



Michelle Lujan Grisham
Governor

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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 20, 2020

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: DISAPPROVAL
FINAL HWMU STATUS REPORT, 2012-2018 HWMU, PARCEL 3
FORT WINGATE DEPOT ACTIVITY
MCKINLEY COUNTY, NEW MEXICO
EPA ID# NM6213820974
HWB-FWDA-20-005**

Dear Mr. Cushman:


The New Mexico Environment Department (NMED) is in receipt of the Fort Wingate Depot Activity (Permittee) *Final HWMU Status Report, 2012-2018 HWMU, Parcel 3* (Report), dated May 19, 2020 and received on May 28, 2020. NMED has reviewed the Report, and hereby issues this Disapproval with the attached comments.

The Permittee must submit a revised Report that addresses all comments contained in the attachment. Two hard copies and an electronic version of the revised Report must be submitted to NMED. The Permittee must also include a redline-strikeout version in electronic format showing where all revisions to the Report have been made. The revised Report must be accompanied with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. The Revised Report must be submitted to NMED no later than **December 31, 2020**.

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

Sincerely,

**Kevin
Pierard**

 Digitally signed by
Kevin Pierard
Date: 2020.11.20
16:17:29 -07'00'

Kevin M. Pierard, Chief
Hazardous Waste Bureau

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

File: FWDA 2020 and Reading

Attachment

GENERAL COMMENT

1. Timely Submission of the Reports

NMED Comment: NMED's *[Response to the Permittee's] Extension Request for the Parcel 3 Hazardous Waste Management Unit Investigation and Remediation Report*, dated April 18, 2019, required the Permittee to submit the Report no later than September 30, 2019. However, the Report was not submitted to NMED until May 28, 2020, which was approximately eight months after the due date. The Permittee must submit future reports in a timely manner.

SPECIFIC COMMENTS

2. Section 1.1, Introduction, lines 2-6, page 1-1

Permittee Statement: "This status report has been prepared in response to a request by the New Mexico Environment Department (NMED) for an update on field operations and sampling results pertaining to the Removal Action at the Hazardous Waste Management Unit (HWMU) (Open Burning/ Open Detonation [OB/OD] Unit) (FTWG-002-R-01), at Fort Wingate Depot Activity (FWDA), McKinley County, New Mexico."

NMED Comment: A reference to the NMED's letter requiring the status reports (see Comment 1) must be included in the statement. Also, the reference "FTWG-002-R-01" is not included in Section 5, *References*. Include the reference in Section 5, as appropriate. Correct the issues in the revised Report.

3. Section 1.4.2, HWMU, lines 13-15, page 9

Permittee Statements: "After OB/OD operations were completed within the detonation craters, residual material and wastes were placed around the HWMU, typically pushed onto or over the arroyo bank."

NMED Comment: Since residual material and wastes were pushed onto or over the arroyo bank, munition debris and associated residual contaminants may be found farther downstream in the arroyo. After removal activities in HWMU is complete, soils along the arroyo must be investigated appropriately. No revision required.

4. Section 1.4.2, HWMU, lines 1-4, page 10

Permittee Statement: "If the stockpile soil sample results indicated that screening criteria have been exceeded, but were below hazardous waste disposal criteria, the soil was hauled to the Northwest New Mexico Regional Solid Waste Authority landfill."

NMED Comment: In Appendix A, residential soil screening levels for the analytes are listed; however, hazardous waste disposal criteria are not provided. Provide information regarding the hazardous waste disposal criteria in the revised Report.

5. Section 2.2.1, Stockpile Soil Sampling, lines 11-13, page 15

Permittee Statement: “Each 250 cubic yard stockpile was placed on 6 mil poly and was given a unique numeric identifier so that when analytical results were received and validated, the results could be correlated with a specific stockpile.”

NMED Comment: It is not clear how many and where the stockpiles are stored at the site and what area footage each stockpile occupies. Clarify the information in the revised Report. In addition, provide photographs of the stored stockpiles in the revised Report.

6. Section 2.2.2, Confirmation Soil Sampling, lines 9-10, page 16

Permittee Statement: “The confirmation soil sampling grid locations are presented on Figure 2-1.”

NMED Comment: Clarify whether confirmation soil samples were collected from solely detonation craters where MEC was destroyed in place or also from other locations. Confirmation soil sampling must be conducted specifically for detonation craters, if identified, regardless of the spacing specified in the work plan.

In addition, the method for the sample identification used in Appendix A is not explained in the Report. For example, the sample identified as P3HWMU-CDC01-EB-001 has four components (e.g., P3HWMU, CDC01, EB, and 001). However, it is not clear what each component represents. Define each component in the revised Report.

7. Section 2.2.2, Confirmation Soil Sampling, lines 28-32, page 16

Permittee Statement: “Confirmation soil samples were collected from the excavation. Due to the varying size and shape of each excavation, a composite sample was collected for every 100 ft of linear sidewall. If the excavation exceeded 20 ft in depth, a composite sample was collected for every 10 ft of depth every 100 ft of sidewall. Composite samples were also collected from the bottom of each 100 ft by 100 ft (i.e., 10,000 square ft) excavation (URS 2013).”

NMED Comment: The locations where confirmation samples were collected are not presented in the Report. Provide separate figures that present sampling locations in the revised Report.

8. Section 2.2.2, Confirmation Soil Sampling, lines 38-39, page 16

Permittee Statement: “Each composite sample consisted of nine subsamples randomly collected from within each sampling area.”

NMED Comment: Provide information regarding how composite samples are composed (e.g., weight of each subsample, mixing method) in the revised Report.

9. Section 2.2.2.1, Field Quality Assurance/Quality Control 1 Procedures and Samples, line 2, page 17

Permittee Statement: “Refer to Section 2.2.1.1 for field QA/QC procedures and samples.”

NMED Comment: If field QA/QC procedures are identical between stockpile and confirmation sampling, clarify that fact in the revised Report.

10. Section 3.1, Soil Sampling Results, lines 15-17, page 19

Permittee Statement: “Table 3-2 summarizes chemicals with a detection limit greater than the NMED SSL. One chemical (N-Nitrosodimethylamine) exhibited this quality. There were no detections of N-Nitrosodimethylamine in any of the soil samples submitted for laboratory analysis.”

NMED Comment: Even if the compound was not detected, the concentration of the compound may still exceed the screening level because the detection limit is greater than the screening level. The Permittee has previously been directed to provide analyses whose method detection limits, reporting detection limits, and practical quantitation limits are below the applicable screening level for each contaminant of concern. All data provided by analyses where the method detection limit, reporting detection limit, or practical quantitation limit exceed the screening level are considered data quality exceptions and cannot be used to demonstrate compliance.

11. Section 3.2.1.2, Potentially Exposed Populations, lines 13-17, page 22

Permittee Statement: “Some metals, such as manganese, have screening values that are more conservative for construction workers. Metals are initially screened against established background values. Generally, those metals with nonresidential screening values lower than residential screening values are lower than background. Therefore, background values would supersede the lower risk screening values.”

NMED Comment: In case of arsenic, NMED previously directed the Permittee to use the higher risk screening value rather than lower background value. Similarly, the use of higher

background values relative to lower risk screening values is acceptable. However, if metals concentrations are detected above risk screening values but below background values, such detections must be identified.

12. Section 3.3.1.1, MEC Recovered During Surface Sweeps, lines 28-29, page 24

Permittee Statement: “The locations of each MEC item recovered during the surface sweeps are shown on Figure 3-1.”

NMED Comment: In the revised Report, indicate the locations where MEC items were destroyed by detonation in place. Since detonation of MEC items may potentially disperse munition debris and contaminated soils in the vicinity, propose to investigate presence of munition debris and contaminated soils outside the detonation craters, if such areas are not covered by the survey grids presented in Figures 1-3 and 2-1.

13. Section 3.3.1.2, MEC Recovered During Processing, lines 32-33, page 24

Permittee Statement: “132 items were determined to be unacceptable to move and were destroyed by detonation in the HWMU at the end of each day.”

NMED Comment: Indicate the location(s) where the items were destroyed by detonation. Since detonation of MEC items may potentially disperse munition debris and contaminate soils in the vicinity, propose to investigate for the presence of residual soil contamination and munition debris (e.g., radius of 100 feet), if the locations of detonation are not included in the grids shown in Figures 1-3 and 2-1 (see Comment 12).

14. Section 3.3.1.3, MEC Recovered During DGM, lines 20-22, page 25

Permittee Statement: “Further excavation was completed to recover these seven items, and DGM was reperformed for clearance following the excavations. The item locations are illustrated in Figure 3-1.”

NMED Comment: Include a table that includes information regarding the locations and depths where the items were recovered and the size of each item in the revised Report.

15. Section 3.3.2.1, AN-M66A2 Bomb Discovery, lines 12-14, page 26

Permittee Statement: “The discovery of an AN-M66A2, 2,000-pound general purpose bomb, which contained 1,146 pounds of high explosive filler, exceeded the allowable quantity of explosives treated at the CAMU.”

NMED Comment: Provide information regarding the date, location, and depth where the

item was recovered in the revised Report.

16. Section 4, Summary, lines 1-2, page 31

Permittee Statement: “Remedial activities at the FWDA Parcel 3 HWMU area have been in operation from 2011 to current.”

NMED Comment: Section 1.1, *Introduction*, lines 7, page 7, states, “[r]emoval action operation have been conducted at FWDA since 2012.” Presumably, there is a typographical error in the statement or the remedial activities conducted in 2011 were different from the removal activities discussed in the status report. Explain the nature of the remedial activities conducted in 2011 or correct the typographical error in the revised Report.

17. Section 4, Summary, lines 19-20, page 31

Permittee Statement: “Stockpile soil samples and confirmation soil samples that exceeded SSLs are summarized in Tables 3-1 and 3-2, respectively.”

NMED Comment: None of the constituents in the confirmation soil samples exceeded the soil screening levels. They are not listed in Table 3-1. Table 3-2 is titled as *Chemical Detection Limits Greater Than SSLs*. Table 3-2 is not relevant to the discussion. Correct the statement for accuracy.

18. Section 4, Summary, line 28-29, page 31

Permittee Statement: “Most items were properly destroyed within the CAMU area; however, items that were designated unacceptable to move were detonated within the HWMU.”

NMED Comment: Clarify that CAMU is located in SWMU 14 rather than the HWMU. Include a map that presents the locations of both CAMU and SWMU 14 in the revised Report.

19. Section 4, Summary, lines 31-32, page 31

Permittee Statement: “A total of 3.95 million pounds (1,975 tons) of MD was removed, inspected, designated as MDAS, flashed, and recycled.

NMED Comment: The summary section must also include information regarding (1) the total volume of soil treated, (2) the survey grids where confirmation samples were collected and absence of contamination was confirmed, if applicable, and (3) the grids where soils are planned to be treated in the following year (2019). Include the information in the revised Report.

Kimberly Rudawsky

From: Christy Esler
Sent: Monday, November 23, 2020 12:23 PM
To: Kimberly Rudawsky; Chasitty Badonie
Cc: Angela Makin
Subject: FW: Letters to Mr. Cushman
Attachments: 2020-11-20 AM FWDA-19-005.pdf; 2020-11-20 D FWDA-20-005.pdf

Please see attached NMED letters for processing.

From: Smith, Steven W CIV USARMY CESWF (USA) <Steve.W.Smith@usace.army.mil>
Sent: Monday, November 23, 2020 11:01 AM
To: Khan, Mohammad Saqib (Saqib) CIV USARMY CESWF (USA) <Mohammad.S.Khan@usace.army.mil>; Myers, Dennis J CIV USARMY CESWF (USA) <dennis.j.myers.civ@mail.mil>; Slavens, Michael R CIV USARMY CESWF (USA) <Michael.R.Slavens@usace.army.mil>
Cc: george.h.cushman.civ@mail.mil; Angela Makin <amakin@sundance-inc.net>; Christy Esler <cesler@sundance-inc.net>
Subject: FW: Letters to Mr. Cushman

Gents,

Passing these letter on to you. I haven't read them yet, but I see NMED wants a revised report on the second letter by 12/31/2020 – ha ha.

Steve

From: Martinez, Cynthia, NMENV <cynthia.martinez1@state.nm.us>
Sent: Monday, November 23, 2020 9:35 AM
To: george.h.cushman.civ@mail.mil
Cc: Pierard, Kevin, NMENV <Kevin.Pierard@state.nm.us>; Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>; Wear, Benjamin, NMENV <Benjamin.Wear@state.nm.us>; Suzuki, Michiya, NMENV <Michiya.Suzuki@state.nm.us>; 'hendrickson.charles@epa.gov' <hendrickson.charles@epa.gov>; lasar98@yahoo.com; srbp@navajoadvantage.com; Mark.Harrington@ashiwi.org; clayton.seoutewa@bia.gov; george.padilla@bia.gov; judith.wilson@bia.gov; bj.howerton@bia.gov; 'robin.white@bia.gov' <robin.white@bia.gov>; Christy Esler <cesler@sundance-inc.net>; Smith, Steven W CIV USARMY CESWF (USA) <Steve.W.Smith@usace.army.mil>
Subject: [Non-DoD Source] Letters to Mr. Cushman

Good Morning,
Please see attachments.

Cynthia Martinez
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg.1
Santa Fe, New Mexico 87505-6313