



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

JUL 02 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

**Notices of Violation with Proposed Penalties Re: Fort Wingate Depot Activity  
Resource Conservation and Recovery Act Permit, EPA #6213820974-1; NMED-  
FWDA-16-006**

Dear Mr. Kieling,

This is the Army's response to the New Mexico Environmental Department's Notice of Violation and Proposed Penalty (NOV) letters requesting response within 30 days. The Army is in receipt of NOV letters issued by the New Mexico Environment Department (NMED) (one dated June 6, 2019, received on June 13, 2019, and the other dated June 20, 2019, received June 24, 2019) for alleged failure to submit various documents as required by the Fort Wingate Depot Activity's (FWDA's) Resource Conservation and Recovery Act (RCRA) Permit. Pursuant to this letter, the Army formally requests a conference to present information to NMED to resolve the NOV's, as required in both the June 6 and June 20 NOV letters, and to provide information on the steps Army plans to initiate to address the alleged violations. The Army takes its environmental responsibilities seriously and hopes to work with NMED to ensure the alleged violations are appropriately addressed and to foster an effective working relationship moving forward to avoid issues in the future.

Prior to the issuance of the NOV's, beginning in November 2018 and continuing over the past several months, at the Army's request, the Army and NMED have made attempts to coordinate a conference call between senior staff to discuss compliance with the FWDA RCRA permit. Specifically, the Army intended to discuss and coordinate on "priority sites"; the need and basis to adjust permit compliance schedules; efforts to address delays that impact Army contracting; and new quality control measures put in place in June 2018 to meet NMED's requirements, to address past Notices of Deficiency, and to help address some of the reasons for the delays and deficiencies. Additionally, the Army requested an extension to an upcoming NMED submission deadline for Parcel 11 in February 2019, however NMED disapproved the extension request. The Army followed up with additional extension requests as required by the permit, including in a May 15, 2019 letter, which emphasized anticipated non-compliance with upcoming deadlines and again requested a meeting with NMED.

Since receiving the June 6 NOV letter, the Army has exchanged emails and voicemail with NMED to schedule a time for the parties to conference. Again, in order to address the alleged violations, the Army requests a meeting with NMED senior staff and proposes a conference call date of either July 11 or July 15. If neither of these dates work, please propose dates when NMED senior staff will be available. The Army remains committed to working out the RCRA compliance issues in a cooperative manner with NMED and requests to discuss the issues outlined in the preceding paragraph. 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](mailto:ian.m.thomas2.civ@mail.mil).

Sincerely,



Thomas E. Lederle  
Chief, BRAC Division  
Office of the Assistant Chief of Staff  
for Installation Management

cc:

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