

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



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

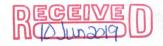
RE:

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:



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 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 <a href="mailto:benjamin.wear@state.nm.us">benjamin.wear@state.nm.us</a> 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