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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 29, 2019

Mark Patterson
BRAC Environmental Coordinator
Fort Wingate Depot Activity
13497 Elton Road
North Lima, OH 44452

Steve Smith
USACE
CESWF-PER-DD
819 Taylor Street, Room 3B06
Fort Worth, TX 76102

**RE: EXTENSION REQUEST FOR THE PERMITTEE-INITIATED
INTERIM MEASURES REPORT PARCEL 6
FORT WINGATE DEPOT ACTIVITY
MCKINLEY COUNTY, NEW MEXICO
EPA # NM6213820974
HWB-FWDA-16-011**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) is in receipt of the Fort Wingate Depot Activity (Permittee or FWDA) request for an extension (Request) to submit the revised *Permittee-Initiated Interim Measures Report Parcel 6* (Report), dated March 20, 2019 and received March 21, 2019. Section VI.G.7 of the FWDA RCRA Permit states, "[t]he Permittee shall submit to NMED for review and approval, within ninety (90) calendar days of completion of interim measures, an Interim Measures (IM) Report for each SWMU or AOC."

The Report was initially submitted on October 27, 2016. NMED issued a Disapproval letter requiring the Permittee to return to the field to conduct work that was proposed in the NMED-approved work plan but was not performed during the interim measure. The Permittee was required to submit the revised Report no later than March 31, 2018. On March 26, 2018, the Permittee requested an extension of the submittal date to May 30, 2018. NMED granted the extension, as requested. On May 29, 2018, the Permittee submitted another extension request asking that the submittal date be extended to December 31, 2018. NMED granted the extension, as requested. The revised Report was submitted on August 8, 2018. Prior to submittal, the

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April 2019

Permittee provided NMED with a revised NMED Review Table listing the Permittee's priorities for review. The Report was the top document on the review list for documents that had yet to be submitted. NMED expedited review of the Report and issued a Disapproval letter on November 7, 2018 requiring a revised Report be submitted no later than January 31, 2019. On January 16, 2019, the Permittee submitted another extension request asking for an additional year to revise the Report with a proposed submittal date of December 31, 2019. Since the revision did not require any additional field work and only changes to the Report itself, another full year appeared to be excessive. NMED granted an extension for the submittal of the revised Report to April 1, 2019. The Permittee has requested another extension and added yet another year to the proposed time-frame, asking to submit the document on December 31, 2020.


The Permittee states that the Report is outside of the scope of work of a contract and that there is no funding for the project. In addition, the Permittee states that, "...it is likely the Army will not have the resources to continue work on this and potentially other FWDA projects for the next three to five years." It is incumbent upon the Permittee to provide appropriate funding to meet the requirements of the FWDA RCRA Permit.

The Permittee has not provided adequate justification for the requested 21-month extension that is in addition to the previously granted three-month extension. Therefore, the request for an extension is denied. The Report must be submitted to NMED for review no later than **April 1, 2019**.

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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: D. Cobrain, NMED HWB
B. Wear, NMED HWB
M. Suzuki, NMED HWB
C. Hendrickson, U.S. EPA Region 6
T. Perry, Navajo Nation
S. Begay-Platero, Navajo Nation
M. Harrington, Pueblo of Zuni
C. Seoutewa, Southwest Region BIA
G. Padilla, Navajo BIA
J. Wilson, BIA
E. Stevens, BIA
R. White, BIA
C. Esler, Sundance Consulting, Inc.

file: FWDA 2019 and Reading