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**Response to Comments
Permit Modification
Philips Semiconductors, Incorporated**

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1. Respondent: Philips Semiconductors, Inc., dated June 2, 1995 and June 26, 1995

1.1 Comment: The same two comments were made in each letter submitted by Philips Semiconductors, Inc. (Philips). Philips said that it would not be seeking reissuance of its Part B Permit and will operate on a 90-day generator status instead. The permit modification is not applicable.

EPA Response: The current or future generator status of Philips is irrelevant. Only the Hazardous and Solid Waste Amendments portion of the permit has been modified. This modification was necessary because new information revealed that the abandoned Coronado Municipal Landfill, located on Philips' property, is a solid waste management unit (SWMU). The original permit did not contain any SWMUs. The decision by Philips to convert to 90-day generator status has no bearing on the permit modification. Moreover, the expiration of the permit in April 1996 does not relieve Philips of its obligation to investigate this SWMU in accordance with the new permit requirements.

Permit Modification: None

1.2 Comment: Philips will retain an environmental consultant and will commence remedial investigation. Philips will submit an updated investigation report.

EPA Response: EPA has authority to require corrective action pursuant to 40 C.F.R. 264.101. This provision allows the Agency to impose corrective action requirements regardless of any prior remediation investigations. However, EPA will consider Philips prior remediation efforts and decide whether they are sufficient to satisfy permit corrective action requirements. It is incumbent on Phillips to submit the results of all prior remediation completed.

Furthermore, EPA must review and approve the investigation workplan before it is executed. The general requirements for the investigation are detailed in the modified permit, Sections F

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through O. The investigation must also be consistent with the following EPA guidance documents: RCRA Facility Investigation Guidance Document (EPA 530/5W-89-031); RCRA Groundwater Monitoring Technical Enforcement Guidance Document (OSWER 9950.1); and Test Methods for Evaluating Solid Waste (SW 846, 2nd edition).

Permit Modification: None

2. Respondent: Philips Semiconductors, Inc., dated August 11, 1995

2.1 Comment: Philips said that the Coronado Municipal Landfill was operated by the City of Albuquerque from 1963 to 1964 or 1965. Philips further stated that the landfill received household and residential refuse, and that Philips' was never involved with the operations of the landfill.

EPA Response: EPA has authority to require corrective action pursuant to 40 C.F.R. 264.101, which implements Section 3004(u) of RCRA, 42 U.S.C. @6924(u). Section 3004(u) of RCRA, included by HSWA, requires the owner or operator of a facility seeking a permit to institute corrective action as necessary to protect human health and the environment. Since this obligation falls on the person(s) seeking the permit, it necessarily applies to the current owner or operator. In the preamble to the RCRA implementing regulation, 40 C.F.R. Part 264, the Agency explained that the cleanup obligation extends to current owners and operators despite whether the waste was placed on the site during a period of prior ownership.

This statutory directive precludes a reading of the statute that would limit an owner's or operator's responsibility to waste placed in units during his or her tenure. Accordingly, the owner or operator of a solid waste management unit containing only waste placed there by a previous owner would be fully responsible for corrective action for any release from the unit. 50 fed.reg. 28,714. The owner or operator must implement corrective actions beyond the facility property boundary where necessary to protect human health and environment, irrespective of when the release occurred. See 40 C.F.R. 264.101(c), which implements 3004(v) of RCRA.

Permit Modification: None

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2.2 Comment: The city of Albuquerque acquired the property upon which Philips is located through an industrial bond process. The City of Albuquerque entered into a lease agreement with Philips and Philips is currently making rental payments per a lease agreement.

EPA Response: The current owner or operator of a permitted facility is required to undertake appropriate corrective action "regardless of the time at which waste was placed in solid waste management units." 40 c.f.r. 264.101(a). In the preamble to the RCRA implementing regulation, 40 C.F.R. Part 264, the Agency explained that the clean up obligation extends to current owners and operators regardless of whether the waste was placed on the site during a period of prior ownership. As owner or operator of the property in question, Philips is responsible for the execution of the corrective action program.

Permit Modification: None

2.3 Comment: The City of Albuquerque is installing monitoring wells at several of its former landfills, including the Coronado Municipal Landfill.

EPA Response: EPA has authority to require corrective action pursuant to 40 C.F.R. 264.101. This provision allows the Agency to impose corrective action requirements regardless of any prior remediation investigations. However, EPA will consider Philips prior remediation efforts and determine whether they are sufficient to satisfy permit corrective action requirements. It is incumbent on Phillips to submit the results of all prior remediation completed.

Permit Modification: None

2.4 Comment: The City of Albuquerque notified EPA in 1981 of the presence of the Coronado Municipal landfill. Philips received its Part B Permit effective April 1, 1986. Information regarding the landfill was available to EPA at the time of permit issuance.

EPA Response: Under 40 CFR 270.41, which governs Agency-initiated modifications of RCRA permits, the Agency may modify a permit if it determines that

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one or more "causes for modification are present." The causes for modification are listed in the regulation. One of those causes is that the Region has received information that was not available at the time of permit issuance and which would have justified the application of different permit conditions at the time of permit issuance if it had been available. The new information contemplated in 270.41 comes to light unexpectedly and changes an erroneous assumption on which the original permit was based, and it leads to the removal or alteration of inappropriate permit terms that were based on the erroneous assumption.

In an EPA Record of Communication of an April 11, 1985 telephone call, EPA was informed by Jerry McAnderson of Signetics Corporation (Philips) that the only landfill on their property had been completely removed (Exhibit A-3). This information was corroborated by New Mexico Environment Improvement Department staff, as indicated in EPA's September 23, 1985 Preliminary Assessment Facility Checklist (Exhibit A-6).

EPA completed a RCRA Facility Assessment (RFA) in April 1993. The results of the RFA indicated that the Coronado Municipal Landfill was a solid waste management unit. Based on the results of the RFA, EPA initiated a permit modification to add the Coronado Municipal Landfill to the Philips permit. The original permit was based on the assumption that the landfill had been completely removed and the RFA conducted in April 1993 indicated that the landfill had not been removed and that the landfill was a solid waste management unit.

Permit Modification: None

2.5 Comment: The Philips facility is located on only a portion of the former Coronado Municipal Landfill.

EPA Response: Section 3004(v) of the 1984 Hazardous and Solid Waste Amendments authorizes EPA to require corrective action beyond a facility boundary, if necessary. Therefore, regardless of whether the contamination was caused by the prior owner, Philips, as the current owner or operator is the one who must obtain a permit and perform corrective action required under 264.101(c). The investigation required by this permit modification will determine the nature, source, and extent of the landfill and contamination.

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Permit Modification: None

2.6 Comment: Philips installed four ground water monitoring wells in approximately 1987. Ground water samples were collected and analyzed quarterly between 1988 and 1994. Tetrachloroethene has been consistently detected in the ground water samples from three of the four monitoring wells. Concentrations are currently below 6.5 ug/l. Philips has never used tetrachloroethene at its facility.

EPA Response: A RCRA applicant may be required to conduct various preliminary detection activities where necessary to determine whether a potential or suspected release from SWMU requires more complete investigation. The permit does not, therefore, impose any final corrective action measures, but requires the permittee to collect additional information regarding potential releases. EPA has authority to require corrective action pursuant to 40 C.F.R. 264.101. This provision allows the Agency to impose corrective action requirements regardless of any prior remediation investigations. However, EPA will consider Philips prior remediation efforts and determine whether they are sufficient to satisfy permit corrective action requirements. It is incumbent on Phillips to submit the results of all prior remediation completed.

Permit Modification: None

2.7 Comment: The requirement that a RFI Work Plan be submitted within 60 days of the Permit's effective date is insufficient to bid, award, and complete a Work Plan in accordance with Section F and N. Philips requests that a 180 day time period be provided.

EPA Response: EPA believes that a RFI Work Plan can be developed and submitted within 60 days of the Permit's effective date, and that 180 days is an unreasonably long time period to complete this task. However, EPA is willing to modify the permit to allow 90 days for Philips to submit a RFI Work Plan after the effective date of the permit.

Permit Modification: Section C, Special Conditions, has been modified to state that the RFI Work Plan is due within 90 days of the effective date of the modified Permit.

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2.8 Comment: The requirement that additional ground water monitoring wells shall be included in the workplace is premature. Assessment of existing data from other entities, including the current activity by the City of Albuquerque, should be completed before additional wells are required.

EPA Response: As stated previously, EPA has authority to require corrective action. Philips should present any other existing data in the RFI Work Plan, along with its rationale and justification for not installing additional ground water monitoring wells at this time, for EPA review and approval. EPA notes that the primary goal of the RFI is to determine the nature, extent and source of any contamination. To that end, EPA believes that additional ground water monitoring wells will be necessary to define the vertical and horizontal extent of the ground water contamination. EPA is concerned that the longer screen lengths used in the four current ground water monitoring wells could be impacting the analytical results.

Permit Modification: None

2.9 Comment: The requirement that within 60 days all water supply wells, characterization/description of the water table and supporting maps be submitted in insufficient time to bid, award, and complete these tasks. Philips requests that a 180 day time period be provided for submittal.

EPA Response: EPA believes that this background information is available and 180 days is an unreasonably long time period to compile this information. Philips shall therefore include this information in the RFI Work Plan, which is due within 90 days of the effective date of the modified Permit.

Permit Modification: Section C.3, Identification of Water Supply Wells and Submittal of Area Map(s), is modified to show that items (a), (b), and (c) are due shall be included in the RFI Work Plan, which is due within 90 days of the effective date of this permit modification.

2.10 Comment: The requirement that a RFI Work Plan as specified in Sections F, C, and N be submitted is

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insufficient time to bid, award, and complete this task. Philips requests that a 180 day time period be provided for submittal.

EPA Response: EPA believes that this comment is a duplicate of comment 2.7, above. To reiterate, EPA believes that a RFI Work Plan can be developed and submitted within 60 days of the Permit's effective date, and that 180 days is an unreasonably long time period to complete this task. However, EPA is willing to modify the permit to allow 90 days for Philips to submit a RFI Work Plan after the effective date of the permit.

Permit Modification: Sections F, C, and N have been modified to state that the RFI Work Plan is due within 90 days of the effective date of the modified Permit.

2.11 Comment: The requirement that the RFI Work Plan shall be implemented within two weeks (14 days) of approval is insufficient time to mobilize the selected RFI contractor(s). Philips requests that a 45 day period be provided to commence implementation.

EPA Response: The time frame in the permit reflects Regional and national experience in formulating corrective action timetables. The permittee is free at any time to request extensions from the deadlines. EPA will require that the RFI Work Plan be implemented in accordance with the approved project schedule within two weeks of approval. Typically, project schedules allow for mobilization time and planning before field work is commenced. Please note, however, that the entire RFI must be completed within an approved time frame, which is generally about 12 months.

Permit Modification: None

2.12 Comment: For the reasons set forth in the general comments, and the belief that low VOC concentrations are emanating from an off-site location, Philips requests that Sections J-M, O (CMS Plan) should not be included as a modification to the Permit.

EPA Response: Although these sections have been included in the modified permit, the requirement to complete a CMS is triggered only after review and approval of the final RFI Report. If the RFI Report determines

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that the contamination is originating from an off-site source, then the requirement to complete a CMS will not be triggered.

Permit Modification: None

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**The United States Environmental Protection Agency
Draft Permit Modification
Philips Semiconductors
Fact Sheet**

In 1978 or 1979, Philips Semiconductors, then known as the Signetics Company (Signetics), purchased a piece of property located at 9201 Pan American Freeway, N.E., Albuquerque, New Mexico, for construction of a facility to manufacture microchips. During a geotechnical investigation in 1980, Signetics discovered an abandoned landfill on it's property. Portions of the landfill were removed prior to construction of the facility.

In 1986, the United States Environmental Protection Agency (EPA) issued a Hazardous Waste Management Permit (permit) to Signetics. The 10-year permit allowed for the temporary storage of hazardous waste at it's facility. No environmental investigation or cleanup requirements were included in the permit at the time of issuance because it was believed that the landfill had been completely removed.

In 1987, Signetics completed it's own baseline ground water investigation. Exploratory borings and monitoring wells were completed as part of this investigation. Volatile organic compounds were detected in these ground water monitoring wells. Quarterly ground water monitoring has continued to reveal volatile organic compounds which often exceed Federal ground water standards.

In 1992, EPA completed a Resource, Conservation and Recovery Act (RCRA) Facility Assessment at Signetics, which is now known as Philips Semiconductors, Inc. (Philips). The assessment concluded that further investigation is needed at the former landfill area, sometimes referred to as the "Coronado Municipal Landfill." The assessment results were corroborated by the results of an independent site inspection completed by EPA in April 1993.

EPA, therefore, proposes to modify the Hazardous Waste Management Permit issued to Philips Semiconductors, Inc. to reflect the new information discussed above. The modified permit contains conditions for the investigation of the newly-identified solid waste management unit (SWMU) called the Coronado Municipal Landfill. The proposed permit modification will require an investigation of the presence of hazardous constituents in the landfill material and surrounding soil, and an investigation of the nature and extent of any ground water contamination. Specifically, Section B.4 of the permit will be revised to require the completion of a RCRA Facility Investigation at the Coronado Municipal Landfill. Pending the results of the investigations, cleanup activities may also be required.

The proposed permit modification is based on the administrative records of EPA Region 6. The administrative record consists of the original and revised permits; the April 26, 1993 Site Inspection Report prepared for EPA Region 6 by Fluor Daniel, Inc.; the October 26, 1992 RCRA Facility Assessment Report prepared for EPA Region 6 by PRC Environmental Management, Inc.; the June 1987 Baseline Ground-Water Investigation prepared for Signetics Corporation by EMCON Associates; the analytical data submitted to EPA Region 6 by Philips Semiconductors; and miscellaneous correspondence, notes, and surveys.

The EPA's administrative record relative to this proposed permit modification is on file at EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202 and may be viewed upon request.

Persons wishing to comment on EPA's proposed permit modification should submit their comments in writing to:

Nancy R. Morlock (6H-PN)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-6650

EPA's comment and public hearing procedures may be found at 40 CFR 124.10 and 124.12 (48 Federal Register 14262, April 1, 1983, as amended at 49 Federal Register 38051, September 26, 1984). The comment period during which written comments on EPA's proposed permit modification may be submitted extends forty-five (45) days from the date of this notice. During the comment period, any interested person may request a public hearing by filing a written request. The request must include a synopsis of the issues to be discussed at the hearing. A hearing will be held if EPA finds a significant degree of public interest in the proposed permit modification. Notice of the public hearing will be given at least thirty (30) days before the hearing.

EPA will notify each person who has submitted written comments or who has requested notice of final decision. Any person may request an Evidentiary Hearing on EPA's final decision. However, the request must be submitted within thirty (30) days of the date of final variance decision and be in accordance with the requirements of 40 CFR 124.74. The final decision will become effective thirty (30) days after the service of notice of the decision unless a later date is specified or review is requested under regulation 40 CFR 124.19. If no comments request a change in the proposed permit modification, the decision to modify the permit will become effective immediately upon issuance.



FACSIMILE TRANSMITTAL

**U.S. EPA REGION 6
HAZARDOUS WASTE MANAGEMENT DIVISION
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733**

TO:	STEPHANIE KRUSE - NMED	
MACHINE NUMBER:	(505) 827-1544	VERIFICATION NUMBER: () 1558
FROM:	Nancy Rinehart Morlock EPA Region 6 RCRA Permits Branch New Mexico and Federal Facilities Section	
PHONE:	(214) 665- 6650	MAIL CODE: 6PD-N
OFFICE:	6.054	
DATE:	1/18/96	PAGES, INCLUDING COVER SHEET: 24
PLEASE NUMBER ALL PAGES		
INFORMATION FOR SENDING FACSIMILE MESSAGES		
OUR EQUIPMENT	FACSIMILE NUMBER	
PANAFAX UF-766	(214) 665-2164	
COMMENTS: Stephanie: Attached are various documents pertaining to the Philips Semiconductors proposed permit modification, including the draft Response to Comments, Fact Sheet, initial notification letter that was sent to Philips, public notice, and 3 letters from Philips. Please review and call with any questions. I'd like to make sure that NMED agrees and concurs with the decision to modify the permit before I prepare the Statement of Basis. Thanks for your help, Nancy		
Copies to:		

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A copy of the revised permit may be reviewed at:

Technical Vocational Institute Library
525 Buena Vista Drive SE
Albuquerque, NM 87106
(505) 224-3285

New Mexico Environment Department
Hazardous and Radioactive Materials Bureau
525 Camino De Los Marquez
Santa Fe, NM 87502
(505) 827-4308

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Mr. James N. Casey, Counsel
Philips Semiconductors
811 E Arques Avenue
P.O. Box 3409
Sunnyvale, Ca. 94088-3409

Dear Mr. Casey:

You are hereby notified that the Environmental Protection Agency (EPA) has initiated modification procedures with respect to the permit issued pursuant to the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), to Philips Semiconductors (Philips), EPA ID Number NMD000709782, 9201 Pan American Freeway NE, Albuquerque, New Mexico. You are also notified that Philips is obligated to submit an application for permit reissuance at least 180 days prior to the current permit expiration date of April 1, 1996, as described below.

The cause for modification is the review of new information that was not available at the time of permit issuance, as per 40 CFR 270.41(a)(2) which states that:

The Director has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance...and would have justified the application of different permit conditions at the time of issuance.

More specifically, the EPA has reviewed new information concerning the Philips facility, including the results of the RCRA Facility Assessment (RFA) completed in October 1992 and recent groundwater monitoring information. The RFA identified the abandoned Coronado Municipal Landfill, located on Philip's property, as a solid waste management unit (SWMU) that required additional investigation and remediation. This information was not available at the time of permit issuance in April 1986. As a result, current permit condition B.4 states that "The permittee has determined that the facility contains no solid waste management units other than the RCRA regulated units identified in B.1." This portion of the permit is therefore being modified to include a compliance schedule for the investigation of the Coronado Municipal Landfill SWMU.

In addition to modifying the permit to include the abandoned landfill areas, Philips must also extend the life of their permit so that there are no disruptions of corrective action obligations. In accordance with 40 CFR 270.10, Philips shall submit a new application at least 180 days before the expiration date of the effective permit. The EPA requests that Philips submit written notification within 270 days of permit expiration as to their intent to renew the permit.

Furthermore, Philips is not in compliance with the requirement implicit in its permit, based on the language and intent of RCRA 3004(u) and 40 CFR 264.101, to complete corrective action; and the explicit requirement of permit condition B.4 to:

...immediately notify the Regional Administrator in accordance with condition A.20; and submit within forty-five (45) days of becoming aware of a solid waste management unit, preliminary assessment information for the solid waste management unit to determine if there has been or is currently a release from the unit...

Therefore, if Philips fails to submit a timely reapplication, the EPA will unilaterally issue a permit under 40 CFR 270.51(c)(3), which provides:

When the permittee is not in compliance with the conditions of the expiring permit, the Regional Administrator may...issue a new permit under part 124 with appropriate conditions...

Please contact Nancy Morlock of my staff at (214) 665-6650 if you have any questions or require additional information.

Sincerely yours,

William K. Honker, P.E., Chief
RCRA Permits Branch

cc: Mr. Benito Garcia, Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
525 Camino De Los Marquez
P.O. Box 26110
Santa Fe, NM 87502

Mr. James Cochran, Manager
Environmental, Health and Safety
Philips Semiconductors
9201 Pan American Freeway NE
Albuquerque, NM 87113

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Mixon

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Jones

**The United States Environmental Protection Agency
Public Notice of Draft Permit Modification**

The United States Environmental Protection Agency (EPA) Region 6 proposes to modify Philips Semiconductors, Inc., (EPA Identification Number NMD000709782) (formerly known as Signetics Company) hazardous waste management permit issued April 1986, for the temporary storage of hazardous waste. The facility is located at 9201 Pan American Freeway, N.E., Albuquerque, New Mexico.

Since the time of permit issuance in April 1986, EPA has received ground water sampling data which indicates the presence of contamination. The proposed permit modification will require the investigation, and possible remediation, of this contamination.

The modified permit contains conditions for the investigation of a newly-identified solid waste management unit (SWMU) called the Coronado Municipal Landfill. The Philips Semiconductors facility is situated on a portion of the former Coronado Municipal Landfill site. The landfill was operated from approximately 1963 to 1965 and received mainly household and commercial refuse. Ground water data indicates the presence of volatile organic compounds. The proposed permit modification will require an investigation of the presence of hazardous constituents in the landfill material and surrounding soil, and an investigation of the nature and extent of any ground water contamination. Pending the results of the investigations, cleanup activities may also be required.

The proposed permit modification is based on the administrative records of EPA Region 6. The administrative record consists of the original and revised permits; the Site Inspection Report prepared for EPA Region 6 by Fluor Daniel, Inc., dated April 26, 1993; the RCRA Facility Assessment Report prepared for EPA Region 6 by PRC Environmental Management, Inc., dated October 26, 1992; the Baseline Ground-Water Investigation prepared for Signetics Corporation by EMCON Associates dated June 1987; the analytical data submitted to EPA Region 6 by Philips Semiconductors; and miscellaneous correspondence, notes, and surveys.

EPA's administrative record relative to this proposed permit modification is on file at EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202, and may be viewed upon request.

Persons wishing to comment on EPA's proposed permit modification should submit their comments in writing to:

Nancy R. Morlock (6H-PN)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-6650

EPA's comment and public hearing procedures may be found at 40 CFR 124.10 and 124.12 (48 Federal Register 14262, April 1, 1983, as amended at 49 Federal Register 38051, September 26, 1984). The comment period during which written comments may be submitted on EPA's proposed permit modification extends for forty-five (45) days from the date of this notice. During the comment period, any interested person may request a public hearing by filing a written request. The request must include a synopsis of the issues to be discussed at the hearing. A hearing will be held if EPA finds a significant degree of public interest in the Philips Semiconductors, Inc., proposed permit modification. Notice of the public hearing will be given at least thirty (30) days before the hearing.

EPA will notify each person who has submitted written comments or who has requested notice of final decision. Any person may request an Evidentiary Hearing on EPA's final decision. However, the request must be submitted within thirty (30) days of the date of final variance decision and be in accordance with the requirements of 40 CFR 124.74. The final decision will become effective thirty (30) days after the service of notice of the decision unless a later date is specified or review is requested under regulation 40 CFR 124.19. If no comments request a change in the proposed permit modification, the decision to modify the permit will become effective immediately upon issuance.

A copy of the revised permit may be reviewed at:

Technical Vocational Institute Library
 525 Buena Vista Drive SE
 Albuquerque, NM 87106
 (505) 224-3285

New Mexico Environment Department
 Hazardous and Radioactive Materials Bureau
 525 Camino De Los Marquez
 Santa Fe, NM 87502
 (505) 827-4308

Persons wishing to be placed on the facility mail list should fill out the form below and send to Vickey Finch, US EPA, 1445 Ross Avenue, (6H-PA) Dallas, TX 75202-2733.

I would like to be placed on the MAILING LIST of: Philips Semiconductors, Inc., NM, EPA ID. No. NMD000709782	
NAME	_____
ADDRESS	_____
CITY, STATE	_____
ZIP CODE	_____
TELEPHONE A/CODE	_____
NUMBER	PHONE _____

PHILIPS**Philips Semiconductors**

Law Department

June 2, 1995

Sherry Brown-Wilson, Esq.
Counsel
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: Philips Semiconductors Inc./Albuquerque, NM

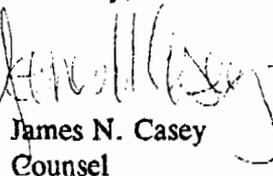
Dear Ms. Brown-Wilson:

To confirm our telephone conversation of June 2 and in response to Chief William K. Honker's letter dated April 24, 1995, please be advised that Philips Semiconductors-Albuquerque will not be seeking reissuance of its Part B Permit issued pursuant to the Resource Conservation & Recovery Act (RCRA), as amended by the Hazardous and Solvent Waste Amendments of 1984 (HSWA), EPA ID No. NMD000709782. Rather, and as indicated in our telephone conversation, Philips Semiconductors will operate on a 90-day generator status.

With regard to the abandoned Coronado Municipal Landfill and EPA's identification as a solid waste management unit (SWMU), Philips Semiconductors will commence remedial investigation. Philips Semiconductors will promptly retain an environmental consultant to conduct the investigation.

If you have any questions, please contact me directly or Philips Semiconductors' Environmental Manager, James Cochran at (505) 822-7678.

Sincerely,


James N. Casey
Counsel

JNC:cb

cc: James Cochran

A subsidiary of
Philips Electronics North America Corporation

Philips Semiconductors, Inc.
North America Corporation
P.O. Box 3409
811 East Arques Avenue
Sunnyvale, CA 94088-3409
Tel: (408) 991-2000



PHILIPS

EPA RE
HAZARDOUS
SUBSTANCE PERMIT

Philips Semiconductors

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Law Department

June 26, 1995

Sherry Brown-Wilson, Esq.
Counsel
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: **Philips Semiconductors Inc./Albuquerque, NM**

Dear Ms. Brown-Wilson:

We are in receipt of Chief William K. Honker's letter addressed to Philips' Environmental Health & Safety Manager, Jim Cochran, regarding EPA's permit modification procedures. To clear up any misunderstanding and as indicated in my June 2, 1995 letter (attached) Philips Semiconductors/Albuquerque will not be seeking reissuance of its Part B Permit. Rather, Philips Semiconductors will operate on a 90-day generator status. Accordingly, the Permit modification is not applicable. With regard to the Coronado Municipal Landfill, Philips will update the previously submitted investigation report and promptly provide you with the environmental consultant's investigation report.

Finally, as indicated in my voice mails left with your office last week, I was in Dallas and wanted to arrange a mutually convenient time to review the administrative record. Ms. Morlock provided me the opportunity to do so but timing did not permit copying any of any of the documents contained therein. She suggested that I contact you to make the necessary arrangements for copying the requested documents. Accordingly, at your earliest convenience please copy the following documents as listed in the Administrative Record Index: A-6, A-9, A-10 and A-12 (and provide me with the copying costs).

If you have any questions, please contact me directly at (408) 991-2047.

Sincerely,

James N. Casey
Counsel

JNC:cb

cc: Jim Cochran
Nancy Morlock

FILE COPY

**PHILIPS****Philips Semiconductors**

Law Department

June 2, 1995

Sherry Brown-Wilson, Esq.
Counsel
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: **Philips Semiconductors Inc./Albuquerque, NM**

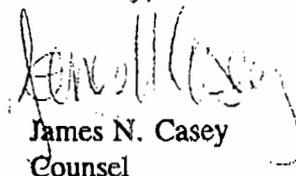
Dear Ms. Brown-Wilson:

To confirm our telephone conversation of June 2 and in response to Chief William K. Honker's letter dated April 24, 1995, please be advised that Philips Semiconductors-Albuquerque will not be seeking reissuance of its Part B Permit issued pursuant to the Resource Conservation & Recovery Act (RCRA), as amended by the Hazardous and Solvent Waste Amendments of 1984 (HSWA), EPA ID No. NMD000709782. Rather, and as indicated in our telephone conversation, Philips Semiconductors will operate on a 90-day generator status.

With regard to the abandoned Coronado Municipal Landfill and EPA's identification as a solid waste management unit (SWMU), Philips Semiconductors will commence remedial investigation. Philips Semiconductors will promptly retain an environmental consultant to conduct the investigation.

If you have any questions, please contact me directly or Philips Semiconductors' Environmental Manager, James Cochran at (505) 822-7678.

Sincerely,


James N. Casey
Counsel

JNC:cb

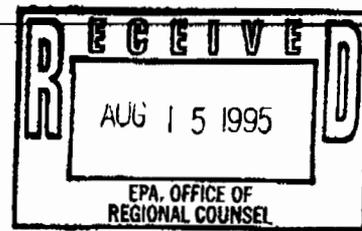
cc: James Cochran

**PHILIPS****Philips Semiconductors**

Law Department

VIA FACSIMILE

August 11, 1995



Sherry Brown-Wilson, Esq.
Counsel
Environmental Protection Agency
Region VI
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

Re: Philips Semiconductors, EPA ID No. NMD000709782: Permit Modifications

Dear Ms. Brown-Wilson:

As a followup to our telephone conversation on August 4, 1995 concerning the above-referenced subject matter, Philips had previously notified the EPA its intention not to seek reissuance of its Part B Permit and intent to operate on a 90-day generator status. Accordingly, Philips has not sought application for a permit reissuance prior to the current permit expiration date of April 1, 1996. However, based on our telephone conversation it is our understanding the EPA proposes to modify Philips' Part B Permit on the basis of "newly-identified solid waste management unit (SWMU) called the Coronado Municipal Landfill" per 40 CFR 270.41(a)(2). Further, any comments should be provided to the EPA on or before August 11, 1995 regarding the proposed modification. In light of the limited time in which to provide responses, Philips can only provide the following comments to the proposed modification.

As an initial comment, the Coronado Municipal Landfill was operated by the City of Albuquerque from 1963 to 1964 or 1965. The landfill received household and residential refuse. Philips Semiconductors (formerly Signetics Company) began construction of its current facility on the Albuquerque location in approximately 1979 and operations began several years later. At no time during Philips Semiconductors' tenure, approximately 25 years after the landfill was closed, did Philips have any involvement with the operations or contribute to the Coronado Municipal Landfill.

Philips Semiconductors operates on the Albuquerque site a manufacturing facility for the manufacture of metal oxide semiconductors. The City of Albuquerque acquired the property upon which the Philips facility is located through an industrial bond process. The City of Albuquerque entered into a lease agreement with Signetics Corp., (Philips Semiconductors), pursuant to which Philips leased the property from the City and is currently making rental payments per a lease agreement.

Currently the City of Albuquerque is in the process of installing monitoring wells at several of its former landfills, including the Coronado Municipal Landfill. As the attached letter from the City's Environmental Health Department, dated March 15, 1995, states four wells are to be installed and commencement of quarterly sampling. The City presently has contractors on site installing the monitoring wells.

A subsidiary of
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The City of Albuquerque notified the EPA in 1981 of the presence of the Coronado Municipal Landfill pursuant to EPA notification of Hazardous Waste Site Form 2000-0138. Philips received its Part B Permit effective April 1, 1986. Information regarding the Coronado Municipal Landfill (SWMU #8) was available to the EPA at the time the Permit was issued.

The Philips facility is situated on only a portion of the former Coronado Municipal Landfill. See attached City of Albuquerque letter and map B-18-Z. In approximately 1987 Philips installed four monitoring wells on its current site to provide data on baseline water quality. Groundwater samples collected and analyzed quarterly between 1988 and 1994. Tetrachloroethene has been consistently detected in the groundwater samples from three of the four monitoring wells at the site since 1988; however, the general trend has been one of decreasing concentrations over time. Concentrations of tetrachloroethene in groundwater are currently below 6.5 ug/l. (1994 groundwater samples: 5.2 ug/l-MW01, 6.5 ug/l-MW02, nd-MW03, 3.8 ug/l MW04.) The sampling frequency was reduced to annually in 1994. The analytic list includes halogenated volatile organics, total kjedahl nitrogen and total organic carbon. The only organic compound detected is tetrachloroethene. Philips (Signetics) has never used tetrachloroethene at its Albuquerque facility.

As noted above, insufficient time has been provided to properly review the proposed modifications to Philips' Part B Permit.¹ However, in an attempt to provide limited comments within the notified time period, Philips submits:

Section C. Special Conditions.

The requirement that a RFI Workplan be submitted within 60 days of the Permit's effective date is insufficient to bid, award and complete a Workplan in accordance with Sections F and N. Accordingly, Philips requests that a 180 day time period be provided.

Section C.2 Installation of Additional Groundwater Monitoring Wells

The requirement of additional groundwater monitoring wells shall be included in the workplace is premature. Assessment of existing data from other entities, including the current activity by the City of Albuquerque as noted above, should be completed before additional wells are required.

Section C.3 Identification of Water Supply Wells and Submittal of Area Map(s)

The requirement that within 60 days all water supply wells, characterization/description of the water table and supporting maps be submitted is insufficient time to bid, award and complete these tasks. Accordingly, Philips requests that a 180 day time period be provided for submittal.

Section F.1 RFI Workplan, General Requirements.

The requirement that a RFI Workplan as specified in Sections F, C and N be submitted is insufficient

¹ Philips requested copies of portions of the administrative record on June 26, 1995, which were not received until July 31, 1995.

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time to bid, award and complete this task. Accordingly, Philips requests that a 180 day time period be provided for submittal.

**Section F.2 Approval, Disapproval, or Modification of RFI Workplan
by Administrative Authority**

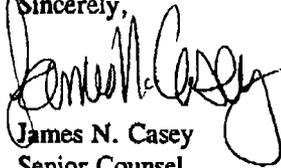
The requirement that the RFI Workplan shall be implemented within two weeks (14 days) of approval is insufficient time to mobilize the selected RFI contractor(s). Accordingly, Philips submit that a 45 day period be provided to commence implementation.

Sections J-M, O CMS Plan

For the reasons set forth in the general comments and the belief that presence of low VOC concentrations are emanating from an off-site location, Philips requests that these sections should not be included as a modification of the Permit.

Based on the above comments, among others, Philips objects to the modification of its Part B Permit to include a compliance schedule for the investigation of the Coronado Municipal Landfill and submits the proposed modifications is not warranted.

Sincerely,



James N. Casey
Senior Counsel

JNC:cb
Attachment

CITY OF ALBUQUERQUE
Albuquerque, New Mexico

ENVIRONMENTAL HEALTH DEPARTMENT

March 15, 1985

TO: Glenn Jurgensen, Superintendent, Storm Drainage Maintenance

FROM: Douglas Earp, Geohydrologist, Environmental Health Dept. *DE*

SUBJECT: AUTHORIZATION TO CONSTRUCT MONITORING WELLS ON CITY RIGHTS-OF-WAY

The Environmental Health Department is in the process of selecting sites for installation of monitoring wells adjacent to former city landfills. Ideally, we would like to locate these wells within public rights-of-way to facilitate site access for drilling and long-term monitoring.

In preparation for the first phase of drilling, we have identified potential sites for four wells downgradient of the former Coronado and San Antonio landfills. Proposed activities and well locations are described below. We are seeking your authorization to locate the wells at these sites.

Well construction would typically require three to five days per well. We will minimize disruption of drilling sites, properly dispose of all cuttings and drilling fluids, and leave each site clean upon project completion.

Completed wells would typically include a protective steel surface casing extending about 2 feet above land surface, a 5-foot square concrete pad surrounding the surface casing and four cement-filled guard posts. An optional subsurface completion is possible, if necessary to minimize disruption of other activities.

Wells would typically be sampled quarterly for one year, semiannually during the second year and annually thereafter, possibly for as long as 25 to 30 years. Sampling will be performed using self-contained truck-mounted or trailer-mounted equipment.

The proposed well sites are adjacent to maintenance roads that run parallel to flood control channels. We propose locating the wells near the outside edge (within the outer 5 feet) of the rights-of-way at locations where they will not interfere with traffic or other maintenance activities.

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Proposed locations are indicated on the attached maps and are described in detail below:

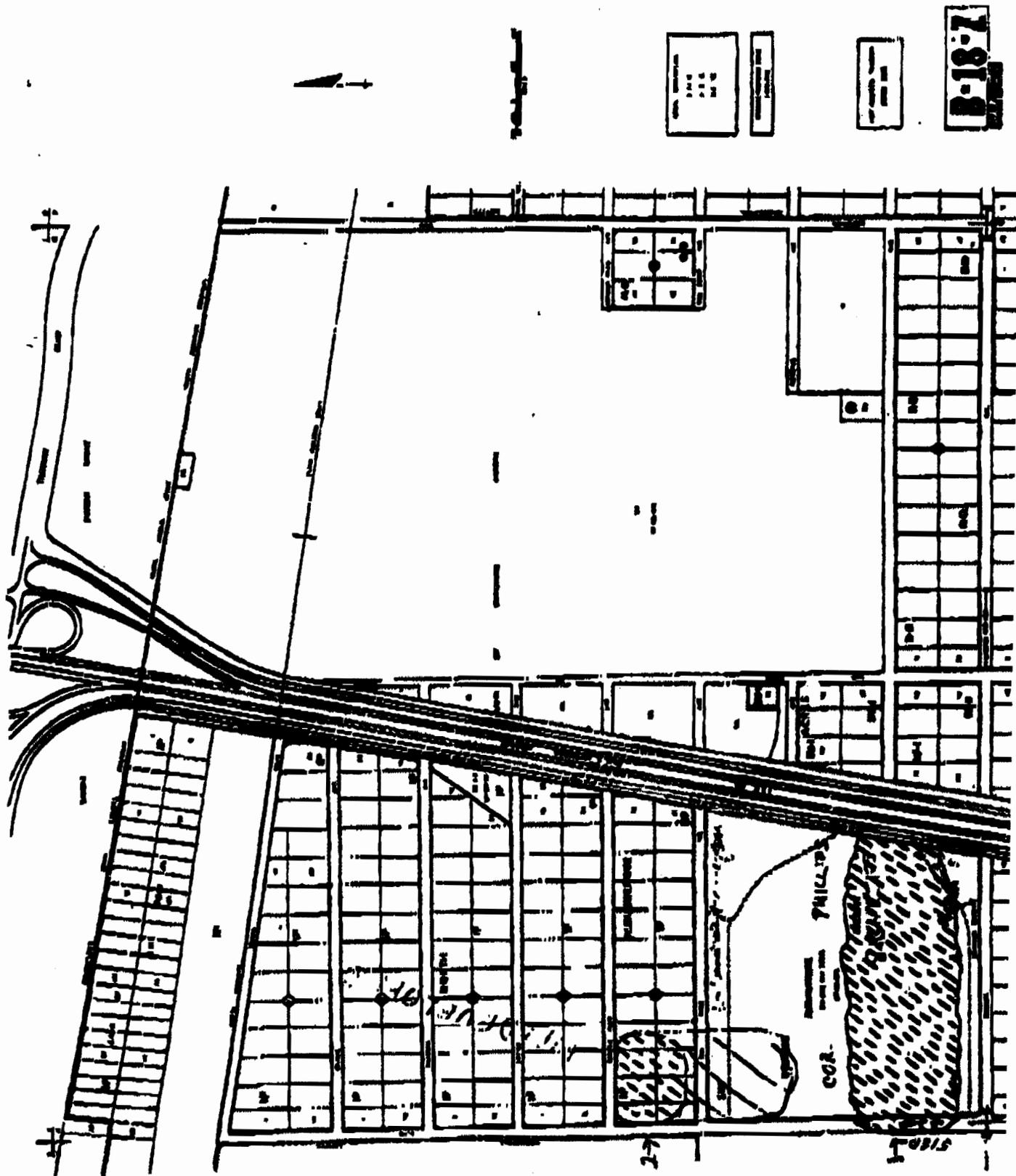
1.) about 250 feet east of the intersection of San Mateo Blvd. and Modesto Ave in the open space between the north side of Modesto and the un-named concrete channel. A well placed about 8 feet behind the curb would leave ample space for pedestrian traffic, would be on relatively level ground and would not intrude into the grass slope along the drainage channel.

2.) about 120 feet west of the intersection of Modesto Ave. and the I-25 frontage road. A well located 5-10 feet behind the curb on the north side of Modesto would be in an open area and would not interfere with any other uses of the parcel.

3.) north of Pino Arroyo about 800 feet east of I-25. A gravel maintenance road extends about 15 feet north of the channel lip and survey stakes suggest that the right-of-way boundary is 20 feet north of the lip. A well located 17-18 feet north of the channel lip (and 10 feet west of a concrete dip section) should be out of the way and readily accessible for sampling.

4.) north of Pino Arroyo about 120-150 feet west of San Pedro. A well located 17-18 feet north of the channel lip should be out of the way and readily accessible for sampling.

Approved: Glenn Jurgensen **Date:** 3-22-95
Glenn Jurgensen
Superintendent



7-18-7