



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION

P.O. Box 968, Santa Fe, New Mexico 87504-0968  
(505) 984-0020

May 22, 1986

1986

COPY

Allyn Davis, Director  
Hazardous Waste Management Division  
U.S. EPA - Region VI  
InterFirst Two Building  
1201 Elm Street  
Dallas, Texas 75270

Dear Mr. Davis:

This letter concerns the EPA's role in enforcement actions against two New Mexico hazardous waste facilities, General Electric Apparatus Shop and Climax Chemical Company. We discussed these two facilities with Barbara Greenfield and other EPA staff during their visit on February 4, 1986. Contrary to those discussions, the Environmental Improvement Division hereby formally requests that EPA take the lead in enforcement in both these cases.

Although we had initially intended to retain the lead in these cases, our resources at the present time are severely limited by recent legislative cuts in both personnel and budget. Given a large number of other priorities, the Environmental Improvement Division would prefer having EPA assume the lead enforcement role. Considerable resources have already been expended to develop these cases to their present status, and I hope this groundwork will help EPA's enforcement efforts. Of course we stand ready to provide the necessary technical support to bring these cases to a successful conclusion.

Sincerely,

DENISE FORT  
Director

DW:DF:deb

## GE Apparatus Shop (Albuq.) Chronology

- 1) 8/14/80 - GE notified EPA as a generator only.
- 2) 7/6/82 - Letter from GE stating the Albuq. facility is a non-generator.
- 3) 9/8/82 - Inspection by Holley Anderson (EPA Region VI) which identified pit as receiving solvents (F wastes).
- 4) 12/21/82 - Trip report by Jack Ellvinger (was present at time of EPA inspection) identified pit as receiving listed wastes (F waste solvents).
- 5) 2/9/83 - CO issued by EPA ordering GE to cease using the pit for disposal and to clean up the pit.
- 6) 2/15/83 - Sample analyses from GE for metals and other hazardous waste characteristics. No hazardous waste detected.
- 7) 3/7/83 - Sample analyses from GE for organics which show elevated concentrations for several parameters.
- 8) 3/23/83 - Affidavit from GE personnel testifying that there never was any treatment, storage, and/or disposal activities carried on at the GE facility.
- 9) 4/27/83 - Letter from EPA suggesting GE renotify as a small quantity generator as a result of the information supplied by GE on the biennial report.
- 10) 7/12/83 - EID inspection by Boyd Hamilton. Information provided by GE indicated that this facility was a non-generator.
- 11) 7/18/83 - Letter from EID (Boyd Hamilton) to EPA suggesting that based on the 7/12/83 inspection GE should withdraw its notification.
- 12) 7/19/83 - GE files subsequent notification stating they are a small quantity generator (less than 1,000 kg/mo).
- 13) 7/21/83 - Letter from GE stating that the seepage pit had received listed hazardous waste.
- 14) 11/29/83 - Waste analyses from GE for metals. No elevated concentrations detected.
- 15) 8/27/84 - Inspection by Greg Mello (EID) identifying the pit as possibly receiving hazardous waste.
- 16) 8/31/84 - Letter from Greg Mello (EID) to GE demanding to see GE's analyses for the seepage pit.
- 17) 9/4/84 - Memo from Greg Mello to Richard Perkins (Acting Bureau Chief, Ground Water/Hazardous Waste) pointing out problem at GE. He recommends proceeding with closure.

- 18) 9/11/84 - GE's response to Greg Mello's demand for analyses indicating the presence of PCB and chlorinated benzenes.
- 19) 10/25/84 - NOV from EID to GE alledging illegal/improper disposal of hazardous waste and other violations and requiring closure of the seepage pit.
- 20) 11/14/84 - Internal memo from Greg Mello presenting a draft closure plan indicating the need for ground water monitoring.
- 21) 11/27/84 - Meeting between GE, their consultants, and EID. Discussion centered around the need for data before a proper closure plan could be developed. Ground water monitoring needs brought up.
- 22) 1/7/85 - Letter from GE to EID submitting a pre-closure plan in an effort to make the 30 day deadline for the NOV issued 10/25/84. Ground water monitorong issues not addressed.
- 23) 2/7/85 - Letter from GE submitting pre-closure data as discussed in earlier meeting.
- 24) 2/15/85 - CO from Denise Fort to Barry York requiring a closure plan by 3/31/85.
- 25) 2/20/85 - CO from EPA to GE requiring GE to submit a complete closure plan and implement it within 180 days of EID approval.
- 26) 3/8/85 - GE submits a Report of Regional Hydrology for the GE site.
- 27) 3/85 - GE submits a final closure plan for EID's review. This closure plan does not contain provisions for ground water monitoring.
- 28) 5/10/8 - EID submits its comments of the March 1985 closure plan to GE. Comments require at least minimal ground water monitoring.
- 29) 6/4/85 - Meeting between GE, their consultant, their legal staff and EID to discuss EID's comments and ground water monitoring. EID did not waiver on the ground water monitoring issue. GE expressed a fear of finding contaminates in the ground water which were not their fault. EID recommends putting in several downgradient wells and at least one upgradient well.
- 30) 6/13/85 - Letter from Peter Pache to Barry York confirming 6/4/85 meeting and points of discussion.
- 31) 7/3/85 - Received a revised closure plan from GE. It was to incorporate all of EID's comments. It did not include provisions for ground water monitoring.

February 21, 1986

Summary of Violation by the GE Apparatus Shop, Albuquerque  
requiring Legal Action:

The Hazardous Waste Section has been attempting to get the above facility to close their illegal hazardous waste disposal unit for several years. The Section has gone through every administrative enforcement tool available (NOV and CO) to get an acceptable closure plan.

Failure on GE's part to commit to ground-water monitoring as required by the Hazardous Waste Section lead to the modification of their closure plan by the Section as provided for in 206.C.2.c.(4) of HWMR-2.

GE does not like the modifications (they have professed a fear that contamination may be found in the ground-water which may not have been caused by them) and therefore refused to implement the modified closure plan.

In reviewing the documentation it appears that GE is liable for criminal penalties under 74-4-11. or civil penalties under 74-4-12. of the Hazardous Waste Act.