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State of New Mexico
ENVIRONMENT DEPARTMENT

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PETER MAGGIORE
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 22, 2002

Dwight Hempel
Interior Team Lead - Fort Wingate Transfer
United States Department of the Interior
Bureau of Land Management
Washington, D.C. 20240

**SUBJECT: ISSUES CONCERNING PROPOSED CORRECTIVE ACTION ORDER
FOR FORT WINGATE
2370(350)
FORT WINGATE DEPOT ACTIVITY (NM 6213820974)**

Dear Mr. Hempel:

The New Mexico Environment Department (NMED) has received your letter of November 2, 2001, in which you address several issues concerning a proposed Corrective Action Order (CAO) for Fort Wingate (FWDA). NMED has decided to issue a post-closure permit to the Department of Defense (DoD) that includes corrective action requirements rather than a CAO. FWDA was notified of NMED's decision requiring them to obtain a post-closure permit in our letter dated February 25, 2002.

The New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978) and its implementing regulations require that all RCRA permits "...shall require corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility, regardless of the time at which the waste was placed in the SWMU."

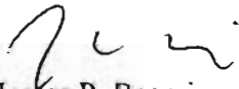
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The RCRA corrective action program is a comprehensive multi-media investigatory and remediation program that NMED is required to impose on RCRA treatment, storage, and disposal facilities (TSDFs). FWDA is a large TSDF with an extensive history of waste management and releases to the environment, including releases on parcels that have already been, or will soon be transferred. NMED does not consider Phase I Environmental Site Assessments (ESA) to be comprehensive enough to adequately address the potential environmental concerns at a RCRA TSDF with known releases. NMED has determined that all releases at FWDA must be addressed through the RCRA corrective action process; therefore, a Phase I Environmental Site Assessment (ESA) is not adequate to make a determination regarding the need for site remediation.

Based on the Administrative Record, NMED has determined that releases requiring investigation and corrective measures have occurred at FWDA. Therefore, NMED will require DoD to implement a RCRA corrective action program at FWDA to evaluate the nature and extent of the releases of hazardous waste or constituents; to evaluate facility characteristics; and to identify, develop, and implement an appropriate corrective measure or measures to protect human health and environment.

If you have any questions regarding this letter, please call Mr. David Cobrain of my staff at 505-428-2553.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:gvg

cc: J. Kieling, NMED HWB
P. Allen, NMED HWB
D. Cobrain, NMED HWB
G. von Gonten, NMED HWB
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