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Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

FEB 05 2020

Mark Patterson
BRAC Environmental Coordinator
Fort Wingate Depot Activity
13497 Elton Road
Lima, OH 44452

**RE: APPROVAL WITH MODIFICATIONS
PERMITTEE-INITIATED INTERIM MEASURES REPORT
PARCEL 24 – IGLOO BLOCK A, REVISION 2
FORT WINGATE DEPOT ACTIVITY
MCKINLEY COUNTY, NEW MEXICO
EPA ID# NM6213820974
HWB-FWDA-18-007**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) is in receipt of the Fort Wingate Depot Activity (Permittee) *Final, Rev.1, Permittee-Initiated Interim Measures Report Parcel 24 – Igloo Block A* (Report), dated May 29, 2019.

The work performed for this Report was conducted without an NMED-approved work plan. The Permittee's email notification of work to be conducted at the site specified that work would be conducted according to a previously NMED-approved work plan for another site. The Permittee did not conduct the work according to that NMED-approved work plan. While NMED does not agree with the Permittee's quality assurance/quality control assertions, in order to move this project forward, it is providing this Approval with Modifications. The Permittee must address the following comments.

1. Permittee Response to Comments

NMED Comment: The Permittee has previously been directed several times to include an electronic version of their Response to Comments as an appendix in the Report for all revised submittals. The Permittee failed to provide the appendix. Failure to follow NMED direction constitutes noncompliance and may result in an enforcement action. Provide the appendix with all future revised submittals.

2. Sampling Data

NMED Comment: With regard to soil sampling, the EPA guidance clearly states that if the samples are homogenized, samples related to the duplicate pair may be qualified. The Permittee claimed in the Report that the samples were "thoroughly homogenized". Following NMED's assertion that the data be qualified, the Permittee now claims that the samples were not homogenized to an appropriate level. There are no levels of homogenization, as the Permittee now claims; the sample was either homogenized or not. In addition, the Permittee cites documentation that has not been provided to NMED for the Administrative Record; therefore, the documentation is not considered in NMED's decision.

NMED does not agree with the Permittee's arguments. Since the Permittee did not follow the work plan specified in their notification email, did not collect the appropriate duplicate samples for the project as specified in the work plan, and claims that the samples they stated in their own Report were "thoroughly homogenized" were not homogenized appropriately, NMED considers all data collected for this project as qualified. NMED exercised discretion not to reject all data collected for this project since the Permittee did not follow the work plan as stated and failed to collect appropriate quality assurance/quality control (QA/QC) samples.

For all future projects at FWDA, the Permittee must present the appropriate methods and QA/QC procedures that will be utilized in the field in a work plan. The work plan must be reviewed and approved by NMED prior to implementation and followed in the field. Failure to follow the work plan or to collect appropriate QA/QC samples for a project may result in NMED's rejection of the data and the requirement that the work be repeated by the Permittee.

This approval is based on the information presented in the document as it relates to the objectives of the work identified by NMED at the time of review. Approval of this document does not constitute agreement with all information or every statement presented in the document.

Mr. Patterson
Parcel 24 Igloo Block A IM Report
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Should you have any questions, please contact Ben Wear of my staff at (505) 476-6041.

Sincerely,



Kevin Pierard
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
B. Wear, NMED HWB
M. Suzuki, NMED HWB
C. Hendrickson, EPA Region 6 (6LCRRC)
S. Smith, FWDA
L. Rodgers, Navajo Nation
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File: FWDA 2020 and Reading, Parcel 24