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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

10-14-97
Send copy to
DWAYNE F F
GIVE TO KATHINA

October 3, 1997

Larry D. Fisher
Environmental Engineer
Tooele Army Depot
SDSTE-IRE
Tooele, Utah 84074

RE: DOCUMENT SUBMITTAL of POST-CLOSURE CARE PLAN & RI/FS
EPA ID NO. NM6213820974

Dear Mr. Fisher:

This letter is to advise you that the New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) has determined that the Fort Wingate Depot Activity (FWDA) is out of compliance with the New Mexico Hazardous Waste Management Regulations, 20 NMAC 4.1.600, incorporating 40 CFR Part 265, Subpart G - Closure and Post-Closure. 40 CFR §265.118(e) states that an owner or operator of a facility with hazardous waste management units **subject to these requirements** must submit his Post-Closure Care Plan to the Regional Administrator **at least 180 days before** the date he expects to begin partial or final closure of the first hazardous waste disposal unit.

HRMB has determined that the FWDA has been subject to post-closure care requirements since our meeting with FWDA representatives on March 14-15, 1996. At this meeting, FWDA and HRMB representatives agreed that a new direction of closure at the Open Burning/Open Detonation (OB/OD) Unit was necessary. This new direction would encompass the submittal of a modification to the Approved Closure Plan dated January 20, 1994, and the submittal of a Post-Closure Care Plan to address waste left-in-place at the OB/OD Unit. Therefore, the HRMB is requesting the submittal of FWDA's Post-Closure Care Plan, to be received no later than the close of business November 15, 1997.

Furthermore, HRMB believes that the revisions to the Remedial Investigation/Feasibility Study (RI/FS) should be nearing completion. A substantial period of time has elapsed since the

Mr. Larry D. Fisher
October 3, 1997
Page 2

submittal of the Revised Draft Final Fort Wingate Depot Activity RI/FS Report, dated March 24, 1995. Therefore, to further expedite the timely cleanup of the FWDA, HRMB requests the submittal of the RI/FS document to be received no later than the close of business November 15, 1997.

Should FWDA fail to submit the requested documents within the specified timeframes, NMED may choose to pursue an enforcement action, as deemed necessary, to correct this situation.

If you have any questions regarding this matter, you may contact me or Phillip Solano of my staff at 505/827-1561.

Sincerely,



Robert S. (Stu) Dinwiddie, Ph.D., Manager
RCRA Permits Management Program
Hazardous and Radioactive Materials Bureau

RSD/pjs

cc: Ed Kelley, Director WWMD
Benito Garcia, Chief HRMB
Jerry Bober, Supervisor RPMP(DOD)
Susan McMichael, OGC
Susan Hoines, RPMP(DOD)
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Chris Whitman, GWQB
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William Bradley, Industrial Operations Command
David Neleigh, Chief, EPA (6PD-N)
Chuck Hendrickson, EPA BCT (6PD-NB)
Ragan Tate, EPA, Region VI (6RC-C)

File: Red, FWDA, 97

Track: FWDA, 10/03/97, Fisher/TEAD, HRMB/PJS, RE