

NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PENALTY COMPUTATION WORKSHEET
NARRATIVE EXPLANATION

SPARTON TECHNOLOGY, INC.
COORS ROAD FACILITY
FEBRUARY 13, 1998

1. Gravity-Based Penalty

A. Potential for Harm

Ground-water contaminants include TCE and 1,1-DCE, potential carcinogens, TCA a toxic organic, and chromium, a toxic heavy metal, all of which are constituents of human-health concern. The plume is approximately 4000 feet long and up to 1000 feet wide at the distal end. TCE concentrations grossly exceed the WQCC ground-water standard and the Federal drinking-water standard. An estimated 645 million gallons of ground water are contaminated in excess of the drinking-water standard. These conditions constitute severe damage to the ground-water resource.

The aquifer polluted by Sparton, the Rio Grande valley fill aquifer, is the only source of drinking water for the Albuquerque metropolitan area. The Sparton area, in particular, has been experiencing substantial land development and is prime for future ground-water development. Background ground-water quality in the Sparton area is excellent.

Overall, Sparton's water pollution poses "significant" potential for harm.

B. Extent of Deviation from Requirement

Sparton's water pollution was caused by waste-disposal methods in the 1960's and 1970's, common industrial practices at the time but inadequate by present regulatory standards. Sparton is one of several facilities in the Albuquerque area whose past practices caused serious chlorinated-solvent contamination. Unlike all other such facilities in Albuquerque, however, Sparton has failed to properly contain and remove or mitigate the damage caused by its discharges, as required by WQCC Regulations 1203 and Subpart 4.

Sparton's failure to take timely and adequate actions, after repeated requests, to investigate and abate the pollution it caused is considered a "major" deviation from WQCC regulations.

C. Multi-Day Penalty

NMED's position regarding Sparton's non-compliance with WQCC regulations, was

made abundantly clear in the lawsuit filed on February 19, 1997. As of February 13, 1998, Sparton has been in violation for an additional 358 days.

Section 74-6-10.1.B of the New Mexico Water Quality Act provides for a maximum of \$10,000 per day for violations committed by Sparton. For violations not warranting the maximum penalty, the NMED Ground Water Quality Bureau multi-day penalty matrix (below) is applied. As discussed above, Sparton's violation is of a "significant-major" gravity-based designation resulting in a \$ 3000/day penalty.

Extent of Deviation			
Potential for Harm	Major	Moderate	Minor
Severe	5000	3000	1500
Significant	<u>3000</u>	2000	1000
Minimal	1500	1000	500

Sparton's multi-day penalty as of February 13, 1998 totals \$ 1,074,000 out of a possible maximum penalty of \$ 3,580,000 authorized by statute.

Penalty calculated by:



Dennis McQuillan, Remediation Manager

Reviewed and approved by:



Marcy Leavitt, Chief, Ground Water Quality Bureau