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GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
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PETER MAGGIORE
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Receiving
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CAG

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

January 24, 2001

Joe Mauser, P.E., C.S.P.
Manager, Environmental Health & Safety
Phillips Semi Conductor
9201 Pan American Freeway, N.E.
Albuquerque, New Mexico 87113

**Re: Notice of Violation
EPA # NMD000709782-1**

Dear Mr. Mauser:

On January 18, 2001 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection at your facility located at 9201 Pan American Freeway, Albuquerque, NM. Based on our inspection and review of the information obtained, NMED has determined that Phillips Semi Conductor ("Phillips") is a Large Quantity Generator of Hazardous Waste and has violated the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as specified below.

The following violation was noted:

1. Phillips failed to perform a hazardous waste determination on one thirty (30) gallon white poly drum located in hazardous waste storage area. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR § 262.11.
2. Phillips failed to dispose of one thirty (30) gallon white poly drum within the ninety (90) day storage limit. Drum is located in the hazardous waste storage area and is dated September 16, 2000. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR § 262.34 (B).

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3. Phillips failed to make a hazardous waste determination on one fifty-five (55) gallon metal drum located in the solid waste storage area. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR § 262.11.
4. Phillips failed to properly containerize used fluorescent bulbs located in the recycle storage area. This is a violation of 20 NMAC 4.1.900, which incorporates 40 CFR § 273.33 (d) (1).
5. Phillips failed to place an accumulation start date on bulbs and/or containers located in the recycle storage area. This is a violation of 20 NMAC 4.1.900, which incorporates 40 CFR § 273.33 (c) (1).
6. Phillips failed to keep two (2) one pint containers closed inside the flammable cabinet located in waste water treatment area. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR § 262.34 (a) (1) (i).

In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance with each violation, or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

At this time, NMED is suspending the enforcement options listed above if Phillips provides NMED with a satisfactory resolution of the violation or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. If NMED does not receive satisfactory information, then NMED reserves the right to initiate formal enforcement actions.

Any action taken in response to this letter does not relieve Phillips of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve Phillips of its obligation to comply with any other applicable laws and regulations.

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If you have any questions regarding this letter, please contact Ron Trueblood at (505) 827-1557 extension-1061. Please address your response to Mr. Trueblood's attention at the address on the letterhead.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:rlt

cc: Tom Skibitski, District I
Debby Brinkerhoff, NMED/HWB, Santa Fe
Ron Trueblood, NMED/HWB, Santa Fe