

TONEY ANAY.  
GOVERNOR

DENISE D. FO  
DIRECTOR

**STATE OF NEW MEXICO**

**ENVIRONMENTAL IMPROVEMENT DIVISION**

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 14, 1985

Richard D. Mico  
Vice President and General Manager  
Sparton Technologies, Inc.  
9262 Coors Road NW  
Albuquerque, NM 87114

RE: EID Review of Sparton's Hazardous Waste Closure Plan

Dear Mr. Mico:

The Hazardous Waste Section staff of the Environmental Improvement Division (EID) has recently reviewed Sparton Technology, Inc.'s (Sparton) Hazardous Waste Facility Closure Plan with regard to the Hazardous Waste Management Regulations. A number of issues have surfaced that need to be addressed. A salient issue is the rapidly approaching due date for Sparton's Part B, July 15, 1985. Sparton must take immediate and decisive actions to preclude the Environmental Improvement Division (EID) from issuing an enforcement action for the Part B due date being missed.

This letter is divided into several sections. Each section addresses a separate issue. All of the issues are related and must be addressed in a timely fashion.

NOV/CLOSURE PLAN

This letter will serve to officially notify Sparton that the closure plan submitted by Harding Lawson Associates in an effort to comply with the Notice of Violation (NOV) issued by EID on April 3, 1985, has been received and is presently under review for adequacy. That document is considered by EID to satisfy the NOV requirement for a closure plan submission.

OFFICIAL CLOSURE PLAN

The EID is in receipt of a number of letters and documents from Sparton and their consultant, Harding Lawson Associates. These letters and documents indicate that Sparton wishes to close their hazardous waste facility located at 9262 Coors Road NW, Albuquerque NM under interim status rather than submit a Part B permit application. This is further supported by phone conversations and personal communications at several meetings. To this end, a draft closure plan has been submitted to EID for review and comment (our comments are forthcoming under a separate cover) Section 206.C.2. provides the guidance for the closure plan development. Additionally, this section provides a time frame and procedure for submittal. The above citation reads:

Section 206.C.2.c....

(3) The owner or operator must submit his closure plan to the Director at least 180 days before the date he expects to begin closure. The owner or operator must submit his closure plan to the Director no later than 15 days after:

(a) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

(b) Issuance of a judicial decree or compliance order under Section 74-4-10 NMSA 1978 to cease receiving wastes or close.

(4) The Director will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan within 30 days of the date of the notice. He will also, in response to a request or at his own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Director will give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined. The Director will approve, modify, or disapprove the plan within 90 days of its receipt. If the Director does not approve the plan, the owner or operator must modify the plan or submit a new plan for approval within 30 days. The Director will approve or modify this plan in writing within 60 days. If the Director modifies the plan, this modified plan becomes the approved closure plan. The Director's decision must assure that the approved closure plan is consistent with 206.C.2.b., d., e., and f., and the applicable requirements of 206.C.5.e., 6.f., 8.g., 9.d., 10.e., 11.e., and 12.e. A copy of this modified plan must be mailed to the owner or operator.

Richard D. Mico  
Page -3-  
June 14, 1985

If Sparton wishes to close in lieu of obtaining a Part B permit, they must submit another closure plan and a post-closure permit application which will incorporate EID's comments on the most recently submitted closure plan (as mentioned earlier, these comments are forthcoming). In addition, a letter formally declaring their intent to close and the proposed date of closure must be sent to the Director of EID by July 15, 1985. Once this is done the sequence of events listed in item (4) above will go into effect. EID is in the process of reviewing the soil boring plan. If it is found to be acceptable, EID will approve this work as a preliminary investigation necessary to amend the closure plan. We will notify you by phone as soon as this determination is made.

#### CORRECTIVE ACTION

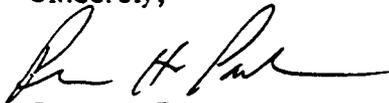
Following the reauthorization of RCRA in November 1984, Sparton has become subject to the corrective action provisions of RCRA 3004(u). These provisions require the investigation and remediation of any release of hazardous waste or hazardous waste constituents into the environment from a facility which has interim status, regardless of a unit's pre- or post-RCRA status.

#### CERTIFICATION

An issue that requires Sparton's immediate attention is whether Sparton wishes Harding Lawson Associates to legally represent them in their environmental matters. If so, Sparton must submit a letter which ratifies and approves any document or portion of such document prepared by Harding Lawson Associates describing actions to be taken by Sparton.

If you should have any questions concerning this matter, please feel free to call either myself or Jack Ellvinger at (505) 984-0020 Ext. 340.

Sincerely,



Peter H. Pache  
Program Manager  
Hazardous Waste Section

cc: Guanita Reiter, EPA Region VI  
Kent Bostick, EID Groundwater Section  
Richard Mitzelfelt, District I EID  
Duff Westbrook, EID Legal  
Thomas Burger, Harding Lawson Associates

002741