



DEPARTMENT OF THE ARMY
FORT WINGATE DEPOT ACTIVITY
P.O. BOX 268
FORT WINGATE, NM 87316

March 4, 2014

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

Dear Mr. Kieling:

The purpose of this letter is to submit a petition for the Corrective Action Complete Determination without controls for Area of Concern (AOC) 44, and Solid Waste Management Unit (SWMU) 26 at Fort Wingate Depot Activity (FWDA). In addition the Army proposes removing Parcel 10B from RCRA Permit EPA ID# NM6213820974 (Permit). The Army proposes modifying Permit Attachment 8 by moving AOC 44 within Parcel 10B and Parcel 7 and SWMU 26 within Parcel 10B from Table 1 (SWMUs and AOCs that Require Corrective Action) to Table 4 (SWMUs and AOCs Corrective Action Complete Without Controls) and modifying Attachment 2 depicting the parcel removed. The rationale for this petition is provided in the paragraphs below.

AOC 44 is found in Parcel 10B, Parcel 7, and in the eastern portion of Parcel 10A in the former administration area. AOC 44 is listed in Permit Attachment 8, Table 1, as a "Former Administration and Utilities Area." Solid Waste Management Unit 26 is found in Parcel 10B and is a large berm between the main rail line entering FWDA from the north and a small rail spur. SWMU 26 is listed in Permit Attachment 8, Table 1, as a "Suspected POL Area. Large berm north of the railroad classification yard."

The Army submitted to NMED a *Final of the Release Assessment Report for Parcel 10*, dated October 2009. The NMED reviewed the Release Assessment Report and issued a letter titled *Notice of Deficiency (NOD) Final of the Release Assessment Report for Parcel 10, FWDA, FWDA-09-007* dated March 9, 2010. In response to the NOD and in lieu of revising the Report per NMED, the Army prepared and submitted the *Final Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) Work Plan for Parcel 10B*, dated June 2010 to assess and investigate AOC 44 and SWMU 26. Sections 4, 5, 6, 7 and 8 of the Work Plan documents the Army's records review, site inspection, previous soil investigation, release assessment conclusions, and proposed further discrete characterization sampling and analysis for AOC 44 and SWMU 26. The NMED reviewed the Work Plan and issued a letter titled *Approval with Direction Final of the RCRA Facility Investigation Work Plan for Parcel 10B, FWDA, FWDA-10-007* dated September 9, 2010.

The Army responded to the NMED comments, executed the Work Plan, and reported the results in the *Final RCRA Facility Investigation Report Parcel 10B*, dated March 19, 2012. Sections 3 and 4 of the Report documents the Army's records review, site inspection, previous soil investigation and evaluation, current soil investigation and evaluation, and conclusions and recommendations for AOC44 and SWMU 26. Arsenic was noted in the conclusion as being

consistently detected at 4.2 - 4.3 mg/kg for both sites, just above the NMED soil screening level (SSL) of 3.9 mg/kg. The recommendation was to compare the arsenic values to additional background soil samples that were planned at FWDA in 2012 based on the low background arsenic results found in the *Soil Background Study and Data Evaluation Report of Fort Wingate Depot Activity*, dated February 2010. Otherwise, based on the results in accordance with the approved Work Plan, the Army recommended no further action (NFA) at AOC44 and SWMU 26.

The NMED reviewed the RFI Report and issued a letter titled *Approval with Modifications RCRA Facility Investigation Report Parcel 10B, FWDA, FWDA-12-001* dated May 7, 2013. The NMED agreed that NFA is warranted at AOC 44 and SWMU 26 contingent upon the Army demonstrating that the detected arsenic values are representative of background concentrations. Based on the results found in the *Phase 2 Soil Background Report*, dated February 5, 2013 with approval by NMED on July 23, 2013, the Army prepared the *Final RCRA Facility Investigation Report Parcel 10B – Arsenic* letter report dated September 18, 2013. The Army proposed NFA at AOC 44 and SWMU 26 based on the 2012 95th upper tolerance limit (UTL) value of 4.6 mg/kg representing soil unit 225 which is above the the arsenic values of 4.2 – 4.3 mg/kg consistently found in AOC 44 and SWMU 26. However, the NMED issued a letter titled *Evaluation of Background Levels for Arsenic in Soil*, dated December 18, 2013 which concluded that an arsenic background concentration of 5.6 mg/kg is acceptable for FWDA where no possible sources of arsenic related to historic Army operations at the site exist. The NMED approved the RFI Report and concluded that additional corrective action is not required at Parcel 10B for AOC 44 and SWMU 26 in a letter titled *Approval RCRA Facility Investigation Report Parcel 10B: AOC 44 and SWMU 26, FWDA, FWDA-12-001* dated February 17, 2014. Since AOC 44 and SWMU 26 are the only Permit sites found in Parcel 10B, the Army petitions Parcel 10B for removal from the Permit. Permit Attachment 2 has been updated to reflect this change and is attached to this letter.

All of the above cited reports were submitted to the Pueblo of Zuni and the Navajo Nation for Tribal consultation prior to submission to NMED. This consultation is required by Permit Section VIII.B.1. Copies of all the correspondence and documents referenced in this letter can be found in the FWDA Administrative Record and online at www.ftwingate.org. If you have questions or require further information, please call me at 330-358-7312.

Sincerely,



Mark Patterson
BRAC Environmental Coordinator

CF:
Vicky Baca, NMED HWB
Neelam Dhawan, NMED HWB
Dave Cobrain, NMED HWB
Micki Gonzales, Fort Wingate
Bill O'Donnell, BRACD

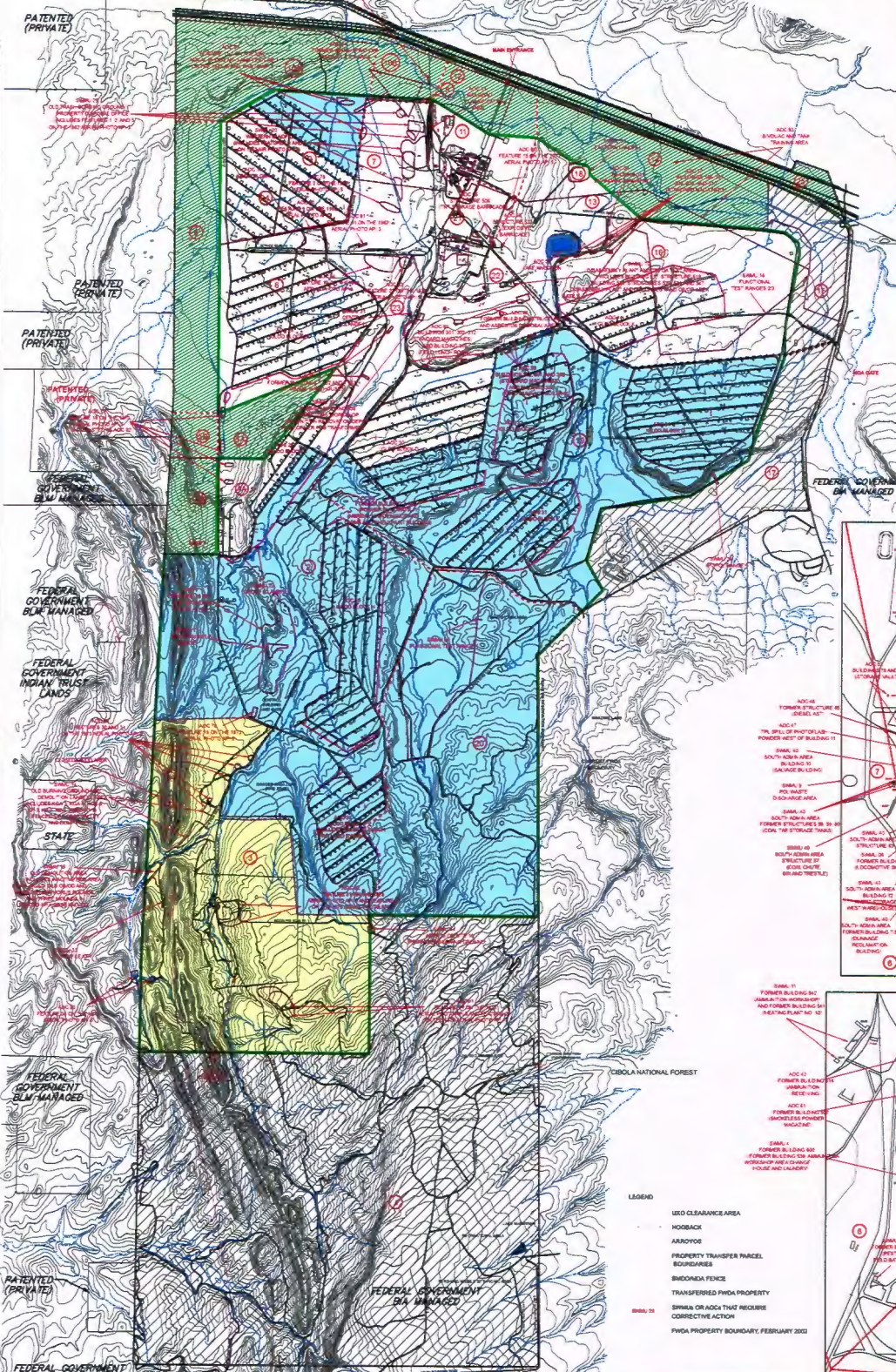
Chuck Hendrickson, U.S. EPA Region 6
Jarvis Williams, Navajo Nation
Eugenia Quintana, Navajo Nation
Darrell Tsabetsaye, Zuni Pueblo
Clayton Seoutewa, Southwest Region BIA
Rose Duwyenie, Navajo BIA-NR
Judith Wilson, DOI/BLM
Eldine Stevens, DOI/BLM
Ben Burshia, BIA
Mike Kipp, USAEC
Angela Kelsey, BIA
Pat Ryan, Leidos, Inc

FEDERAL GOVERNMENT INDIAN TRUST LANDS

SCALE 1"=100'



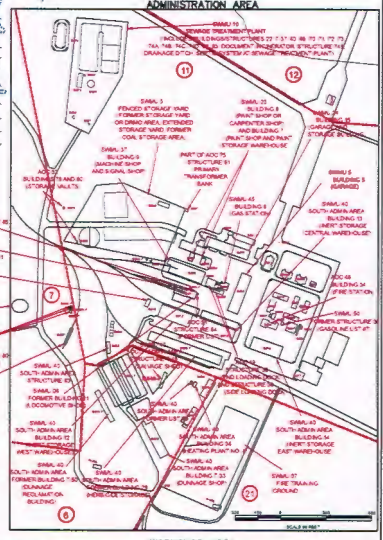
PROJECT NUMBER	DATE
RCRA PERMIT ATTACHMENT 2 SWMU AND AOC LOCATIONS FACILITY WIDE Parcels Pending Permit Removal March 2014 Fort Wrigley Depot Activity Madison County, New Mexico	
FILE NO.	DATE
REV.	DATE
REV.	DATE
REV.	DATE



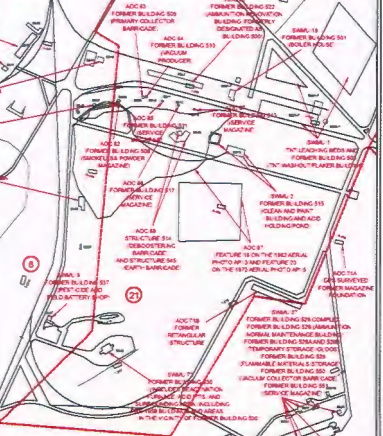
Legend

- Arroyo
- MDA FENCE
- FWDA Boundary 1993
- FWDA Boundary Pending Transfer(s)
- ACC and SWMU
- PARCELS
- fields structures
- PARCEL STATUS
- Ownership
- Army
- Army Retain
- Army, Leased to MDA
- Army, Pending Transfer
- BIA
- Parcel Number
- AOC
- AOC

ADMINISTRATION AREA



WORKSHOP AREA



LEGEND

- UEO CLEARANCE AREA
- HOBBACK
- ARROYO
- PROPERTY TRANSFER PARCEL BOUNDARIES
- SUNDONIA FENCE
- TRANSFERRED FWDA PROPERTY
- SWMUs OR AOCs THAT REQUIRE CORRECTIVE ACTION
- FWDA PROPERTY BOUNDARY, FEBRUARY 2002

REV. NO.	DATE	DESCRIPTION	REV. BY	CHK. BY	APP. BY
1	15 May 2014	Change Status of Parcel 108	MCS	SWS	SWS
2	20 Jun 2011	Reverse Facility Boundary	MCS	SWS	SWS
3	30 Nov 2009	Reverse Facility Boundary	AML	SWS	SWS
4	21 Jul 2008	Reverse Facility Boundary	MCS	SWS	SWS
5	11 Dec 2008	SWMU/AOC Locations and Status	DT	EC	EC

Note: Workshop area buildings demolished during summer 2010

SCALE 1"=100'