



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)



**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

March 8, 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: APPROVAL WITH MODIFICATIONS  
FINAL HAZARDOUS WASTE MANAGEMENT UNIT PROGRESS STATUS REPORT, 2019  
HWMU, PARCEL 3, REVISION 1.0  
FORT WINGATE DEPOT ACTIVITY  
MCKINLEY COUNTY, NEW MEXICO  
EPA ID# NM6213820974  
HWB-FWDA-20-006**

Dear Mr. Cushman:

The New Mexico Environment Department (NMED) is in receipt of the Fort Wingate Depot Activity (Permittee) *Final Hazardous Waste Management Unit Progress Status Report 2019 HWMU, Parcel 3, Revision 1.0* (Report), dated December 10, 2020. NMED has reviewed the Report, and hereby issues this Approval with Modifications with the attached comments. The Permittee must address all comments in the attachment to this letter and submit a response letter and replacement pages no later than **May 7, 2021**.

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

Mr. Cushman  
March 8, 2021  
Page 2

does not constitute agreement with all information or every statement presented in the document.

Should you have any questions, please contact Michiya Suzuki of my staff at (505) 476-6046.

Sincerely,



Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

cc: B. Wear, NMED HWB  
M. Suzuki, NMED HWB  
L. McKinney, EPA Region 6 (6LCRRC)  
L. Rodgers, Navajo Nation  
S. Begay-Platero, Navajo Nation  
M. Harrington, Pueblo of Zuni  
C. Seoutewa, Southwest Region BIA  
A. Whitehair, Southwest Region BIA  
G. Padilla, Navajo BIA  
J. Wilson, BIA  
B. Howerton, BIA  
R. White, BIA  
C. Esler, Sundance Consulting, Inc.  
M. Falcone, USACE

File: FWDA 2021 and Reading

Attachment

## SPECIFIC COMMENTS

### 1. Permittee's Response to NMED's Disapproval Comment 3, dated August 28, 2020

**Permittee Statement:** "A new table (Table 1-1 titled Landfill Disposal Criteria) has been added to describe the disposal criteria."

**NMED Comment:** Table 1-1, *Landfill Disposal Criteria*, page 11 of 1,591, only lists TCLP Regulatory Level for RCRA metals. However, there are potentially other contaminants (e.g., explosives) in the excavated soil. Provide an explanation why RCRA metals are included as the disposal criteria, but other hazardous constituents are not in a response letter. Provide a replacement table that includes all analytes required by the landfill for waste acceptance, as appropriate.

### 2. Permittee's Response to NMED's Disapproval Comment 7, dated August 28, 2020

**Permittee Statements:** "The Army is currently working with the NMED on resolution of this [N-Nitrosodimethylamine] issue."

**NMED Comment:** NMED's May 21, 2019 *Approval with Modifications Letter for the Final 2017 Interim Facility-Wide Groundwater Monitoring Plan, Version 10, Revision 1, Response to NMED Approval with Modifications Letter Dated October 22, 2018* states:

The Permittee secured a laboratory that is able to achieve adequately low limits of quantification (LOQs) for most contaminants. NMED approves implementation of the enhanced analytical procedures. Propose all changes associated with the enhanced analytical procedures in the next Interim Facility-Wide Groundwater Monitoring Plan (IFGMP) update. However, the Permittee also states, "[i]f the presence of compounds requiring these special analytical methods is not confirmed [in four consecutive sampling rounds], the analytical program will revert to the normal methods that were previously used." The Permittee is required to utilize appropriate analytical labs and methods that are capable of achieving LOQs below the respective SSLs. The Permittee must continue to utilize methods capable of achieving LOQs less than the cleanup levels for all future sampling events.

The Permittee states, "[i]n addition, the previous research showed that n-nitrodimethylamine [sic] [NDMA] was not utilized at Fort Wingate Depot Activity (FWDA)." A large portion of the facility is currently leased to and is being utilized by the Missile Defense Agency (MDA). Activities undertaken by MDA are likely to include utilization of rocket fuels. The LOQ provided by the Permittee in replacement Table 5-1 appears to be four orders of magnitude higher than the

SSL. Other facilities under NMED RCRA oversight have been able to contract with analytical laboratories that are able to achieve LOQs much closer to the SSL. One facility has utilized ALS labs in Ontario, Canada to achieve 0.5 to 1.0 ng/L. Another facility has utilized TestAmerica Labs to achieve 4 to 5 ng/L. Therefore, an LOQ of 10 µg/L, which is four orders of magnitude greater than the what the two labs listed above are able to achieve, is not acceptable. NMED cannot defend the assertion that NDMA contamination does not exist at FWDA based on laboratory analysis that can only achieve LOQs that are four orders of magnitude higher than the SSL. If the Permittee cannot provide data that meets the standards, then it will not be possible to demonstrate that releases related to MDA operations have not occurred.

In addition, NMED's December 17, 2019 letter regarding *Additional Information Related to the August 16, 2019 Proposal to Reset Enforceable Schedule and Resolve Programmatic Issues at Fort Wingate Depot Activity* states:

The Permittee is required to use analytical laboratories and methods that can achieve LOQs at or below the screening levels for all constituents of concern. The Permittee has proposed using labs where the LOQ for an analyte is multiple orders of magnitude above the screening level. This is not acceptable. The Permittee will likely need to use more than one lab to achieve the requirement. Other NMED-regulated facilities have been using multiple labs to achieve appropriate LOQs for many years. NMED cannot defend an assertion that a site is clean without data that support such a conclusion. Therefore, any future CAC requests may be disapproved based on NMED's inability to defend that a site is clean based on the Permittee's inability to demonstrate that contaminants are not present above applicable cleanup levels.

The direction provided in NMED's previous letters was not followed. Failure to follow NMED direction constitutes noncompliance and may result in an enforcement action.