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JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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RYAN ILYNN
Cabinet Secretary-Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 17, 2014

Mark Patterson
FWDA BEC
Building 1038
8451 State Route 5
Rootstown, OH 44272

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

**RE: APPROVAL
RCRA FACILITY INVESTIGATION REPORT
PARCEL 10B: AOC 44 AND SWMU 26
FORT WINGATE DEPOT ACTIVITY, NEW MEXICO
EPA ID# NM6213820974
FWDA-12-001**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) received the Department of the Army's (the Permittee) letter regarding the *Final RCRA Facility Investigation Report Parcel 10B-Arsenic*, dated September 18, 2013 in response to comments made by NMED dated May 7, 2013 for the Final RCRA Facility Investigation Report (RFI) Parcel 10B, dated, March 19, 2012. The intent of the letter dated September 18, 2013 was to request no further action (NFA) for Parcel 10B at area of concern (AOC) 44 and Solid Waste Management Unit (SWMU) 26 based on the 2009 and 2012 arsenic and antimony soil background study.

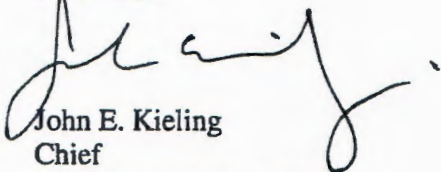
The Permittee proposed NFA at AOC 44 and SWMU 26 based on the 2009/2012 95th upper tolerance limit (UTL) of 4.6 milligrams per kilogram (mg/kg) for soil unit 225. However, in a letter dated December 18, 2013 the NMED has determined the arsenic background concentration

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of 5.2 mg/kg is acceptable for Fort Wingate Depot Activity (FWDA) provided there are no possible sources of arsenic related to historic Army operations at that site. The exceedances found in Parcel 10B range from 4.2 mg/kg – 4.3 mg/kg. Therefore, NMED has determined that additional corrective action is not required at Parcel 10B for AOC 44 and SWMU 26. The Permittee may submit a petition for corrective action complete for these sites.

If you have questions regarding this approval please contact Vicky Baca of my staff at 505-476-6059.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: Neelam Dhawan, NMED HWB
Dave Cobrain, NMED HWB
Christy Esler, USACE
Laurie King, U.S EPA Region 6
Chuck Hendrickson, U.S. EPA Region 6
Darrell Tsabetsaye, Zuni Pueblo
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Tony Perry, Navajo Nation
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Judith Wilson, BIA
Eldine Stevens, BIA
Matthew Kirkland, BIA

File: FWDA 2014 & Reading File
HWB-FWDA-12-001