



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-9
600 ARMY PENTAGON
WASHINGTON, D.C. 20310-0600

February 24, 2023

Army Environmental Division – BRAC Operations Branch

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

RE: Interim Response to New Mexico Environment Department Letter, dated February 3, 2023, Response to Status Update Concerning Fort Wingate Depot Activity, Notice of Violation and On-Going Remedial Actions, McKinley County, New Mexico. EPA# NM6213820974

Dear Mr. Shean:

Thank you for your letter of February 3, 2023, in response to our e-mail of November 15, 2022, in which we provided a status update concerning ongoing remedial actions at Fort Wingate Depot Activity (FWDA) and the Notices of Violation (NOVs) issued on nineteen outstanding documents. We are pleased to see that you removed four of the documents from further enforcement consideration based on the Army's ongoing progress at FWDA. We reviewed your comments and are preparing a schedule for submitting the remaining documents in an accelerated manner.

The complexities involved in determining the accelerated schedule for each document will require more time than the 30 days allocated. Resolving issues with NMED, such as LOQ/LOD, sequencing the contract solicitations required, and obtaining requisite funding, will take time to coordinate. As demonstrated in the enclosed letter, the Army previously proposed a detailed agenda to meet NMED's requirements. We plan to follow a similar agenda now, but we anticipate requiring at least 60 days to complete the remaining tasks.

Given these outstanding requirements, the Army seeks an extension until at least 25 April 2023 to provide an acceptable schedule for submitting the fifteen outstanding documents.

Thank you in advance for your understanding, and please contact me via e-mail at richard.c.ramsdell2@army.mil or phone at 703-545-2513 if you would like to discuss.

Sincerely,

Richard C. Ramsdell
BRAC Ops Branch Chief

Enclosure

cc:

President Buu Nygren, Navajo Nation
Governor Arden Kucate, Zuni Tribe
Dave Cobrain, NMED, HWB
Ben Wear NMED, HWB
Michiya Suzuki, NMED, HWB
Lucas McKinney, U.S. EPA Region 6
Laurie King, U.S. EPA Region 6
Ian Thomas, BRAC
George Cushman, BRAC
Alan Soicher, USACE
Alvin Whitehair, SW BIA
George Padilla, BIA, NRO
Wenona Wilson, BIA
Sharlene Begay-Platero, Navajo Nation
Timothy Trimble, Zuni Tribe
Admin Record, OH / NM



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

August 16, 2019

Base Realignment and Closure Division

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

SUBJECT: Proposal to Reset Enforceable Schedule and Resolve Programmatic Issues at Fort Wingate Depot Activity (FWDA), McKinley County, New Mexico. EPA # NM6213820974

Dear Mr. Kieling,

This letter is in reply to your email dated August 10, 2019 requesting:

1. A list of outstanding documents compiled by FWDA for comparison to NMED's list, and
2. A document proposing actions and a schedule, including all past due documents, to return FWDA into compliance with their RCRA Permit.

Per Request #1, the attached enclosures list the outstanding documents compiled by FWDA (enclosure 1) and documents with upcoming deadlines (enclosure 2). These enclosures also provide preliminary working schedules (per Request #2) for addressing the outstanding and upcoming documents. A projected submittal date for each document has been proposed contingent upon the assumptions listed at the bottom of each schedule. The Army believes it is critical to meet with the staff of NMED to discuss the schedules and the associated priorities in order to agree to final schedules both agencies can support and achieve. To this end, the Army is proposing the following actions:

1. **Issue Resolution:** The NMED and the Army would begin by having a meeting in September or October in Santa Fe, NM, followed by frequent conference calls to resolve the issues associated with the program that are affecting the outstanding documents. These meetings would also lay a foundation of teamwork that will continue throughout the program.

The Army will provide NMED an initial list of these issues by August 30, 2019 that will include programmatic and technical issues, as well as document and structure formatting concerns. Document specific comments needing to be addressed would also be listed and discussed where appropriate. The Army believes it will take approximately 3 months to complete the above actions.

2. **Schedule Refresh:** Once (1) is completed, the Army will work cooperatively with NMED to revise the priorities and the schedules for completing the outstanding and upcoming documents. Any revisions to the schedules would be developed jointly based on the type of

document, level of difficulty, time needed for completion, site priority, available funding, and other factors agreed upon by both parties.

3. **Contracting for Document Completion:** The Army will seek input from NMED on scopes of work (SOW) for one or more contracts to complete the outstanding documents. Development of SOWs will start, to the extent possible, concurrently with action (1) above. The Army will work with NMED in establishing the major milestones for each project SOW. The Army will attempt to identify and use the most appropriate and expedient contract vehicle for this effort.
4. **Document Completion:** The Army will award the contract(s) which will include the document submission deadlines prioritized with input from NMED. The Army anticipates submitting the first document as soon as reasonably possible following contract award. To ensure high-quality deliverables for NMED and stakeholders, the Army and its contractor(s) will need to communicate with NMED on a regular basis with an agreed upon frequency to resolve any project specific issues arising during preparation of the documents.
5. **Schedule Adherence:** Execution of the contract will be closely monitored by the Army and its contractor(s). NMED will be regularly updated on progress being made and issues that may arise. The parties may request discussion of any issues at any time to adjust for any unseen circumstances or events that may impact the schedules.
6. **On-Going Work:** Our highest priority will be to continue with the important work that is currently under contract at FWDA. We will continue per the scopes and schedules of the approximately \$120 Million in projects currently under contract at FWDA.

As we requested in our May 15, 2019 and June 19, 2019 letters, we again request that the NMED delay any decisions on issuing more NOVs and hold the current proposed penalties in abeyance while we implement the actions described in this letter. The Army looks forward to resolving these issues and completing documents in order to ultimately meet the permit goals. Please note that funding for additional phases of work following approval of outstanding documents may not be immediately available. You may contact Ian Thomas (ian.m.thomas2.civ@mail.mil; (703) 545-2536) to discuss the actions the Army has proposed to resolve the significant issues at Fort Wingate and to schedule an initial meeting in Santa Fe, NM.

Sincerely,

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208312
Date: 2019.08.16 16:19:57 -04'00'

Thomas E. Lederle
Chief, Base Realignment
and Closure Division

Enclosures

CF:
David Cobrain, NMED HWB
Ben Wear, NMED HWB
M. Suzuki, NMED HWB
J. Verheul, NMED OGC
L. King, EPA Region 6 (6LCRRC)

C. Hendrickson, Region 6 (6LCRRC)
Renee Terrell, BRACD
Ian Thomas, BRACD
Sue Ryan, BRACD
Mark Patterson, BRACD
Arnold Newman, USACE
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Admin Record, OH / NM