



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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Santa Fe, New Mexico 87505-6303

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RYAN FLYNN  
Cabinet Secretary-Designate

BUTCH TONGATE  
Deputy Secretary

TOM BLAINE, P.E.  
Director  
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 28, 2014

Mark Patterson  
BRAC Environmental Coordinator  
P.O. Box 93  
Ravenna, OH 44266

Steve Smith  
USACE  
CESWF-PER-DD  
819 Taylor Street, Room 3B06  
PO Box 17300  
Fort Worth, TX 76102-0300

**RE: ADMINISTRATIVE COMPLETENESS AND FEE ASSESSMENT  
APPROVAL WITH MODIFICATION  
NOTIFICATION OF CLASS I PERMIT MODIFICATION FOR THE  
HAZARDOUS WASTE FACILITY PERMIT  
FORT WINGATE DEPOT ACTIVITY  
EPA ID#NM6213820974  
HWB-FWDA-13-011**

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) has received Fort Wingate's (the Permittee) *Notification of Class I Permit Modification for the Hazardous Waste Facility Permit, EPA ID No. NM6213820974, dated November 13, 2013* and received December 13, 2013 (Request). The Request proposed changes to the Permit allowing the Permittee to designate one primary treatment pit for open burning (OB) operations and a separate treatment pit for open detonation (OD) operations. In addition, the Permittee requested the ability to utilize the burn pan on grade and, for appropriately trained on-site personnel, to size each detonation pit based on the materials being demolished. NMED has reviewed the Permittees' Request and hereby approves this request and deems it administratively complete with the following modifications:

**1. Clarification of the use of treatment pit, demolition pit, and detonation pit**

In discussions with the Permittee, NMED became aware of the confusion inherent within the Permit based on using multiple terms containing the word "pit" either interchangeably or for different meanings. NMED and the Permittee agreed that the Permit should be modified for consistency and clarity. The Permittee suggested utilization of the term "treatment cell" to describe the bermed areas where either OD or OB operations would occur, and the Permit was updated to utilize the term. The term "detonation pit" was utilized to describe an actual excavated pit within a treatment cell used for OD operations.

**2. Ability to use sandbags for the containment of OD operations**

In discussions with the Permittee regarding the determination of the detonation pit sizing and minimum pit depth, the Permittee requested that appropriately trained on-site personnel, i.e., Senior Unexploded Ordnance Supervisor (SUXOS) and Unexploded Ordnance (UXO) Quality Control Specialist, be able to conduct smaller OD operations on grade through the utilization of sandbags for containment. NMED agreed that this request was reasonable and incorporated it into the Permit.

The revised version of the relevant sections of the Permit incorporating the modifications is attached.

The modifications identified above were put into effect as requested by the Permittees and modified by NMED under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)). NMED has incorporated these Class 1 modifications into the FWDA Permit.

The New Mexico Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2.201.B(2)(b) NMAC require the assessment of fees. The fee invoice for the Class 1 Permit Modification Request, is attached to this letter.

Payment is due within sixty (60) calendar days from the date that you receive the invoice in accordance with 20.4.2.301.C NMAC. If you disagree with the fees assessed, you may notify the NMED in writing, at the address above, of the intent to appeal the invoice under the provisions of 20.4.2.302.A NMAC.

If payment is by check, then you must provide the invoice number on the check. If payment is transmitted electronically, then you must submit a letter to Mr. James Valdez, NMED Hazardous Waste Bureau, indicating the invoice number, payment amount, and the assessed activity prior to transferring funds.

Messrs. Patterson and Smith  
February 28, 2014  
Page 3

If you have any questions regarding this correspondence, please contact Ben Wear of my staff at 505-476-6041.

Sincerely,



Dave Cobrain  
Manager  
Permits Management Program

cc: J. Kieling, NMED HWB  
N. Dhawan, NMED HWB  
B. Wear, NMED HWB  
S. Duran, NMED HWB  
C. Esler, USACE  
L. King, U.S. EPA Region 6  
C. Hendrickson, U.S. EPA Region 6  
T. Perry, Navajo Nation  
F. Jishie, Navajo Nation  
J. John, Navajo Nation  
E. Quintana,  
S. Beran, Zuni Pueblo  
D. Tsabetsaye, Zuni Pueblo  
K. Bemis, Zuni Pueblo  
C. Seoutewa, Southwest Region BIA  
R. Duwyenie, Navajo BIA  
J. Wilson, BIA  
E. Stevens, BIA  
B. Davis, BIA  
K. Nunan, BIA

File: Reading and FWDA 2014, PMR, FWDA-13-011



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**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**

March 29, 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, 2012 –  
2018, ARMY'S RESPONSE TO NEW MEXICO ENVIRONMENT DEPARTMENT LETTER OF  
DISAPPROVAL DATED NOVEMBER 20, 2020  
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 Hazardous Waste Management Unit Progress Status Report, 2012 – 2018, Army's Response to the New Mexico Environment Department Letter of Disapproval dated November 20, 2020* (Response), dated March 12, 2021. NMED has reviewed the Response and hereby issues this Approval with Modifications with the attached comments. The Permittee must address the comments in the attachment to this letter in the upcoming 2020 Hazardous Waste Management Unit Progress Report due to NMED on June 30, 2021.

Mr. Cushman  
March 29, 2021  
Page 2

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 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,

Kevin M. Pierard, Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
B. Wear, NMED HWB  
M. Suzuki, NMED HWB  
L. McKinney, EPA Region 6 (GLCRRC)  
L. Rodgers, Navajo Nation  
S. Begay-Platero, Navajo Nation  
M. Harrington, Pueblo of Zuni  
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



**1. Discrepancy in the Numbers for the NMED's Comment and the Permittee's Corresponding Response**

**NMED Comment:** Comment 1 in the NMED's November 20, 2020 *Disapproval* was not numbered in the Response. Consequently, the numbers for the NMED's comment do not match with the numbers for the Permittee's corresponding reply in the Response. NMED's comment numbers and the Permittee's corresponding response must be consistent in future correspondences. No revision required.

**2. Permittee's Response to NMED's Disapproval Comment 10, dated November 20, 2020**

**Permittee Statement:** "Until recently, laboratory instrumentation did not allow for the N-Nitrosodimethylamine detection limit to meet the screening level. The Army is aware of this issue and recognizes the NMED considers this a data quality exception. The Army is currently working with the NMED on resolution of this issue."

**NMED Comment:** The February 1, 2021 email from Mr. Wear of NMED to Mr. Cushman of FWDA provides a clarification and direction regarding the analytes where LOQ exceeds the applicable screening levels. The email requests specific information be provided for NMED's evaluation of this recurring issue. The NMED's *Approval with Modifications Revised Final 2022 Interim Northern Area Groundwater Monitoring Plan*, dated March 8, 2021, directed the Permittee to provide an anticipated date when the requested information will be submitted to NMED in the response letter. This comment serves as a reminder; no revision is required.

**3. Permittee's Response to NMED's Disapproval Comment 15, dated November 20, 2020**

**Permittee Statement:** "The item [(2,000-pound general purpose bomb)] was recovered at approximately 18 feet below ground surface during excavation sloping activities at along the southwestern HWMU boundary."

**NMED Comment:** Materials potentially presenting an explosive hazard (MPPEH) are potentially present at a depth approximately 18 feet below ground surface (bgs) in the HWMU. If final excavation depths in an excavation grid are shallow, post-excavation digital geophysical mapping (DGM) may not be able to detect potential presence of MPPEH at greater depths below the ground surface. Provide details of the depth detection capabilities of the DGM in the 2020 Hazardous Waste Management Unit Progress Report.



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**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**

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,

A handwritten signature in blue ink, appearing to read "Dave Cobrain".

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.



**Certified Mail - Return Receipt Requested**

September 9, 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, 2020  
HWMU, PARCEL 3  
FORT WINGATE DEPOT ACTIVITY  
MCKINLEY COUNTY, NEW MEXICO  
EPA ID# NM6213820974  
HWB-FWDA-21-002**

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, 2020 HWMU, Parcel 3* (Report), dated June 11, 2021. NMED has reviewed the Report, and hereby issues this Approval with Modifications with the following comments.

**COMMENTS**

**1. Section 3.1 Soil Sampling Results, lines 15-21, page 3-1**

**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. Until recently, laboratory instrumentation did not allow for the N-Nitrosodimethylamine detection limit to meet the screening level. The Army is aware of this issue and recognizes the NMED considers this a data quality issue. The Army is currently working with the NMED on resolution of this issue."

**NMED Comment:** NMED has already provided the Permittee the specific direction to resolve this recurring issue through the February 1, 2021 email from Mr. Wear of NMED to Mr. Cushman of FWDA. Resolve this issue in a timely manner.

**2. Section 4, Summary, lines 30-32, page 4-1**

**Permittee Statements:** “Three stockpile samples exceeded the cancer risk of 1.0E-05. Fourteen stockpile samples exhibited a hazard index that exceeded 1.0 for two target organs. A summary of the stockpile soil samples that exceeded risk screening levels included in Table 3-3.”

**NMED Comment:** Section 1.4.2, *HWMU*, lines 33-38, page 1-3, states, “[i]f the stockpile soil sample results indicated that screening criteria were exceeded but were below hazardous waste disposal criteria (see Table 1-1 for list of analytes), the soil was classified as non-hazardous waste and was hauled to the Northwest New Mexico Regional Solid Waste Authority landfill. The soil was classified as non-hazardous waste. No hazardous waste was generated in the HWMU during the 2020 removal activities.”

The fate of stockpile soils containing contaminant concentrations exceeding residential screening levels is not discussed in the Summary section. Include a discussion regarding the fate of the stockpile soils in the Summary section of the Report and provide replacement pages.

In addition, the concentrations of the analytes listed in Table 1-1, *Hazardous Waste Disposal Analyte List*, page 11 of 1,564, were presumably compared with disposal screening criteria to classify the stockpile soils; however, disposal screening criteria are not presented in Table 1-1. Revise Table 1-1 to include disposal screening criteria and prepare a separate table that presents comparison of the contaminant concentrations with the disposal screening criteria. Furthermore, Section 1.4.2 indicates that the contaminant concentrations in the stockpile soils did not exceed the disposal screening criteria and the soils were hauled to the landfill. If so, provide a copy of the waste manifest.

The Permittee must address all comments in this letter and submit a response letter, replacement pages including the required tables, a copy of the waste manifest required by Comment 2, an electronic version of the red line strike-out, and an electronic version of the clean revised Report no later than **January 15, 2022**

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

Mr. Cushman  
September 9, 2021  
Page 3

Should you have any questions, please contact Michiya Suzuki of my staff at (505) 690-6930.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ricardo Maestas' with a stylized flourish at the end.

Ricardo Maestas  
Acting Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
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



**Certified Mail - Return Receipt Requested**

April 3, 2023

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, 2021  
PARCEL 3  
FORT WINGATE DEPOT ACTIVITY  
MCKINLEY COUNTY, NEW MEXICO  
EPA ID# NM6213820974  
HWB-FWDA-22-003**

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, 2021 HWMU, Parcel 3* (Report), dated June 22, 2022. NMED has reviewed the Report and hereby issues this Approval with Modifications with the following comments.

**COMMENTS**

**1. Section 3.1, Soil Sampling Results, lines 21-22, page 3-1**

**Permittee Statement:** "In October 2021, the Army began analyzing NMDA [sic] separately using Method 8270D-SIM to achieve a lower detection limit."

**NMED Comment:** Table 3-2 (Laboratory Limits Greater Than SSLs) indicates that the limit of quantitation (LOQ) for NDMA is 0.023 mg/kg, which is lower than the respective soil screening level of 0.0234 mg/kg. However, both Appendix A.1, Stockpile Soil Sampling Results, and A.2, Confirmation Soil Sampling Results, indicate that the LOQ values for NDMA were 0.026 mg/kg, which slightly exceeds the soil screening level for NDMA. Although the improvement to lower LOQ is notable, the LOQ values for NDMA continue to exceed the NMED soil screening level. Correct the table and provide additional discussion in the 2022 HWMU Progress Status Report.

**2. Section 3.1.1, Stockpile Soil Sampling Results, lines 9-10, page 3-3**

**Permittee Statement:** “Lead was detected above the residential SSL noncancer endpoint of 400 mg/kg in one sample (Sample ID: P3HWMU-SKPL-2061) at a concentration of 2,940 mg/kg.”

**NMED Comment:** The lead concentration in the stockpile soil sample collected from Stockpile number 2061 was significantly higher than that of all other stockpile soil samples. Section 3.1.2 (Excavation Bottom/Sidewall Confirmation Soil Sampling Results), lines 20-22, page 3-3 states, “[o]f the 30 confirmation soil samples collected and analyzed for VOCs, SVOCs, explosives, polychlorinated biphenyls, dioxins/furans, metals, cyanide, nitrate, and perchlorate, there were no laboratory detections that exceeded the residential cancer or noncancer screening levels.” Although residual lead contamination does not remain in the grid(s) according to Section 3.1.2, it is imperative to correlate the stockpile numbers to the location of the sample grids shown on Figure 2-1. If the lead exceedance was identified in the soils collected from the grids adjacent to the HWMU boundary (e.g., grids H14 through H20), the contamination may potentially extend past the HWMU boundary, even though the confirmation sampling results within the grids indicated that the lead exceedance was eliminated. Provide a table that presents the correlation between the stockpile numbers and the location of the sample grids in the 2022 HWMU Progress Status Report. If the stockpile soil exceedances correlate with the grids located at the HWMU boundary, additional investigation and/or remedial actions must be proposed for potentially contaminated soils outside of the HWMU boundary. Include this provision and provide additional discussion in the 2022 HWMU Progress Status Report.

**3. Section 4, Summary, line 25, page 4-1**

**Permittee Statement:** “No transport and disposal of contaminated stockpile soil was conducted in 2021.”

**NMED Comment:** Appendix E (Erosion Control Photographs) includes photographs of the dust control measures conducted by spraying water over the stockpiles. The photographs indicate that the soils were not covered by any physical barriers. The average wind speed can exceed 15 miles per hour in McKinley County. The contaminated soils kept more than two years at the stockpile area may have dispersed to surrounding areas. In addition, straw wattles were placed around the perimeter of the stockpiles based on the photographs; rainwater runoff may not be prevented by this method of erosion control during monsoon season. Provide a figure that depicts the location of the entire stockpile area and the area(s) where contaminated stockpiles are located in the 2022 HWMU Progress Status Report. Also, include a provision to investigate potential surface soil contamination surrounding the stockpile areas that may be caused by erosion and wind dispersion upon completion of the removal activities in the 2022 HWMU Progress Status Report.

Mr. Cushman  
April 3, 2023  
Page 3

The Permittee must address all comments in this letter in the 2022 HWMU Progress Status Report. The Permittee must submit the 2022 HWMU Progress Status Report no later than **June 30, 2023**.

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 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) 690-6930.

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  
K. Noble, Pueblo of Zuni  
A. Whitehair, Southwest Region BIA  
G. Padilla, Navajo BIA  
J. Wilson, BIA  
B. Howerton, BIA  
R. White, BIA  
C. Esler, Sundance Consulting, Inc.  
A. Soicher, USACE

File: FWDA 2023 and Reading





MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**Certified Mail - Return Receipt Requested**

February 6, 2024

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  
FINAL REVISION 1 HAZARDOUS WASTE MANAGEMENT UNIT  
PROGRESS STATUS REPORT, 2022 HWMU, PARCEL 3  
FORT WINGATE DEPOT ACTIVITY  
MCKINLEY COUNTY, NEW MEXICO  
EPA ID# NM6213820974  
HWB-FWDA-23-005**

Dear Mr. Cushman:

The New Mexico Environment Department (NMED) is in receipt of the Fort Wingate Depot Activity (Permittee) *Final Revision 1 Hazardous Waste Management Unit Progress Status Report, 2022 HWMU, Parcel 3* (Report), dated December 20, 2023. NMED has reviewed the Report and hereby issues this Approval with the following comments.

**COMMENTS**

**1. Permittee's Response to NMED's Disapproval Comment 5, dated October 19, 2023**

**Permittee Statement:** "Hexavalent chromium analysis was added to the list for future confirmation soil sampling."

**NMED Comment:** NMED acknowledges that hexavalent chromium analytical results for confirmation soil sampling will be included in the upcoming status reports. No response is required.

**2. Permittee's Response to NMED's Disapproval Comment 6, dated October 19, 2023**

**Permittee Statement:** "A sentence was added to the paragraph that states at the

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

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

conclusion of the removal activities a soil sampling Work Plan will be developed to investigate potential surface contamination adjacent to the HWMU.”

**NMED Comment:** NMED acknowledges that the Permittee will submit a work plan to investigate potential surface soil contamination outside the HWMU boundary upon completion of the removal activities. No response is required.

The Permittee adequately addressed all comments contained in NMED’s October 19, 2023 Disapproval; therefore, NMED issues this Approval. The Permittee is reminded that the 2023 HWMU Progress Status Report must be submitted no later than **June 30, 2024**.

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 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) 690-6930.

Sincerely,

**Ricardo Maestas**

Digitally signed by Ricardo  
Maestas  
Date: 2024.02.06 15:04:33 -07'00'

Ricardo Maestas  
Acting Chief  
Hazardous Waste Bureau

cc: N. Dhawan, NMED HWB  
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