the risk guidance in place when the field work begins, when the field work ends, and when the risk screening is being performed. Army proposes to use the work plan to document which version of the risk assessment guidance will be used. Then, when performing the risk screening, Army will use the screening levels in place at that time.	Army and NMED meet to consider this proposal and come to agreement on how to resolve this concern.
8	Field Changes protocol- Notification to NMED	Army is seeking to confirm protocol.	Army proposes to contact NMED by telephone regarding field change proposals, seek concurrence verbally, then follow up with email to NMED documenting the change. This change would then be documented in the report.	Army is requesting that NMED consider this proposal.
9	NMED Assigned Deadlines	NMED is assigning deadlines in NOD/Approval letters that are sometimes not feasible for the Army to meet (for logistical/contractual/funding reasons).	Army has requested to discuss schedules with NMED before assigning deadlines in NOD/Approval letters to avoid the need for requesting extensions. Army is again requesting that NMED consult with Army prior to assigning deadlines for future submittals.	Army is requesting that NMED consider this proposal.

Issue No.	Topic	Description	Action Taken to Date	Proposal for Discussion
10	Appendices in Documents	Army is requesting clarification on what to include (and not include) in appendices section of work plans and reports.	<p>Army reviewed the historical record and found the following examples of items that NMED directed not to include as appendices in work plans/reports:</p> <ul style="list-style-type: none"> Explosives Management Plan Environmental Protection Plan Property Management Plan Interim Holding Facility Siting Plan for Chemical Warfare Materiel Physical Security Plan for Recovered Chemical Warfare Materiel Accident Prevention Plan Uniform Federal Policy - Quality Assurance Project Plan (UFP-QAPP) Explosives Safety Submission Landfill Disposal Management Plan/Documentation Final Installation Spill Contingency Plan NRCS Soil Survey of McKinley County, New Mexico [Cultural Resources] Programmatic Agreement Asphalt Road Construction Specifications Laboratory Quality Control Limits Building Post-Demolition Sampling Report USACE Sampling and Analysis Plans Aquifer Test Package 	Army and NMED meet to clarify the criteria that should be used to determine what to include in appendices on Army submittals to NMED.
11	Groundwater Risk Assessment	In reviewing the Northern Area Groundwater RFI Report, NMED commented that it is not appropriate to perform a Risk Assessment as part of the RFI.	Army considered this comment and sought clarification from NMED. Ben Wear provided the following clarification on 22 August, 2019: "...in NM, all groundwater is considered a potential drinking water source, therefore, if any contaminant exceeds it's screening level, the site will fall risk." Army considered this response and is seeking to better understand how NMED views risk mitigation options for groundwater contamination.	Army and NMED meet to further explore this topic.
12	NMED Statement	NMED has included the following statement in document approval letters: "Approval of this document does not constitute agreement with all information or every statement presented in the document."		Army is requesting clarification from NMED on the implication of including this statement in document approval letters.

Christy Esler

From: Christy Esler <cesler@sundance-inc.net>
Sent: Thursday, August 29, 2019 12:14 PM
To: john.kieling@state.nm.us; (dave.cobrain@state.nm.us); Ben Wear (benjamin.wear@state.nm.us); Michiya Suzuki; 'John.Verheul@state.nm.us'; Laurie King (king.laurie@epa.gov); hendrickson.charles@epa.gov; renee.a.terrell2.civ@mail.mil; Ian Thomas (ian.m.thomas2.civ@mail.mil); Ryan, Susan M CIV USARMY HQDA OTJAG (US); Patterson, Mark C CIV (US); 'Newman, Arnold R CIV USARMY CESWF (USA)'; 'kdavee@usace.army.mil'; 'Loretta.j.turner@usace.army.mil'; Fiehler, Scottie L CIV USARMY CESWF (US); Steven Smith (steve.w.smith@usace.army.mil); 'Soicher, Alan J CIV USARMY CESWF (USA)'
Subject: Additional Information Related to the August 16, 2019 Proposal to Reset Enforceable Schedule and Resolve Programmatic Issues, Fort Wingate Depot Activity
Attachments: Additional Info Related_16Aug2019 Proposal_Reset Enforceable Schedule_Resolve Programmatic Issues_FWDA_29Aug2019.pdf

Mr. Keiling,

The purpose of the attached letter and Enclosure 1 is to follow up on a task identified in the Army's August 16, 2019 letter regarding Fort Wingate, NM.

If you have questions, please contact Mark Patterson at mark.c.patterson.civ@mail.mil or at 505-721-9770.

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Respectfully submitted,

Christy Esler | Program Manager

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2 Your Internal Billing Reference
 Additional info - 16 Aug ltr.

3 To Recipient's Name Mr. John Kieling
 Company: NMED-HWB
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