



DEPARTMENT OF THE ARMY
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April 30, 2024

Army Environmental Division- BRAC Operations Branch

Mr. Ricardo Maestas
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

RE: Response to Approval with Modifications, Groundwater Periodic Monitoring Reports, January through June 2021 and July through December 2021, Revision 1, Fort Wingate Depot Activity, McKinley County, New Mexico. EPA# NM6213820974

Dear Mr. Maestas:

This letter provides responses to the comments issued in the Approval with Modifications letter from the New Mexico Environment Department (NMED) dated March 19, 2024, HWB-FWDA-22-002 and HWB-FWDA-23-001 for the Groundwater Periodic Monitoring Reports, January through June 2021 and July through December 2021, Revision 1.

Comments:

1. Permittee's Response to NMED's Approval with Modifications Comment 3, dated May 23, 2023

Permittee Statement: "The Army is investigating the potential presence of PFAS at Fort Wingate Depot Activity under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A Preliminary Assessment and Site Inspection (PA/SI) are currently being conducted and will be made available upon completion."

NMED Comment: Potential PFAS releases to the environment must be investigated under the February 2015 Fort Wingate Depot Activity Resource Conservation and Recovery Act Permit (Permit). PFAS are emerging contaminants of concern that meet the statutory definition for hazardous waste defined in New Mexico Hazardous Waste Act Section 74-4-3.K, Section 1004(5) of the Solid Waste Disposal Act, and Section 6903(5) of the United States Resource Conservation and Recovery Act and are defined as such in the Permit as required by 40 Code of Federal Regulations 270.32(b)(2) for protection of human health and the environment.

The Permittee's intent to investigate the potential presence of PFAS under a Comprehensive Environmental Response Compensation and Liability Act (CERCLA) process may result in the collection of data that is not valid for use during risk assessment required by the Permit.

NMED's Disapproval Comment 3 states, "[t]he Permittee must propose to conduct PFAS analysis for the groundwater samples collected from the selected wells in two consecutive sampling events using appropriate sampling and analytical methods in the upcoming

Interim Northern Area Groundwater Monitoring Plan." Although no revision is required to the Reports, this comment remains valid regardless of the results of the PFAS assessment. The Permittee failed to propose to conduct PFAS analysis for the groundwater samples in the 2024 Northern Area Groundwater Monitoring Plan. Failure to follow NMED direction constitutes noncompliance and may result in an enforcement action.

Permittee Response:

Comment acknowledged. Consistent with the intent of NMED's comment, the Army is assessing for the presence of PFAS at Fort Wingate and recently completed a Site Inspection (SI) that will soon be submitted to NMED. Based on the results of the SI, the Army is initiating a Remedial Investigation (RI) for PFAS at FWDA. As an emerging contaminant, Federal Department of Defense policy is to conduct PFAS investigations under the CERCLA process (<https://www.acq.osd.mil/eie/eer/ecc/pfas/data/cleanup-pfas.html>), a decision that is not at the discretion of the Permittee. The Army requests a meeting to discuss NMED concerns and involvement in upcoming PFAS investigations. The Army respectfully requests that NMED's direction on PFAS sampling be deferred pending further discussions.

2. Permittee's Response to NMED's Disapproval Comment 6, dated May 23, 2023

Permittee Statement: "[T]he Army proposes to further characterize groundwater flow gradients beneath the Workshop Area, as necessary to determine the nature and extent of groundwater contamination, through the Groundwater RFI process. As indicated in earlier correspondence, the Army intends to submit the Northern Area Groundwater Phase 2 RFI Work Plan by March 15, 2024."

NMED Comment: The permittee's December 7, 2023 *Extension Request for submitting the Phase 2 Groundwater RCRA Facility Investigation Work Plan* is not an approved document. It is inappropriate to include this investigation in a work plan (i.e., the Phase 2 Groundwater RCRA Facility Investigation Work Plan) that is not compliant. The Permittee must submit a separate work plan to characterize groundwater flow gradients beneath the Workshop Area no later than October 31, 2024. This due date is set to provide ample time to prepare the work plan to evaluate the strategies employed to characterize groundwater flow direction in the bedrock aquifer beneath the Workshop Area.

Permittee Response: Comment acknowledged. The Army is working diligently to regain compliance with the direction provided in numerous NMED correspondences and attempting to provide responses in the most pertinent investigations. The Army recently submitted the Phase 2 Northern Area Groundwater RFI Work Plan (Phase 2 GW RFI Work Plan) to address the NMED comments on various groundwater periodic monitoring reports. The Phase 2 GW RFI Work Plan includes provisions to characterize groundwater flow gradients beneath the Workshop Area. The Army respectfully requests that NMED consider the provisions included in the Phase 2 GW RFI Work Plan for addressing the comment above.

3. Permittee's Response to NMED's Disapproval Comment 8, dated May 23, 2023

Permittee Statement: "The Army investigated the surface completion of well BGMW02 for competence and investigated the area surrounding the well for signs of potential surface water accumulation during the October 2023 groundwater monitoring event. The observations are being recorded in the July to December 2023 PMR."

NMED Comment: Provide photographs of the surface completion of well BGMW02 and the area surrounding the well as well as a description of the observations in the July to December 2023 report. Ensure the photographs include descriptions of the subject matter and directional information. No revision is required to the Reports.

Permittee Response: Concur. Photographs of the surface completion of well BGMW02 and the area surrounding the well, as well as a description of the observations, will be provided in the July through December 2023 report. Photographs will include descriptions of the subject matter and directional information.

4. Permittee's Response to NMED's Disapproval Comment 10, dated May 23, 2023

Permittee Statement: "As proposed in the Army's April 24, 2023, letter to NMED regarding outstanding documents, the Army plans to submit a Work Plan to complete the RFI process for Parcel 22, including the investigation of perchlorate in soils, by 15 March 2024."

NMED Comment: Neither the Permittee's April 24, 2023 Response to NMED's February 28, 2023 Correspondence nor the December 7, 2023 Extension Request for submitting the Parcel 22 Phase 2 RCRA Facility Investigation Work Plan is an approved document. It is inappropriate to include this requirement in a work plan (i.e., Parcel 22 RFI work plan) that is not compliant. The Permittee must submit a separate work plan to delineate the eastern extent of the bedrock perchlorate plume (i.e., east of well TMW64) no later than October 31, 2024. This work plan may be combined with the investigation required by Comment 2 above, as appropriate.

Permittee Response: Comment acknowledged. Please see the response to Comment #2. The Army included provisions to delineate the eastern extent of the bedrock perchlorate plume (i.e., east of well TMW64) in the Phase 2 GW RFI Work Plan.

5. Permittee's Response to NMED's Disapproval Comment 15, dated May 23, 2023

Permittee Statement: "The Army will submit a work plan to include abandonment of wells FW35, MW18S, and MW22S."

NMED Comment: Provide a date when the work plan regarding abandonment of the wells will be submitted to NMED in the response letter. No revision is required to the Reports.

Permittee Response: Concur. The Army proposes to submit a work plan to abandon the subject wells by June 30, 2024. For efficiency of operations, the Army will propose to perform the well abandonment field work coincident with the implementation of fieldwork for the Phase 2 GW RFI Work Plan (which was submitted to NMED on March 15, 2024).

6. Permittee's Response to NMED's Disapproval Comments 20 and 21, dated May 23, 2023

Permittee Statement: "TPH-DRO will be added to the analytical program for wells MW23, TMW23, TMW24, and TMW25 in the forthcoming 2024 Groundwater Monitoring Work Plan." and, "TPH-DRO will be added to the analytical program for well MW24 in the forthcoming 2024 Groundwater Monitoring Work Plan."

NMED Comment: NMED acknowledges that TPH-DRO analysis for the groundwater samples collected from wells MW23, MW24, TMW23, TMW24, and TMW25 will be proposed in the 2024 Groundwater Monitoring Work Plan. No response is required.

Permittee Response: Comment acknowledged.

If you have questions or require further information, please contact me at George.h.cushman.civ@army.mil, 703-455-3234 (Temporary Home Office, preferred) or 703-608-2245 (Mobile) or Cheryl.a.frischkorn.civ@army.mil, 703-624-6429 (Mobile).

Sincerely,

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Enclosures

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