



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

REPLY TO
ATTENTION OF

June 19, 2019

Base Realignment and Closure Division

Mr. John E. Kieling
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313

SUBJECT: Notification of Anticipated Non-Compliance with Fort Wingate Depot Activity (FWDA) Resource Conservation and Recovery Act (RCRA) Permit, EPA #6213820974-1 and Extension Request

Dear Mr. Kieling,

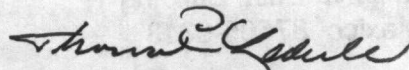
The Army anticipates to be in non-compliance with its RCRA Permit, Section I.F.2, for the following FWDA documents administered by the State of New Mexico through the New Mexico Environment Department:

- Parcel 3 Interim Measures Report MEC KO Area
- Parcel 24 Further Characterization and Remediation of Soil Locations Work Plan
- Parcel 13 Final RCRA Facility Investigation Report
- Parcel 21 Final Permittee-Initiated Interim Measures Report

The Army previously explained that there is a systematic breakdown of the RCRA process at FWDA and the anticipated non-compliance is a function of regulatory impasse, limitations of federal contracting procedures, and lack of funding. We've previously alerted you to our inability to reach compromises at individual remediation sites and within the entire Corrective Action program at FWDA. As we requested in our 15 May 2019 letter, we again request that the NMED delay any decisions on issuing penalties or NOV's until the parties have a chance to discuss the programmatic deficiencies at FWDA. We also request that the deadlines for submitting the referenced documents be extended until the larger programmatic issues raised in the Army's 15 May 2019 letter can be resolved.

The Army intends to work cooperatively with NMED and welcomes the opportunity to discuss the ongoing issues at FWDA. Please do not hesitate to contact me or my point of contact, Mr. Ian Thomas, FWDA Program Manager at (703) 545-2536 or ian.m.thomas2.civ@mail.mil.

Sincerely,



Thomas E. Lederle
Chief, Base Realignment
and Closure Division

Copies Furnished:

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