



State of New Mexico
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 19, 2018

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

Steve Smith
USACE
CESWF-PER-DD
819 Taylor Street, Room 3B06
Fort Worth, TX 76102

**RE: EXTENSION REQUEST FOR REVISED FINAL RCRA FACILITY
INVESTIGATION REPORT, PARCEL 22 AND PHASE 2 RCRA FACILITY
INVESTIGATION WORK PLAN, PARCEL 22
FORT WINGATE DEPOT ACTIVITY
MCKINLEY COUNTY, NEW MEXICO
EPA # NM6213820974
HWB-FWDA-11-001**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) is in receipt of the Fort Wingate Depot Activity (Permittee) letter requesting an extension (Request) to submit the revised *RCRA Facility Investigation Report Parcel 22* (Report) and the *Phase 2 RCRA Facility Investigation Work Plan Parcel 22* (Plan), dated October 31, 2018 and received November 5, 2018.

The Permittee has provided a narrative in the Request that is inaccurate. The Permittee's statement, "[o]verall delays at Parcel 22 are mostly attributed to the document review times" is misleading. While this is true in part, the Permittee neglected to mention that this Report was repeatedly put at the bottom of the list of prioritized documents for review by the Permittee. NMED, while under no obligation, attempts to accommodate the Permittee with regard to their priorities, but has stated that in doing so, other document reviews would be delayed. This document review was specifically labeled in multiple prioritization tables spanning multiple years provided by Mr. Steve Smith of the Army as "Low Priority" and was therefore delayed.

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Based on the justification as presented in the Request, NMED may revisit its policy to accommodate any further prioritization of document reviews by the Permittee.

The Permittee has indicated that it will take approximately 6-months to get a contract established and the work scheduled. The Permittee received NMED's Disapproval letter on May 10, 2018. Approximately six months has passed since the Permittee received the Disapproval letter, and it appears that the contracting process has yet to begin. A contract could have been well into the process of being awarded by now had the Permittee pursued it in a timely manner.

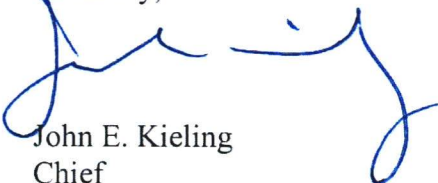
The Permittee states, "[c]omment number 33 is requesting explanation of field work plans for the digital geophysical MEC investigation previously conducted, which is planned under a separate MEC RFI work plan. This would be a substantial addition to the Revision 3.0 RFI Report." The MEC investigation was mentioned in the Report with no information describing future work, which is why the comment was provided. A response to the comment stating that this work is planned under another work plan with a brief description of what is to be conducted in the revised Report does not constitute a "substantial addition".

The Permittee also states, "[i]n the same email chain NMED suggested that both documents be extended to the August 12, 2019 date requested for the revision 3.0." This is not accurate. The Permittee was told that both dates would be extended by the same timeframe, which means the Plan will be due approximately three months after the Report.

NMED approves the extension independent of the justification provided. The date to submit the revised Report has been changed to **August 12, 2019**, as requested. The date to submit the Plan has been changed to **November 15, 2019**, as stated in the October 23, 2018 email from Ben Wear.

If you have any questions regarding this letter, please contact Ben Wear at (505) 476-6041.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
B. Wear, NMED HWB
M. Suzuki, NMED HWB
C. Hendrickson, U.S. EPA Region 6
T. Perry, Navajo Nation
S. Begay-Platero, Navajo Nation
M. Harrington, Pueblo of Zuni
C. Seoutewa, Southwest Region BIA

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G. Padilla, Navajo BIA
J. Wilson, BIA
E. Stevens, BIA
R. White, BIA
C. Esler, Sundance Consulting, Inc.

File: FWDA 2018 and Reading, Parcel 22, FWDA-11-011