

**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT**

In the matter or)	
FORT WINGATE DEPOT ACTIVITY)	No(s). HWB FWDA-13-011
)	HWB FWDA-11-003
Class 1 and Class 3 Permit Modification for the)	
Hazardous Waste Facility Permit)	
Fort Wingate Depot Activity)	
<u>EPA No. NM6213820974</u>)	

FINAL ORDER

1. This matter comes before the Secretary of the New Mexico Environment Department (“Department”) through a Class 1 permit modification request and a Class 3 permit modification request to modify the Hazardous Waste Facility Permit for Fort Wingate Depot Activity (“FWDA”) in McKinley County.

2. The Class 3 permit modification request was originally submitted by the U.S. Department of the Army (“Permittee”) to the Department on June 4, 2012 under the New Mexico Hazardous Waste Act (the “Act”), NMSA 1978, §§ 74-4-1 to 74-4-14. The Class 3 permit modification grants Corrective Action Complete status for five areas of concerns 71, 78, 82, 87, and 93 and removal of three land parcels from within the facility boundary.

3. The Class 1 permit modification request was received on November 13, 2013 and approved on February 28, 2014. The Class 1 permit modification allows the Permittee to designate one primary treatment cell for open burning operations and a separate treatment cell for open detonation. 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.

4. The Department issued a draft Permit incorporating the Class 3 permit modification requests and a Fact Sheet providing the basis for the changes on December 19, 2013, and allowed a period of sixty days for the public, including the applicant, to submit written comments to the Department on the draft Permit and to request a public hearing pursuant to NMSA 1978, § 74-4-4.2 (H). The comment period ended on February 17, 2014. No comments were received from the public during the comment period, and therefore, no revisions were made to the draft Permit issued by the Department as a result of the public comment period. However, additional changes were made to the Hazardous Waste Facility Permit for FWDA based on the Class 1 permit modification request, supra at ¶ 1, and they are incorporated into the Permit attached hereto.


IT IS THEREFORE ORDERED:

1. The modified Hazardous Waste Facility Permit for FWDA, attached hereto, is hereby issued.

2. The modified permit shall remain in effect in accordance with section 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.50(a), unless the permit is modified, suspended or revoked under the Act, NMSA 1978, § 74-4-4.2, or under section 20.4.1.901 NMAC, or section 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.41, § 270.42, and § 270.43.

4. The Permittee shall comply with all terms and conditions of this modified Hazardous Waste Permit. This modified Permit consists of all the terms and conditions therein including those in the Attachments 1 through 15.

5. The modified Hazardous Waste Permit for FWDA will become effective 30 days after issuance of this Order pursuant to 20.4.1.901.A(10) NMAC.



TOM BLAINE, P.E.
Director, Environmental Health Division

APRIL 04, 2014
Date