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PETER MAGGIORE
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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 10, 1999

Mr. Steve Szmyd
Acting Manager
Environment, Health and Safety
9201 Pan American Frwy, NE
M/S 02
Albuquerque, NM 87113

**RE: REQUEST FOR MODIFICATIONS TO RCRA PERMIT TO CHANGE
GROUNDWATER MONITORING REQUIREMENTS**

Dear Mr. Szmyd,

The RCRA Permits Management Program (RPMP) of the Hazardous and Radioactive Materials Bureau has begun reviewing your request to change the groundwater monitoring requirements at the Philips Semiconductors facility. The request to change the frequency with which groundwater monitoring wells are sampled is defined under 40 CFR Part 270.42 Appendix I (C) as a Class I permit modification requiring the prior approval of the Director. This request is being processed as requested and in accordance with the Class I modification fee paid by Philips Semiconductor under 20 NMAC 4.2. *See also part of the report on the site log*

Under 40 CFR Part 270.42 Appendix I (C), the request to change the constituents for which samples are analyzed to only VOCs falls under "changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs): as specified in the detection monitoring program" and is considered a Class 2 modification. Requests for Class 2 modifications under 40 CFR Part 270.42 must contain the information specified under 40 CFR Part 270.42 (b) (1) and are

subject to the public notice requirements of both 40 CFR Part 270.42 (b) (2) and 20 NMAC Part 124. Requests for Class 2 modifications are also subject to a different fee under 20 NMAC 4.2. The Hazardous and Radioactive Materials Bureau must therefore deny the portion of the request for modification which refers to the change to sampling for only VOCs. If this request is resubmitted in accordance with the regulations governing Class 2 modifications, it will be given every consideration by the Department.

Sincerely,

Gregory J. Lewis
Director
Water and Waste Management Division

GJL: kso