



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

JUN 05 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: EXTENSION REQUEST FOR THE PARCEL 3 HAZARDOUS WASTE MANAGEMENT UNIT
PROGRESS REPORT FOR 2019
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 (FWDA or Permittee) *Extension Request for the Parcel 3 Hazardous Waste Management Unit Progress Report for 2019* (Request), dated June 2, 2020.

Section I.M of the FWDA RCRA Permit states, “[t]he Permittee may seek an extension of time in which to perform a requirement of this Permit, for good cause, by sending a written request for extension of time and proposed revised schedule to the NMED. The request shall state the length of the requested extension and describe the basis for the request.”

The Request states, “[t]he Army submitted the 2012-2018 Parcel 3 HWMU Progress Report on May 22, 2020. The Army will incorporate any comments from NMED on the 2012-2018 Parcel 3 HWMU Progress Report into the Parcel 3 HWMU Progress Report for 2019. The Army is seeking extension in time under RCRA Permit Section I.M., in order to incorporate NMED comments on

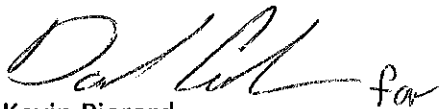
the first Progress Report to better ensure the 2019 document meets NMED's requirements."

The Request did not state that the Permittee submitted the 2012-2018 Parcel 3 HWMU Progress Report approximately eight months past the required submittal date of September 30, 2019. The Permittee would have already received NMED comments to incorporate into the 2019 annual progress report had they submitted the document on time.

NMED does not consider the Permittee's failure to submit a required document by the required due date to be good cause for further extending the schedule. Therefore, NMED hereby denies the extension. The 2019 HWMU progress report must be submitted per the approved schedule. Failure to submit required documents on time and/or follow NMED's direction constitutes noncompliance and may result in an enforcement action.

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

Sincerely,



Kevin Pierard

Chief

Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
B. Wear, NMED HWB
M. Suzuki, NMED HWB
S. Smith, FWDA
C. Hendrickson, EPA Region 6 (GLCRRC)
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.

File: FWDA 2020 and Reading

Kimberly Rudawsky

From: Christy Esler
Sent: Monday, June 8, 2020 11:39 AM
To: Kimberly Rudawsky; Chasitty Badonie
Cc: Angela Makin
Subject: FW: Letter to Mr. Cushman
Attachments: FWDA 2020- Extension Rqst for the Parcel 3 HWMU Progress Rpt 2019- HWB-FWDA-20-005.pdf

Kim & Chasitty,

Please follow our procedure to process the attached NMED correspondence letter.

Parcel 3 HWMU Progress Report Extension Request- Denied

Thank you

From: Martinez, Cynthia, NMENV <cynthia.martinez1@state.nm.us>
Sent: Monday, June 8, 2020 10:52 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>; 'Steve.W.Smith@usace.army.mil' <Steve.W.Smith@usace.army.mil>; '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; bj.howerton@bia.gov; 'robin.white@bia.gov' <robin.white@bia.gov>; Christy Esler <cesler@sundance-inc.net>; judith.wilson@bia.gov
Subject: Letter to Mr. Cushman

Good Morning,
Please see attachment.

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