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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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James C. Kenney
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Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 1, 2021

George H. Cushman
Headquarters, Department of the Army
Office of the DCS, G-9
Army Environmental Office, Room 5C140
600 Army Pentagon
Washington, DC 20310-0600

**RE: REQUEST FOR DEVIATION
FINAL WORK PLAN FOR THE HWMU [HAZARDOUS WASTE MANAGEMENT UNIT],
PARCEL 3
FORT WINGATE DEPOT ACTIVITY
MCKINLEY COUNTY, NEW MEXICO
EPA ID# NM6213820974
HWB-FWDA-11-013**

Dear Mr. Cushman:

The New Mexico Environment Department (NMED) received a letter (Request) requesting a deviation from the NMED-approved *Final Work Plan for the HWMU, Parcel 3* (Work Plan), dated December 11, 2020 and submitted on behalf of the Fort Wingate Depot Activity (Permittee).

The Permittee requests a deviation to allow subdivision of 250-yard soil stockpiles whose chemical analyses have exceeded residential screening values or cumulative risk so that they may be resampled. This would reduce the volume of materials requiring off-site disposal and allow for more reuse. Subdivision of contaminated soil stockpiles is not appropriate for a variety of reasons.

First, based on the Request, the Permittee has only had to utilize off-site disposal for approximately 1% of the stockpiles to date. Off-site disposal appears to be minimal at this point.

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Second, the stockpiles consist of soils that have been greatly homogenized through the sorting and sieving process; if the processing and stockpile sampling were conducted appropriately, there should be little variation in contaminated stockpile subdivisions.

Third, the process of collecting a composite sample from a 250-cubic yard stockpile is to characterize a large volume. To then allow the subdivision of the stockpile and resampling for only the constituent that exceeded the residential screening level/cumulative risk screening is equivalent to claiming that there are likely hot spots within the stockpile for the exceeding constituent and then ignoring that fact for all other constituents. Therefore, if contaminated stockpile subdivision were allowed, the subsequent samples would be required to be analyzed for all constituents.

The 250-cubic yard stockpile size was initially agreed upon due to the large amounts of excavated soil involved in the project. NMED will allow the Permittee to reduce the size of their initial stockpiles from 250-cubic yards to 100-cubic yards in order to potentially minimize the volumes of materials requiring off-site disposal.

Should you have any questions, please contact Ben Wear of my staff at (505) 476-6041.

Sincerely,



Dave Cobrain
Program Manager
Hazardous Waste Bureau

cc: B. Wear, NMED HWB
M. Suzuki, NMED HWB
L. King, EPA Region 6 (6LCRRC)
L. Rodgers, Navajo Nation
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File: FWDA 2020 and Reading