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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

January 7, 2016

Mark Patterson
FWDA, BRAC Coordinator
P.O. Box 93
Ravenna, OH 44266

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

**RE: DISAPPROVAL**
**FINAL WORK PLAN PARCEL 11**
**SOLID WASTE MANAGEMENT UNITS 10 AND 40**
**FORT WINGATE DEPOT ACTIVITY**
**MCKINLEY COUNTY, NEW MEXICO**
**EPA ID# NM6213820974**
**HWB-FWDA-15-014**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) has reviewed the *Final Work Plan Parcel 11 Solid Waste Management Units 10 and 40* (Plan), dated April 22, 2015 and received June 1, 2015, for Fort Wingate Depot Activity (Permittee). NMED hereby issues this Disapproval. The Permittee must address the following comments.

**General Comments:**

**1. Overall goal**

**NMED Comment:** The goal of the proposed work for Solid Waste Management Unit (SWMU) 40 is unclear. While the Plan indicates that the goal is to conduct additional investigation in selected parcels and defines the data quality objective as being to determine the presence or absence of munitions and explosives of concern (MEC), the Plan does not define the end regulatory status. The underlying assumptions that are used in the statistical

determination of the number of anomalies to be investigated assume that there is an absence of MEC. The Permittee does not specify what course of action will be taken for SWMU 40 should MEC be identified.

Also, munitions debris (MD) has been observed at this site during previous investigations. Since this site is slated to be transferred to Department of the Interior, provide a discussion as to why investigation of 100% of the anomalies is not the appropriate approach for SWMU 40.

**2. Estimation Methodology**

While Appendix K provides some of the algorithms for the Estimating a Proportion Method, it appears that the program Visual Sample Plan (VSP) may have actually been used to determine the sample sizes for the digital geophysical mapping (GPM). Clarify if VSP was used or if the equations shown in Appendix K were used in a spreadsheet. Provide either the input/output files for VSP or the spreadsheets used to determine the sample sizes.

**3. Limits of Investigation**

Figures 5-3 and 6-3 show many anomalies scattered along the edges of the Geophysical Investigation Boundaries of each site. Provide a description of how the investigation areas will be expanded should MEC or MD be located near the boundaries and to verify that the lateral extent of the survey was adequate to fully assess the areal extent of potential MEC and MD.

**Specific Comments:**

**4. Section 4.3, Data Quality Objectives, page 4-3**

**NMED Comment:** The maximum depth of anomaly investigation is set at four feet (ft) below ground surface (bgs). Clarify the basis for the maximum depth of four ft bgs.

In addition, the report indicates that if items are found at a greater depth, the USACE will be contacted, but it is not clear whether additional investigations of deeper anomalies will be conducted. If the intent of this field effort is to obtain a corrective action complete determination with no controls and unrestricted land use, discuss how risks are to be mitigated from items buried between four and 10 ft bgs and how uncertainty for buried items between six and 10 ft bgs (outside the range of the proposed instrumentation) will be addressed.

**5. Section 4.3, Data Quality Objectives, page 4-4**

**NMED Comment:** The initial testing of the analog geophysical sensor is to verify that the instrument is capable of detecting an item in horizontal orientation to at least of depth of six

inches bgs. However, the anomaly reacquisition performance criterion is 1.5 meter accuracy. Clarify this discrepancy.

6. **Section 4.4.2, Health and Safety, page 4-6**

   **Permittee's Statement:** "The project-specific Accident Prevention Plan / Site Safety and Health Plan (APP/SSHP) is included in Appendix D."

   **NMED Comment:** The APP/SSHP was not included in Appendix D. However, NMED does not review or approve health and safety work plans. Remove the statement above from the revised Plan.

7. **Appendix E, SWMU 10 Explosives Safety Submission, Appendix F, SWMU 40 Explosives Site Plan, Appendix I, Environmental Protection Plan, Appendix J, Cultural Resources Management Plan, and Appendix L, Spill Prevention Control and Countermeasure Plan**

   **NMED Comment:** These appendices are all missing from the report. The title pages state that they will be "…included in electronic-only format on the enclosed compact disc" or be "…submitted with the Final WP as it has been submitted for approval under separate cover. The appendices were not included on the enclosed CD and, as the title of the Plan is *Final Work Plan,* all appendices must be included. NMED is unable to complete its review of the Plan without these appendices; therefore, provide the appendices.

8. **Appendix M, Response to Comments**

   **NMED Comment:** The Permittee must submit either their response to comments or include a statement that no comments were received from Navajo Nation or Pueblo of Zuni prior to NMED approval of the Plan.

The Permittee must submit a revised Plan to address all comments contained in this Disapproval. In addition, the Permittee must include a response letter that details where each comment was addressed, cross-referencing NMED's numbered comments. The Permittee must also submit an electronic redline-strikeout version of the revised Plan. The revised Plan must be submitted on or before **May 30, 2016.**

If you have any questions regarding this letter, please contact Ben Wear at (505) 476-6041.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

cc: Dave Cobrain, NMED, HWB
Neelam Dhawan, NMED, HWB
Ben Wear, NMED, HWB
Chuck Hendrickson, EPA-6PD-N
Tony Perry, Navajo Nation
Val Panteah, Governor, Pueblo of Zuni
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File: FWDA 2016 and Reading, Parcel 11, FWDA-15-014