



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

***Hazardous Waste Bureau***

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BUTCH TONGATE  
Cabinet Secretary  
J. C. BORREGO  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

August 29, 2017

Don Baker  
EH&S Manager  
SUMCO  
9401 San Mateo Blvd. NE  
Albuquerque, NM 87113

**RE: NOTICE OF VIOLATION  
SUMCO  
EPA ID# NM0000562645**

Dear Mr. Baker:

On August 3, 2017, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at SUMCO, located at 9401 San Mateo Blvd. NE, Albuquerque, NM. The facility manufactures electronic-grade silicon wafers for the semiconductor industry. The manufacturing of the wafers generates wastes such as corrosive liquids, flammable liquids, and wipes, primarily from the cleaning of the wafers. The facility also generates a mercury waste from the quality assurance testing phase. A closed-loop system for elementary neutralization is a large part of this manufacturing process.

The inspection was prompted by a complaint alleging the improper disposal of acid soaked and solvent soaked rags into the municipal dumpster. NMED inspected the dumpster and did not identify any visible rags within the dumpster. Disposal documentation was provided to NMED.

Based on that inspection and review of the information obtained, NMED has determined that your facility is a Conditionally Exempt Small Quantity Generator of hazardous waste, as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12), and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

NMED inspectors observed the following violation:

1. Failure to make a hazardous waste determination. During the inspection, NMED identified waste containers storing wipes within the fabrication labs. Facility personnel were unable to demonstrate or provide analytical data on the wipes, which are used for cleaning the wafers. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11.

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**Corrective Action:** SUMCO must confirm the wipes are non-hazardous by testing and provide NMED with the analytical results. SUMCO also has the option of managing the wipes as hazardous waste, using knowledge of process.

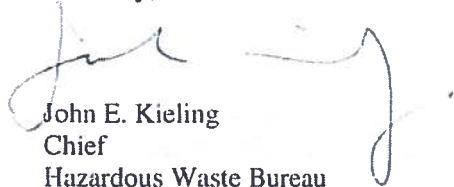
**Please note:** NMED has not yet adopted the new generator rules promulgated by U.S. Environmental Protection Agency on May 30, 2017. The NMAC (20.4.1) currently incorporates by reference the 2008 version of 40 Code of Federal Regulations 260-265, which includes the citations included above.

NMED requires that SUMCO provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by to address the violation described above and a schedule for implementation of corrective actions not yet completed.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's *Enforcement Response Protocol*. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our inspection, or in response to this letter, does not relieve SUMCO of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Doug Hopinkah of my staff at (505) 222-9542 or by email at [doug.hopinkah@state.nm.us](mailto:doug.hopinkah@state.nm.us). Please send documentation to the address at the top of the letterhead or by email.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK: dh

cc: Janine Kraemer, NMED HWB  
Frank Rodarte, NMED HWB  
Doug Hopinkah, NMED HWB  
John Rhoderick, Acting NMED District I Manager

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