



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)



**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

June 6, 2019

**CONFIDENTIAL - FOR SETTLEMENT PURPOSES ONLY**

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: NOTICE OF PROPOSED PENALTY  
FORT WINGATE DEPOT ACTIVITY  
MCKINLEY COUNTY, NEW MEXICO  
EPA # NM6213820974  
NMED-FWDA-16-006**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department ("NMED") received the Fort Wingate Depot Activity ("Permittee" or "FWDA") letter titled *Final Interim Measures Work Plan Areas of Concern and Solid Waste Management Units in the Kickout Area, Parcel 3 ("Work Plan") Withdrawal Letter ("Withdrawal Letter")*, dated March 20, 2019, on March 21, 2019. The Notice of Violation ("NOV") issued simultaneously with this proposed penalty letter describes the violations incurred through withdrawal of the Work Plan.

Pursuant to the New Mexico Hazardous Waste Act ("HWA"), NMSA 1978, §§ 74-4-1 to 74-4-14, NMED proposes to assess a civil penalty of \$305,000.00 to settle the violations of the HWA and the Hazardous Waste Management Regulations alleged in the NOV. The civil penalty is assessed as follows:

**RECEIVED**  
12 Jun 2019

1. Failure to submit work plan required by the FWDA RCRA Permit for the first 60 days \$305,000.00

If you would like to discuss this civil penalty, please contact Ben Wear, Hazardous Waste Bureau, by telephone at (505) 476-6041 or by e-mail at [benjamin.wear@state.nm.us](mailto:benjamin.wear@state.nm.us) within 30 days of receipt of this notice to schedule an informal conference concerning resolution of this matter. If no response is received from you within 30 days, a Stipulated Final Order ("SFO") will be prepared for your signature.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
B. Wear, NMED HWB  
M. Suzuki, NMED HWB  
J. Verheul, NMED OGC

file: FWDA-16-006 and CTAP#2397