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Certified Mail - Return Receipt Requested

March 19, 2024

George H. Cushman
Headquarters, Department of the Army
Office of the DCS, G-9
Army Environmental Office, Room 5C140
600 Army Pentagon
Washington, DC 20310-0600

**RE: APPROVAL WITH MODIFICATIONS
REVISION 1 GROUNDWATER PERIODIC MONITORING REPORTS
JANUARY THROUGH JUNE 2021 AND
JULY THROUGH DECEMBER 2021
FORT WINGATE DEPOT ACTIVITY
MCKINLEY COUNTY, NEW MEXICO
EPA ID# NM6213820974
HWB-FWDA-22-002
HWB-FWDA-23-001**

Dear Mr. Cushman:

The New Mexico Environment Department (NMED) is in receipt of the Fort Wingate Depot Activity (Permittee) *Revision 1 Groundwater Periodic Monitoring Report January through June 2021* (January through June 2021 Report), dated August 2023, and *Groundwater Periodic Monitoring Report July through December 2021* (July through December 2021 Report), dated August 2023. NMED hereby issues this Approval with Modifications with the following comments.

COMMENTS

1. Permittee's Response to NMED's Disapproval Comment 3, dated May 23, 2023

Permittee Statement: "The Army is investigating the potential presence of PFAS at Fort Wingate Depot Activity under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A Preliminary Assessment and Site Inspection (PA/SI) are currently being conducted and will be made available upon completion."

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313
Telephone (505) 476-6000 - www.env.nm.gov

NMED Comment: Potential PFAS releases to the environment must be investigated under the February 2015 Fort Wingate Depot Activity Resource Conservation and Recovery Act Permit (Permit). PFAS are emerging contaminants of concern that meet the statutory definition for hazardous waste defined in New Mexico Hazardous Waste Act Section 74-4-3.K, Section 1004(5) of the Solid Waste Disposal Act, and Section 6903(5) of the United States Resource Conservation and Recovery Act and are defined as such in the Permit as required by 40 Code of Federal Regulations 270.32(b)(2) for protection of human health and the environment.

The Permittee's intent to investigate the potential presence of PFAS under a Comprehensive Environmental Response Compensation and Liability Act (CERCLA) process may result in the collection of data that is not valid for use during risk assessment required by the Permit.

NMED's Disapproval Comment 3 states, "[t]he Permittee must propose to conduct PFAS analysis for the groundwater samples collected from the selected wells in two consecutive sampling events using appropriate sampling and analytical methods in the upcoming Interim Northern Area Groundwater Monitoring Plan." Although no revision is required to the Reports, this comment remains valid regardless of the results of the PFAS assessment. The Permittee failed to propose to conduct PFAS analysis for the groundwater samples in the 2024 Northern Area Groundwater Monitoring Plan. Failure to follow NMED direction constitutes noncompliance and may result in an enforcement action.

2. Permittee's Response to NMED's Disapproval Comment 6, dated May 23, 2023

Permittee Statement: "[T]he Army proposes to further characterize groundwater flow gradients beneath the Workshop Area, as necessary to determine the nature and extent of groundwater contamination, through the Groundwater RFI process. As indicated in earlier correspondence, the Army intends to submit the Northern Area Groundwater Phase 2 RFI Work Plan by March 15, 2024."

NMED Comment: The Permittee's December 7, 2023 *Extension Request for submitting the Phase 2 Groundwater RCRA Facility Investigation Work Plan* is not an approved document. It is inappropriate to include this investigation in a work plan (i.e., the *Phase 2 Groundwater RCRA Facility Investigation Work Plan*) that is not compliant. The Permittee must submit a separate work plan to characterize groundwater flow gradients beneath the Workshop Area no later than **October 31, 2024**. This due date is set to provide ample time to prepare the work plan to evaluate the strategies employed to characterize groundwater flow direction in the bedrock aquifer beneath the Workshop Area.

3. Permittee's Response to NMED's Disapproval Comment 8, dated May 23, 2023

Permittee Statement: “The Army investigated the surface completion of well BGMW02 for competence and investigated the area surrounding the well for signs of potential surface water accumulation during the October 2023 groundwater monitoring event. The observations are being recorded in the July to December 2023 PMR.”

NMED Comment: Provide photographs of the surface completion of well BGMW02 and the area surrounding the well as well as a description of the observations in the July to December 2023 report. Ensure the photographs include descriptions of the subject matter and directional information. No revision is required to the Reports.

4. Permittee’s Response to NMED’s Disapproval Comment 10, dated May 23, 2023

Permittee Statement: “As proposed in the Army’s April 24, 2023, letter to NMED regarding outstanding documents, the Army plans to submit a Work Plan to complete the RFI process for Parcel 22, including the investigation of perchlorate in soils, by 15 March 2024.”

NMED Comment: Neither the Permittee’s April 24, 2023 *Response to NMED’s February 28, 2023 Correspondence* nor the December 7, 2023 *Extension Request for submitting the Parcel 22 Phase 2 RCRA Facility Investigation Work Plan* is an approved document. It is inappropriate to include this requirement in a work plan (i.e., Parcel 22 RFI work plan) that is not compliant. The Permittee must submit a separate work plan to delineate the eastern extent of the bedrock perchlorate plume (i.e., east of well TMW64) no later than **October 31, 2024**. This work plan may be combined with the investigation required by Comment 2 above, as appropriate.

5. Permittee’s Response to NMED’s Disapproval Comment 15, dated May 23, 2023

Permittee Statement: “The Army will submit a work plan to include abandonment of wells FW35, MW18S, and MW22S.”

NMED Comment: Provide a date when the work plan regarding abandonment of the wells will be submitted to NMED in the response letter. No revision is required to the Reports.

6. Permittee’s Responses to NMED’s Disapproval Comments 20 and 21, dated May 23, 2023

Permittee Statements: “TPH-DRO will be added to the analytical program for wells MW23, TMW23, TMW24, and TMW25 in the forthcoming 2024 Groundwater Monitoring Work Plan.” and, “TPH-DRO will be added to the analytical program for well MW24 in the forthcoming 2024 Groundwater Monitoring Work Plan.”

NMED Comment: NMED acknowledges that TPH-DRO analysis for the groundwater samples collected from wells MW23, MW24, TMW23, TMW24, and TMW25 will be proposed in the 2024 Groundwater Monitoring Work Plan. No response is required.

Mr. Cushman
March 19, 2024
Page 4

The Permittee must address all comments in this Approval with Modifications and submit a response letter no later than **April 30, 2024**. In addition, the work plan(s) required by Comments 2 and 4 must be submitted to NMED no later than **October 31, 2024**.

This approval is based on the information presented in the document as it relates to the objectives of the work identified by NMED at the time of review. Approval of this document does not constitute agreement with all information or every statement presented in the document.

Should you have any questions, please contact Michiya Suzuki of my staff at (505) 690-6930.

Sincerely,

Ricardo Maestas

Digitally signed by Ricardo

Maestas

Date: 2024.03.19 10:32:43 -06'00'

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

cc: N. Dhawan, NMED HWB
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