

**State of New Mexico
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

**2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303**

CERTIFIED MAIL™



FIRST-CLASS MAIL

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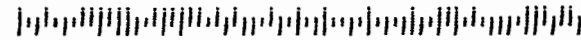


ZIP 87505
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**Mr. Richard Cruz
BRAC Site Manager
Fort Wingate Depot Activity
PO Box 268
Fort Wingate, New Mexico 87316**

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RECEIVED FEB 18 2015



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 28, 2015

Richard Cruz
BRAC Site Manager
Fort Wingate Depot Activity
P.O. Box 268
Fort Wingate, NM 87316

**RE: NOTICE OF VIOLATION
FORT WINGATE DEPOT ACTIVITY
EPA ID# NM6213820974**

Dear Mr. Cruz:

On June 9, 2014, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Fort Wingate Depot Activity (FWDA), located 8 miles east of Gallup, south of Interstate 40, Fort Wingate. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Conditionally Exempt Small Quantity Generator of hazardous waste and a federal permitted facility as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12), and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

FWDA's Resource Conservation and Recovery Act (RCRA) Permit ("Permit") identifies the U.S. Department of the Army as the owner and operator of FWDA and as the "Permittee." The Permit is subdivided into Parts, Attachments, and Appendices. Because specific requirements or "conditions" of the Parts are referenced below, this Notice of Violation utilizes the acronym "PC" when referring to conditions within the Parts.

The NMED observed the following violations:

1. Failure to post proper warning signs on the security fence and associated entry gate of the permitted area. NMED witnessed no warning signs on a section of the fence and

an associated entry gate at the north perimeter of Parcel 3. This is a violation of PC II.C.3.

2. Failure to inspect security fencing in accordance with the schedule in the Permit. During the inspection NMED was informed by facility representatives that the "fence had never been inspected." Furthermore, FWDA was unable to provide documentation that the required inspections had been performed. This is a violation of PC II.D.
3. Failure to remedy the deterioration and malfunction of the security fencing associated with Parcel 3. During the inspection NMED observed multiple areas of erosion beneath the fence, probable animal burrowing, rendering the fence incapable of performing its intended function. This is a violation of PC II.D.
4. Failure to perform and record inspections of the CAMU. During the inspection NMED was informed by facility representatives that the inspection of the CAMU had ceased in September of 2013 despite the Unit having continued to be in operation until December of that year. Furthermore, FWDA was unable to provide documentation that the required inspections had been performed. This is a violation of PCs II.C.4 and II.D.
5. Failure to maintain proper training documentation at the facility. Upon request, facility representatives could not provide the following training documentation:
 - a) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - b) A written job description for each position that includes the requisite skill, education, and other qualifications; and
 - c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling the position.This is a violation of PC II.E.
6. Failure to have an Emergency Response Coordinator "available at all times on the Facility premises" or "on call and available to respond to an emergency by reaching the Facility within a short period of time in case of an emergency." NMED was informed that the Emergency Response Coordinator referenced in the Permit Contingency Plan as being "On-Scene" is in fact generally based in Washington D.C. and would not be able to reach the facility within a short period of time. This is a violation of PC II.H.6.
7. Failure to maintain documentation at the Facility of the names, addresses, and phone numbers of the Emergency Coordinator and all persons designated as Alternate Emergency Coordinator. NMED's review of the Permit Contingency Plan revealed that information was not included. This is a violation of PC II.I.2(3).

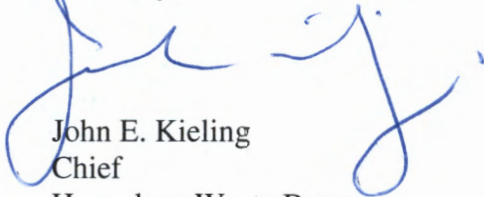
Richard Cruz
January 28, 2015
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The NMED requires that FWDA provide to the NMED within (30) days of receipt of this letter a written description of the actions taken by FWDA to address the violations described above and a schedule for implementation of corrective actions not yet completed.

This Notice of Violation is considered an informal enforcement response in accordance with the NMED's *Enforcement Response Protocol*. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our inspection, or in response to this letter, does not relieve FWDA of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Jaime Rodriguez of my staff at (505) 222-9569 or at jaime.rodriguez@state.nm.us. Please address any written response to the attention of Mr. Rodriguez at the address in the letterhead.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:jr

cc: Steve Pullen, NMED HWB
Sandra Martin, NMED HWB
Jaime Rodriguez, NMED HWB
Vicky Baca, NMED HWB
William Chavez, NMED District I Manager

file: Library #2397