

ST 2002

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*

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GARY E. JOHNSON  
GOVERNOR



PETER MAGGIORE  
SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

June 18, 2002

Mr. Charles Stranko  
Vice President & General Manager  
Sparton Technology, Inc.  
4901 Rockaway Boulevard, SE  
Rio Rancho, NM 87124-4469

**RE: INTENT TO ISSUE POST-CLOSURE CARE PERMIT FOR SPARTON  
TECHNOLOGY, INC., NEW MEXICO  
EPA ID # NMD083212332  
HWB-ST 01-001**

Dear Mr. Stranko:

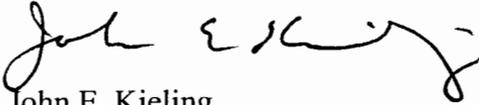
Enclosed is a copy of the Sparton Technology, Inc. (Sparton) draft Post-Closure Care Permit prepared by the New Mexico Environment Department (NMED), the Public Notice, and Fact Sheet. The New Mexico Environment Department will publish a legal notice that a draft Post-Closure Care Permit has been prepared on June 21, 2002, and will allow 45 days for review and public comment, including requests for a public hearing. Sparton will be notified by certified mail if a public hearing is scheduled, and may submit any comments on the draft Post-Closure Care Permit to NMED not later than August 4, 2002.

The New Mexico Environment Department will give due consideration and the weight it deems appropriate to all comments received during the public comment period. When ruling on permit issuance, NMED may make reasonable conditions to the permit to meet the requirements of the Hazardous Waste Management Regulations (20.4.1 NMAC). At the time that any final permit decision is made, NMED will issue a response to all comments submitted during the public notice period. The final permit conditions shall be effective as of the date of signature by the Secretary or his designee of the New Mexico Environment Department. The permit will be transmitted to Sparton by certified mail.

Mr. Charles Stranko, Sparton Technology, Inc.  
June 10, 2002  
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Should you have any questions please contact Mr. Robert Warder of my staff by e-mail at robert\_warder@nmenv.state.nm.us, at the address above, or by phone at (505) 841-9040.

Sincerely,



John E. Kieling  
Manager  
Permits Management Program

JEK:rw

Enclosure

cc w/o Enclosure

James P. Bearzi, NMED HWB  
Will Moats, NMED HWB  
Robert Warder, NMED HWB  
Ana Marie Ortiz, NMED OGC  
Gary Richardson, PE, Metric Corporation  
Laurie King, EPA Region 6 (6PD-N)  
Michael Hebert, PE, EPA Region 6

File: Red ST-01, Reading File 01

# **DRAFT**

**RESOURCE CONSERVATION AND RECOVERY ACT  
POST CLOSURE CARE PERMIT  
EPA ID NO. NMD083212332**

**Issued to**

**SPARTON TECHNOLOGY, INC.**

**For the**

**COORS ROAD PLANT**

**Located in**

**ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO**

**Issued by**

**NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU  
HAROLD RUNNELS BUILDING  
1190 ST. FRANCIS DRIVE  
P.O. BOX 26110  
SANTA FE, NM 87502-6110**

**May 2002**

# **DRAFT**

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## **MODULE I GENERAL PERMIT CONDITIONS AND REQUIREMENTS**

### **I.A. EFFECT OF PERMIT**

The Secretary of the New Mexico Environment Department (Secretary) issues this Post-Closure Care Permit (Permit) to Sparton Technology, Inc. (Sparton or Permittee), the owner and operator of the Coors Road Plant, Rio Rancho, NM (Site) (EPA ID. No. NMD083212332). This Permit authorizes Sparton Technology, Inc. (Permittee) to perform the Corrective Action Program under this Permit and to treat hazardous waste at the Site in accordance with the Consent Decree filed in the United States District Court for the District of New Mexico, Civil Action Number CIV 97 0206 LH/JHG consolidated with CIV 97 0208 JC/RLP, CIV 97 0210 M/DJS, and CIV 97 0981 LH/JHG (Consent Decree). This Permit also establishes the general and specific standards for corrective action activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, Sections 74-4-1 et seq., and the New Mexico Hazardous Waste Management Regulations, 20.4.1.100 NMAC (New Mexico Administrative Code) et seq.

This Permit shall be effective for ten years from the date of issuance by the Secretary and comply with 20.4.1.900 NMAC (incorporating 40 CFR 270.50 (a)).

Compliance with this Permit during its term shall constitute compliance, for purposes of enforcement, with Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., the HWA, and their implementing regulations, except as otherwise specified at 20.4.1.900 NMAC (incorporating 40 CFR 270.4 (a)). Compliance with this Permit shall not constitute a defense to any order issued or any action brought under Sections 74-4-10, 74-4-10.1, or 74-4-13 of the HWA; Sections 3008 (a), 3008 (h), 3013, 7002 (a) (1) (B), or 7003 of RCRA; Sections 104, 106 (a), 107, or 196 (a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq.; or any other law providing for protection of public health or the environment. This Permit does not convey any property rights of any exclusive privilege, nor authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.4 and 270.30 (g)).

This Permit consists of Permit Modules I through IV, Appendices A.1, and A.2, the Consent Decree including Attachments A through I of the Consent Decree, the Final Off-Site Containment System Operation and Maintenance Manual, the Draft Source Containment System Operation and Maintenance Manual, and the Revised RCRA Post-Closure Permit Application (Permit Application). The Consent Decree, Off-Site Containment System Operation and Maintenance Manual, Draft Source Containment System Operation and Maintenance Manual, and the Permit Application are incorporated into this Permit by reference and made an enforceable part of this Permit. The Permittee shall comply with the post-closure care, corrective action, and other activities and standards specified in the Permit, the Consent Decree, the Off-Site Containment System

and Source Containment System Operation and Maintenance Manuals, and the Permit Application.

**I.B. PERMIT ACTIONS**

**I.B.1. Permit Modification, Revocation and Reissuance, and Termination**

This Permit may be modified, suspended, and/or revoked for cause, as specified in Section 74-4-4.2 of the HWA and 20.4.1.900 and 20.4.1.901.B. NMAC, incorporating 40 CFR 270.41, 270.42, and 270.43. The filing of a request for a Permit modification, suspension, or revocation, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.4 (a) and 270.30 (f)).

**I.B.2. Permit Renewal**

The Permittee shall renew this Permit by submitting an application for a new permit at least 180 days before the expiration date of this Permit, in accordance with 20.4.1.900 and 20.4.1.901 NMAC (incorporating 40 CFR 270.10 (h) and 270.30 (b)) and Permit Condition I.E.3. In reviewing any application for a permit renewal, the Secretary shall consider improvements in the state of control and measurement technology and changes in applicable regulations.

**I.B.3. Property Rights**

This Permit does not convey any property rights of any sort, or any exclusive privilege pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (g)).

**I.C. SEVERABILITY**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

**I.D. DEFINITIONS**

For the purposes of this Permit, terms used herein shall have the same meanings as those in the New Mexico Hazardous Waste Act (HWA), Resource Conservation and Recovery Act (RCRA), and/or their implementing regulations, unless this Permit specifically provides otherwise. Where a term is not defined in HWA, RCRA, pursuant regulations, Environmental Protection Agency (EPA) guidelines or publications, or this Permit, the meaning associated with such a term shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

**“Area of Concern (AOC)”** means any discernable area that may have a release of hazardous waste or hazardous constituents, which is a solid waste management unit (SWMU) and which the Secretary determines may pose a threat to human health or the environment.

**“Consent Decree”** means the final decision filed in the United States District Court for the District of New Mexico and entitled “The City of Albuquerque and the Board of County Commissioners of the County of Bernalillo *et al.* v. Sparton Technology, Inc.”, Civil Action Number CIV 97 0206 LH/JHG consolidated with CIV 97 0208 JC/RLP, CIV 97 0210 M/DJS, and CIV 97 0981 LH/JHG; all attachments to the Consent Decree, including Attached Work Plans; and all items approved by EPA and NMED pursuant to Section X (Review of Submittals).

**“Corporate Office”** means the Sparton Technology, Inc. Corporate Office located at 4901 Rockaway Blvd., SE, Rio Rancho NM, 87124-4469.

**“Corrective Action Program”** means all work undertaken to clean up and monitor soil and groundwater contamination at the Site in accordance with the Consent Decree, attached work plans under the Consent Decree, all “work” as defined in the Consent Decree, the Permit Application, Operation and Maintenance Manuals, and the Permit Modules of this Permit.

**“Draft Source Containment System Operation and Maintenance Manual”** means the Draft Source Containment System Operation and Maintenance Manual prepared by Metric Corporation, Albuquerque New Mexico for Sparton Technology, Inc, Rio Rancho New Mexico pursuant to the Consent Decree, submitted to the New Mexico Environment Department Hazardous Waste Bureau, January 2002.

**“Facility”** means the Off-Site Containment System, Off-Site Infiltration Gallery, Source Containment System, the land, easements, and improvements including all buildings, treatment facilities, and other improvements on approximately 12-acres currently owned by Sparton Technology, Inc., and located at 9621 Coors Road NW, Albuquerque, Bernalillo County, New Mexico. EPA ID. No. NM083212332.

**“Foreign Source”** refers to hazardous waste generated outside the United States of America.

**“Final Off-Site Containment System Operation and Maintenance Manual”** means the Final Off-Site Containment System Operation and Maintenance Manual prepared by Metric Corporation, Albuquerque New Mexico for Sparton Technology, Inc, Rio Rancho New Mexico pursuant to the Consent Decree, submitted to the New Mexico Environment Department Hazardous Waste Bureau, May 2000.

**“Hazardous Constituent”** means any constituent identified in 20.4.1.200 NMAC (incorporating 40 CFR Part 261, Appendix VIII), any constituent identified in 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Appendix IX), any constituent identified in a

hazardous waste listed in 20.4.1.200 NMAC (incorporating 40 CFR Part 261, Subpart D), or any constituent identified in a toxicity characteristic waste in 20.4.1.200 NMAC (incorporating 40 CFR 261.21, and Table 1 contained in that part).

**“HWA”** means the New Mexico Hazardous Waste Act. NMSA 1978, §§ 74-4-1 et seq. (Repl. Pamp. 2001).

**“MCLs”** means Maximum Contaminant Levels under the Federal Safe Drinking Water Act, 42 U.S.C. § 300f et seq., and regulations promulgated thereunder.

**“Off-Site Source”** means a generator of hazardous waste located within the United States of America, but outside the Permittee’s Facility boundary.

**“Permit”** means the Secretary approved Permit consisting of Permit Modules I through IV, Appendices A.1, and A.2, the Consent Decree including Attachments A through I of the Consent Decree, the Final Off-Site Containment System Operation and Maintenance Manual, the Draft Source Containment System Operation and Maintenance Manual, and the Revised RCRA Post-Closure Care Permit Application.

**“Permit Application”** means the RCRA Post-Closure Care Permit Application submitted by Sparton Technology, Inc. on September 5, 2000, and all modifications or revisions received by the New Mexico Environment Department Hazardous Waste Bureau as of February 2002.

**“Permittee”** means Sparton Technology, Inc.

**“RCRA”** means the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq.

**“Regional Administrator”** means the Regional Administrator of EPA Region 6, or designee or authorized representative.

**“Secretary”** means the Secretary of the New Mexico Environment Department or designee.

**“Site”** means the land, including the subsurface and groundwater, consisting of an area including the Facility, and the land, including the subsurface and groundwater, in the general vicinity of the Facility, where any hazardous wastes, as defined in RCRA Section 1004, 42 U.S.C. § 6903 (5), or where hazardous constituents, as defined in 20.4.1.100 NMAC (incorporating 40 CFR 260.10) and 20.4.1.200 NMAC (incorporating 40 CFR 261, App. VIII), originated from and have come to be located.

**“Solid Waste Management Unit” (SWMU)** means any discernible waste management unit or area at a RCRA facility in which solid waste has been placed at any time, and from which the Secretary determines there may be a risk of a release of hazardous

constituents, irrespective of whether the unit is or ever was intended for the management of solid or hazardous waste. Placement of solid waste includes one time and accidental events that were not remediated, as well as any unit or area at which solid waste has been routinely and systematically placed.

**“Work”** means all activities that Sparton is required to perform, under the Consent Decree and as defined in the Consent Decree, and under this Permit.

## **I.E. DUTIES AND REQUIREMENTS**

### **I.E.1. Duty to Comply**

The Permittee shall comply with all conditions and requirements of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.61). Any noncompliance with any condition or requirement of this Permit, other than under the terms of an emergency permit, constitutes a violation of the HWA and/or RCRA and may subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries to an administrative or civil enforcement action, including civil penalties and injunctive relief, under Sections 74-4-10 or 74-4-10.1 of the HWA or Section 3008 (a) and (g) or 3013 of RCRA;

Permit modification, termination, suspension, revocation and re-issuance, or denial of a permit application or modification request, pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (a)), and under Section 74-4-4.2 of the HWA; citizen suit under Section 7002 (a) of RCRA; criminal penalties under Section 74-4-11 of the HWA or Section 3008 (d), (e), and (f) of RCRA; or some combination of the foregoing.

### **I.E.2. Duty to Reapply**

If the Permittee wishes to continue an activity allowed or required by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days before the expiration date of this Permit, in accordance with all applicable laws unless an extension is granted by the Secretary pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.10 (h) and 270.30(b)). The Secretary shall not grant permission for applications to be submitted later than the expiration date of the existing Permit.

### **I.E.3. Permit Expiration**

This Permit and all conditions herein will remain in effect beyond the expiration date of this Permit until the effective date of the issuance or denial of the succeeding RCRA permit only if the Permittee has submitted a timely and

complete application for renewal of this Permit 180 days prior to the expiration date of this Permit, in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.10 (h), 270.13 through 270.29, and 270.51 (d)), and through no fault of the Permittee, the Secretary has not issued a new Permit on or before the expiration date of this Permit.

**I.E.4. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (c)).

**I.E.5. Duty to Mitigate**

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (d)).

**I.E.6. Proper Operation and Maintenance**

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the Permittee to achieve compliance with the conditions and requirements of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions and requirements of this Permit as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (e)).

**I.E.7. Duty to Provide Information**

The Permittee shall furnish to the Secretary, within a reasonable time period specified by the Secretary, any relevant information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Secretary, upon request, copies of any records required to be retained by this Permit and pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (h)) and 20.4.1.500 NMAC (incorporating 40 CFR 264.73 (b) (5), and (6) as required by the Consent Decree, 40 CFR 264.74 (a)), 40 CFR 264.100 (g) as required by the Consent Decree, and 40 CFR

264.118. Records required by this Permit shall be retained at the Corporate Office. Permit Condition I.E.7 shall not be construed to limit, in any manner, the Secretary's authority under HWA Section 74-4-4.3 or RCRA Section 3007(a).

**I.E.8. Inspection and Entry**

The Permittee shall allow the Secretary, or authorized representatives, upon the presentation of credentials and other documents as may be required by law in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (i)):

**I.E.8.a. Entrance to Premises** – to enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

**I.E.8.b. Access to Records** – to have access to and copy, at reasonable times, any records as specified in Section I.E.7 of this Module that must be kept at the Corporate Office under the conditions of this Permit and the Consent Decree;

**I.E.8.c. Inspection** – to inspect, at reasonable times, any Facility equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

**I.E.8.d. Sampling** – to sample or monitor, at reasonable times for the purposes of assuring Permit compliance or as otherwise authorized by RCRA and/or HWA, any substances or parameters, including soil, surface water, and ground water at the Facility.

Permit Condition I.E.8 shall not be construed to limit, in any manner, the Secretary's authority under HWA Section 74-4-4.3, RCRA Section 3007(a), or any other applicable law.

**I.E.9. Monitoring and Records**

Monitoring and retention and location of records shall be in accordance with Sections I.E.7 and II.F of this Permit, the Permit Application, the Consent Decree, and pursuant to all provisions of 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (j)).

**I.E.9.a. Monitoring Reports** – All monitoring results shall be reported at the intervals specified in the Consent Decree and in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (4)).

i. **I.E.9.b. Monitoring Records Contents** – records of monitoring information shall include those specified in the Consent

Decree and in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (j) (3)).

**I.E.10.        Reporting Planned Changes**

The Permittee shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the permitted Facility in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (1)).

**I.E.10.a.        Compliance Schedules** – Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this Permit, shall be submitted in accordance with the Consent Decree in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (5)).

**I.E.11        Reporting Anticipated Noncompliance**

The Permittee shall give advance notice to the Secretary of any planned changes in the permitted Facility or activity, which may result in noncompliance with these Permit conditions or requirements. For modifications to the existing Facility, the Permittee shall not treat, store, or dispose of hazardous waste in the modified portion of the Facility except as provided in 20.4.1.900 NMAC (incorporating 40 CFR 270.42), pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (2)), until:

- a.        The Permittee has submitted to the Secretary by certified mail or hand delivery a letter signed by the Permittee and a registered Professional Engineer stating that the Facility has been constructed or modified in compliance with the Permit and
- b.        The Secretary has inspected the modified or newly constructed Facility and finds it is in compliance with the conditions of the Permit; or
- c.        Within 15 days of the date of submission of the letter in I.E.11.a above, the Permittee has not received notice from the Secretary of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste.

**I.E.12        Certification of Construction or Modification**

Certification of construction or modification of the Facility shall be in accordance with Section I.E.11 above and 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (2)).

**I.E.13            Transfer of Permits**

The Permittee shall not transfer this Permit to any person except after providing notice to the Secretary and receiving approval from the Secretary for this action. The prospective new owner or operator must file a disclosure statement with the Secretary as specified in HWA Section 74-4-4.7. The Secretary shall require modification or revocation and reissuance of this Permit, as specified by 20.4.1.900 NMAC (incorporating 40 CFR 270.40 (b) and 270.41 (b) (2)), and 20.4.1.901 NMAC, to identify the new Permittee and incorporate such other requirements as may be necessary under the HWA and RCRA and implementing regulations.

Before transferring ownership or operation of the Facility during its post-closure care period, the Permittee shall notify the new owner or operator in writing of all applicable requirements of 20.4.1.900 NMAC (incorporating 40 CFR 270), the Consent Decree, and this Permit pursuant to 20.4.1.500 and 20.4.1.900 NMAC (incorporating 40 CFR 264.12 (c) and 270.30 (l) (3)).

**I.E.14            Twenty-Four Hour Reporting**

**I.E.14.a.        Oral Report** –The Permittee shall report orally to the Secretary any noncompliance or incident at the Facility or Site which may endanger human health or safety or the environment. Such report shall be made within 24 hours from the time the Permittee becomes aware of the circumstances pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (6) (i)), and shall include:

- i.        Information concerning the release of any hazardous waste or hazardous constituents which may endanger public drinking water supplies;
- ii.       Information concerning the release or discharge of any hazardous waste or hazardous constituents, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (6) (i)).
- iii.      Name, address, and telephone number of the Permittee and the Facility;
- iv.      Date, time, and type of incident;
- v.        Name and quantity of materials involved;
- vi.      The extent of injuries, if any;

- vii. An assessment of actual or potential hazards to the environment and human health outside the Facility; and
- viii. Estimated quantity and disposition of recovered material that resulted from the incident pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (6) (ii)).

**I.E.14.b. Written Report** –The Permittee shall also submit a written notice to the Secretary within five (5) calendar days of the time the Permittee becomes aware of the noncompliance as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (6) (iii)). The written notice shall contain the following information:

- i. A description of the noncompliance or incident and its cause;
- ii. The period(s) of noncompliance or incident, including exact dates and times, and, if the noncompliance or incident has not been corrected, the anticipated time it is expected to continue; and
- iii. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, incident, or imminent hazard.

The Secretary may waive the five-day written notice requirement in favor of a written report within fifteen calendar days in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 264.30 (l) (6) (iii)).

**I.E.15 Other Noncompliance**

The Permittee shall report all instances of noncompliance with Permit conditions and requirements not reported under Permit Conditions I.E.9, I.E.10, I.E.14, and II.F.2 at the time monitoring reports are submitted under Permit Condition IV.A.1 as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (10)). The reports shall contain the information listed in Permit Condition I.E.14.

**I.E.16. Other Information**

Whenever the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any document to the Secretary, the Permittee shall promptly submit the corrected facts or information in writing to the Secretary as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (11)).

**I.F. SIGNATORY REQUIREMENT**

The Permittee shall sign and certify, as specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.11 and 40 CFR 270.30 (k)), all applications, reports required by this Permit and Consent Decree, or other information required by the Secretary.

**I.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY**

All reports, notifications, or other submissions which are required by this Permit and Consent Decree, to be submitted to the Secretary shall be sent by certified mail or hand delivered to:

Bureau Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
Harold Runnels Building  
1190 St. Francis Drive  
P.O. Box 26110  
Santa Fe, NM 87502-6110

**I.H. CONFIDENTIAL INFORMATION**

The Permittee may claim confidentiality for any information submitted to or requested by the Secretary or required by this Permit and Consent Decree, to the extent authorized by Section 74-4-4.3 (D) of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.12).

**I.I. ENFORCEMENT**

**I.I.1. Waiver of Defenses**

In any judicial action brought in New Mexico District Court for the First Judicial District under the HWA, or in the United States District Court for the District of New Mexico under RCRA (or under the HWA asserting supplemental jurisdiction under 28 U.S.C. § 1367), the Permittee waives all objections and defenses it may have to the jurisdiction of either such State or Federal court or to venue in either such State or Federal District courts.

**I.I.2. Admissibility of Data**

In any administrative or judicial action to enforce a condition of this Permit, the Permittee waives any objection to the admissibility as evidence of any data or information generated pursuant to this Permit.

## **MODULE II**

### **GENERAL FACILITY CONDITIONS AND REQUIREMENTS**

#### **II.A. DESIGN AND OPERATION OF FACILITY**

The Permittee shall maintain, and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned, sudden, or non-sudden release of hazardous waste constituents to air, soil, surface water, or ground water, which could threaten human health or the environment as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31).

#### **II.B. REQUIRED NOTICES**

##### **II.B.1. Hazardous Waste Imports**

The Permittee shall not accept, store or dispose hazardous waste at the Facility from any foreign source.

##### **II.B.2. Hazardous Waste from Off-Site Sources**

The Permittee shall not accept, store or dispose hazardous waste at the Facility from any off-site source.

#### **II.C. GENERAL WASTE ANALYSIS**

The analysis of the electroplating waste previously generated at the Facility is provided in Attachment 3 of the Permit Application.

#### **II.D. SECURITY**

The Permittee shall comply with the security provisions specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.14 (a) (1) and (2), (b) (2) and (c)), in the Final Off-Site Containment System and Draft Source Containment System Operation and Maintenance Manuals, and in Section 2.4 of the Permit Application in order to prevent unknowing or unauthorized entry onto any portions of the active Site by persons or livestock. This provision is inclusive of all portions of the Facility including the Off-Site Containment System, Source Containment System, rapid infiltration ponds, and the fenced capped surface impoundment.

#### **II.E. GENERAL INSPECTION REQUIREMENTS**

The Permittee shall inspect the Facility for malfunctions and deterioration, operator errors, and any discharges, which may lead to the release of hazardous waste constituents to the environment or pose a threat to human health as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (a)). The Permittee shall also remove debris within the

boundaries of the Facility which may impair the operation of any portions of the remediation system.

**II.E.1. Inspection Schedule**

The Permittee shall implement the inspection schedules specified in Section 2.5 and Attachment 4 of the Permit Application and the Final Off-Site and Draft Source Containment System Operation and Maintenance Manuals for the Facility. Additionally, the following areas shall also be included in the inspection schedule:

- a. Rapid infiltration ponds
- b. Security fence around the rapid infiltration ponds
- c. Security fence around the source containment system containment well
- d. Monitoring wells not specified in Section 2.5 and Attachment 4 of the Permit Application shall be inspected for degradation and inoperability during routine sampling events
- e. Off-Site containment system building
- f. Source containment system building

**II.E.2. Inspection Frequency**

The Permittee shall inspect all items specified in Permit Condition II.E.1, Section 2.5 and Attachment 4 of the Permit Application and all monitoring wells, extraction wells, containment wells, the capped surface impoundment, the security fence surrounding the capped surface impoundment, the Source Containment System containment well, the Source Containment Building, the six (6) rapid infiltration ponds, the Off-Site Containment Building, on a semi-annual basis and in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (b) (1) through (b) (4)).

**II.E.3. Remediation of Equipment/Structures**

The Permittee shall remedy any deterioration or malfunction of equipment or structures, which the inspection reveals as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (c)).

#### **II.E.4. Inspection Log and Checklist**

The Permittee shall use the inspection checklist contained in Attachment 4 of the Permit Application and Permit Condition II.E.1, with modifications to the checklist to include inspection provisions and requirements for all monitoring wells, extraction wells, containment wells, the capped surface impoundment, the security fences surrounding the rapid infiltration ponds, capped surface impoundment, and the Source Containment System containment well, the rapid infiltration ponds, the Off-Site Containment Building, and the Source Containment Building on a semi-annual basis.

The Permittee shall record the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (d)).

#### **II.E.5. Inspection Records**

The Permittee shall maintain in the operating record located at the Corporate Office, inspection schedules and results for three years from the date of the inspection in accordance with this Permit pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (d)).

### **II.F. PERSONNEL TRAINING**

The Permittee shall provide for personnel training as specified in Section 2.12 of the Permit Application and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16 (a) (1) through (a) (3)).

### **II.G. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE**

Section II.G is not applicable to this Permit due to no waste being treated, stored, or disposed of at the Facility.

### **II.H. LOCATION STANDARDS**

Section II.H is not applicable to this Permit due to the Facility not being located within the 100-year floodplain and not being a new facility.

### **II.I. PREPAREDNESS AND PREVENTION**

#### **II.I.1. Required Equipment**

The Permittee shall maintain, at a minimum, the emergency equipment specified in the Final Off-Site Containment System and Draft Source Containment System

Operation and Maintenance Manuals at the Facility and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.32).

**II.I.2. Testing and Maintenance of Equipment**

The Permittee shall test and maintain the equipment specified in Permit Condition II.I.1. on a periodic basis as necessary, to assure its proper operation in time of emergency pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.33).

**II.I.3. Access to Communications and Alarm System**

The Permittee shall maintain access to the communications and alarm system specified in the Final Off-Site Containment System and Draft Source Containment System Operation and Maintenance Manuals and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.34 (b)).

**II.I.4. Required Aisle Space**

Based upon Facility configuration, Section II.I.4 is not applicable to this Permit in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.35).

**II.I.5. Arrangements with Local Authorities**

The Permittee shall maintain arrangements with state and local authorities, as specified in the Final Off-Site Containment System and Draft Source Containment System Operation and Maintenance Manuals and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37).

**II.J. CONTINGENCY PLAN**

The contingency plan hereinafter referred to as the Site Safety and Health Plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, ground water, or surface water in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.51 (a)).

**II.J.1. Implementation of Plan**

The Permittee shall immediately implement the Site Safety and Health Plan, contained in Attachment L of the Final Off-Site Operation and Maintenance Manual, and/or Attachment K of the Draft Source Containment Operation and Maintenance Manual, depending on the location of the incident, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.51 (b)).

**II.J.2. Copies of the Plan**

The Permittee shall maintain copies of the Site Safety and Health Plan and all revisions and amendments to the Site Safety and Health Plan at the Corporate Office, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.53 (a)). The Permittee shall provide copies of the current Site Safety and Health Plan and all revisions and amendments to the Site Safety and Health Plan to the Secretary and applicable portions of the Site Safety and Health Plans to all entities that may be called upon to provide emergency services in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.53 (b)).

**II.J.3. Amendments to Plan**

The Permittee shall review and immediately amend the Site Safety and Health Plan if necessary as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.54).

**II.J.4. Emergency Coordinator**

An emergency coordinator and an alternate emergency coordinator shall be specified in the Site Safety and Health Plan. At all times there must be at least one employee on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the Facility's Site Safety and Health Plan, all operations and activities at the Facility, the location and characteristics of any waste handled, and the Facility layout. In addition, this person must have the authority to commit the resources needed to carry out the Site Safety and Health Plan as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.55).

**II.K. MANIFEST SYSTEM**

Section II.K is not applicable to this Permit due to the Facility not receiving hazardous waste from off-site sources.

**II.L. RECORDKEEPING AND REPORTING**

In addition to the record keeping and reporting requirements specified elsewhere in this Permit and 20.4.1.500 NMAC (incorporating 40 CFR 264.73 (a)), the Permittee shall comply with the following requirements:

**II.L.1. Operating Record**

The Permittee shall maintain at the Corporate Office, until five years after the end of the Post-Closure care period or completion of corrective action, whichever is later, a written operating record of waste, soil, and ground water analysis from the corrective action program as defined in Module I of this Permit, and/or Consent

Decree. The written operating record shall include all information required under 20.4.1.500 NMAC (incorporating 40 CFR 264.73 (b) (4) through (b) (6), and (b) (8)), and this Permit.

**II.L.2. Biennial Report**

Section II.L.2 is not applicable to this Permit. Annual reports shall be submitted pursuant to the Consent Decree.

**II.L.3. Record Retention**

The Permittee shall retain records of all information, including all calibration and maintenance records and all recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit and its attachments, including the Permit Application and the Consent Decree, records of all data used to complete the Permit Application, records from all ground water monitoring wells and associated ground water surface elevations, the most recent financial assurance mechanism, the annually adjusted post-closure cost estimate as required by Paragraph 90 of the Consent Decree, and any other documents or information related to the Work stipulated by Paragraph 100 of the Consent Decree.

The Permittee shall inform the Secretary in writing of changes in its management personnel and telephone numbers within fifteen (15) calendar days of the changes.

**II.M. GENERAL CLOSURE REQUIREMENTS**

**II.M.1. Performance Standard**

Section II.M.1 is not applicable to this Permit due to Facility being in post-closure.

**II.M.2. Amendment to Closure Plan**

Section II.M.2 is not applicable to this Permit due to Facility being in post-closure.

**II.M.3. Notification of Closure**

Section II.M.3 is not applicable to this Permit due to Facility being in post-closure.

**II.M.4. Time Allowed for Closure**

Section II.M.4 is not applicable to this Permit due to Facility being in post-closure.

**II.M.5. Disposal or Decontamination of Equipment, Structures, and Soils**

All contaminated equipment, structures, and soils must be properly disposed of or decontaminated. By removing any hazardous wastes or hazardous constituents during closure, the Permittee may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of 20.4.1.300 (incorporating 40 CFR 262).

**II.M.6. Certification of Closure**

Section II.M.6 is not applicable to this Permit due to Facility being in post-closure.

**II.M.7. Survey Plat**

Section II.M.7 is not applicable to this Permit due to Facility being in post-closure.

**II.N. GENERAL POST-CLOSURE REQUIREMENTS**

This Permit implements post-closure care requirements for soil and ground water contamination left in place after closure of two RCRA regulated units. The first is an unlined storage pit used for storage of RCRA regulated hazardous waste. The storage pit was located immediately north of the existing Facility, and consisted of a five foot by five foot by two foot unlined concrete sump that received waste from electroplating processes, and spent solvents. The waste mainly consisted of trichloroethylene (TCE), 1,1,1 – trichloroethane (TCA), lesser amounts of methylene chloride, acetone, and 1,1 – dichloroethylene (DCE). The concrete sump was constructed sometime between 1960 and 1969, was in operation until October 1980, and closed in 1986. The second RCRA regulated unit is the capped surface impoundment constructed in 1975, operated until August 1983, and closed in 1986. This impoundment accepted plating waste for storage and off-site shipment.

The Old Drum Storage Area, referenced in the Permit Application, was used for spent solvent storage from 1980 to 1981. This unit was certified clean closed by an independent professional engineer in December 2001.

The New Drum Storage Area, referenced in the Permit Application, was where spent solvents were stored from May 1981 until 1986. This unit was certified clean closed by an independent professional engineer in 1986.

Post-closure care requirements shall remain in place for 30 years after implementation of corrective actions as stipulated in the Consent Decree, unless the post-closure period is shortened or lengthened pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (a) (2)). The corrective action program, as defined in Module I of this Permit and

provisions under the Consent Decree including, but not limited to, consists of monitoring and extraction wells, the Off-Site Containment System, including a containment well, an air stripper unit, and the infiltration gallery, and the Source Containment System, including a containment well, an air stripper unit and six rapid infiltration ponds. All corrective measures are required to remain in place until completion of corrective action, i.e., demonstration of attainment of the performance standards for three years and as otherwise required by Module IV of this Permit and the Consent Decree pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.96 (c) and 264.100 (f)).

#### **II.N.1. Post-Closure Care Period**

The Permittee shall comply with post-closure care requirements for 30 years after initiation of corrective actions as stipulated in the Consent Decree referenced in Section II.N above, unless the Secretary approves shortening or lengthening the post-closure care period pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (a) (2)). Post-closure care shall be in accordance with 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart G), the Post-Closure Plan, the Permit Application, and the Consent Decree, and shall be subject to the terms and conditions of this Permit in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.117).

All post-closure care activities implemented by the Permittee must be conducted in accordance with the provisions of the Post-Closure Plan, Permit Application, and Consent Decree pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (d) and 264.118 (b)).

#### **II.N.2. Post-Closure Security**

The Permittee shall implement the security provisions outlined in Section II.D and in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.14).

#### **II.N.3. Amendment to Post-Closure Plan**

The Permittee shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements in 40 CFR Parts 124 and 270. The written modification or request shall include a copy of the amended post-closure plan for review or approval by the Secretary as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.118 (d)).

#### **II.N.4. Post-Closure Notices**

If the Permittee wishes to move off-site any hazardous waste, hazardous waste residue, or contaminated soils from the regulated units, then the Permittee shall request a modification to this Permit in accordance with the applicable requirements at 20.4.1.900 NMAC (incorporating 40 CFR Part 270) and

20.4.1.901 NMAC. The Permittee shall demonstrate that the removal of hazardous waste is in compliance with all applicable HWA and RCRA requirements for generation and transport of hazardous waste pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.119 (c)).

#### **II.N.5. Certification of Completion of Post-Closure Care**

No later than 60 days after completion of the established post-closure care period, the Permittee shall submit to the Secretary, by registered mail, a certification that post-closure care was performed in accordance with the Consent Decree and this Permit. This certification shall be signed by the Permittee and an independent New Mexico registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Secretary upon request until the Secretary releases the Permittee from the financial assurance requirements for post-closure care under 20.4.1.500 NMAC (incorporating 40 CFR 264.145 (I)) pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.120).

#### **II.O. COST ESTIMATE FOR POST-CLOSURE**

The Permittee's post-closure cost estimate shall be prepared and submitted to the New Mexico Environment Department on an annual basis as required by Section XXIV of the Consent Decree. The Permittee's most recent post-closure cost estimate is included in this Permit as Permit Attachment II-1.

- a. The Permittee shall revise the post-closure cost estimate whenever there is a change in the Facility's Post-Closure Plan as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.144 (c)).
- b. The Permittee shall keep in the operating record at the Corporate Office, the latest post-closure cost estimate as required 20.4.1.500 NMAC (incorporating 40 CFR 264.144 (d)).
- c. Financial assurance funds may be released, upon approval by the Secretary and in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.145 (a) (10)), if the value of the financial assurance mechanism exceeds the remaining cost of post-closure care. The Permittee shall demonstrate to the Secretary that the value of the financial assurance mechanism exceeds the remaining cost of post-closure care, in order for the Secretary to approve a release of funds.
- d. The Permittee shall submit itemized bills to the Secretary when requesting reimbursement from the trustee for post-closure care expenditures in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.145 (a) (11)).

**II.P. FINANCIAL ASSURANCE FOR FACILITY POST-CLOSURE**

The Permittee shall implement and maintain financial assurance and comply with all applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart H), during the post-closure period in accordance with Section XXIV of the Consent Decree. Changes to the financial assurance mechanism shall be approved by the Secretary pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.145). A copy of the Permittee's most recent financial assurance instrument is included in this Permit as Permit Attachment II-2.

**II.Q. LIABILITY REQUIREMENTS**

Section II.Q is not applicable to this Permit due to facility being in post-closure.

**II.R. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS**

The Permittee shall comply with 20.4.1.500 NMAC (incorporating 40 CFR 264.148), in the event of bankruptcy proceedings naming the owner or operator, or bankruptcy of the financial assurance issuing institution.

**PERMIT ATTACHMENTS REFERENCED IN MODULE II**

<b><u>Permit Attachment No.</u></b>	<b><u>Plan or Document</u></b>
II-1	Financial Assurance Trust Agreement
II-2	Post-Closure Cost Estimate

**SPARTON**

**SPARTON CORPORATION**

December 19, 2001

Mr. Gregg A. Cooke  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202

Mr. Peter Maggiore  
Secretary of New Mexico Environment Department  
Harold S. Runnels Building  
1190 St. Francis Drive  
P.O. Drawer 26110  
Santa Fe, New Mexico 87502-6110

Dear Mr. Cooke and Mr. Maggiore:

I am the chief financial officer of Sparton Corporation, 2400 E. Ganson Street, Jackson, Michigan 49202. This letter is in support of Sparton Corporation's use of the financial test to demonstrate financial assurance for corrective action and any post-closure care, as specified in subparts G and H of 40 C.F.R. parts 264 and 265.

1. Sparton Corporation is the owner or operator of the following facilities -for which financial assurance for closure, post-closure care, or corrective action is demonstrated through the financial test specified in subpart H of 40 C.F.R. parts 264 and 265. The current closure, post-closure care, and/or corrective action cost estimates covered by the test are shown for each facility: None.

2. Sparton Corporation guarantees, through the guarantee specified in subpart H of 40 C.F.R. parts 264 and 265, the corrective action and any post-closure care of the following facilities owned or operated by the guaranteed party. The current cost estimates for the corrective action and post-closure care so guaranteed are shown for each facility: Sparton Technology, Inc., 9621 Coors Rd., N.E., Albuquerque, New Mexico 87114: corrective action and post-closure care cost estimate = \$4,183,526. Sparton Corporation is the direct parent corporation of Sparton Technology, Inc.

3. In States where EPA is not administering the financial requirements of subpart H of 40 C.F.R. part 264 or 265, Sparton Corporation, as guarantor, is demonstrating financial assurance for the closure, post-closure care, or corrective action of the following facilities through the use of test equivalent or substantially equivalent to the financial test specified in subpart H of 40 C.F.R. parts 264 and 265. The current closure, post-closure care, and corrective action cost estimates covered by such a test are shown for each facility: Except for the Sparton Technology, Inc. facility listed under number 2 above, none.

4. Sparton Corporation is the owner or operator of the following hazardous waste management facilities for which financial assurance for closure, post-closure care, or corrective action is not demonstrated either to EPA or a State through the financial test of any other financial assurance mechanism specified in subpart H of 40 C.F.R. parts 264 and 265 or equivalent or substantially equivalent State mechanisms. The current closure, post-closure care, and corrective action cost estimates not covered by such financial assurance are shown for each facility: None.

5. Sparton Corporation is the owner or operator of the following UIC facilities for which financial assurance for plugging and abandonment is required under part 144. The current closure cost estimates as required by 40 C.F.R. 144.62 are shown for each facility: None.

Sparton Corporation is required to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on June 30. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended June 30, 2001.

## ALTERNATIVE I

1. Sum of current corrective action and post-closure care cost estimates:

\$4,183,526

\*2. Total liabilities: \$28,272,054

\*3. Tangible net worth: \$79,522,450

\*4. Net worth: \$79,522,451

\*5. Current assets: \$86,513,361

\*6. Current liabilities \$20,536,181

\*7. Net working capital: \$65,977,180:

\*8. The sum of net income plus depreciation, depletion, and amortization:

\$3,532,800

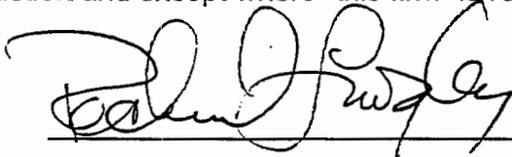
\*9. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.): Not Applicable

10. Is line 3 at least \$10 million? (Yes/No) Yes

11. Is line 3 at least 6 times line 1 ? (Yes/No) Yes

- 12. Is line 7 at least 6 times line 1? (Yes/No) Yes
- \*13. Are at least 90% of firm's assets located in the U.S.? If not, complete line 14 (Yes/No) Yes
- 14. Is line 9 at least 6 times line 1? (Yes/No) Not Applicable
- 15. Is line 2 divided by line 4 less than 2.0? (Yes/No) Yes
- 16. Is line 8 divided by line 2 greater than 0.1? (Yes/No) Yes
- 17. Is line 5 divided by line 6 greater than 1.5? (Yes/No) Yes

I hereby certify that the wording of this letter is substantially identical to the wording specified in 40 C.F.R. 264.151(f) as such regulations were constituted on the date shown immediately below, except as modified to reflect financial assurances of corrective action and except where "this firm" is replaced with "Sparton Corporation."

[Signature]  \_\_\_\_\_

[Name] Richard Langley

[Title] Vice President, Chief Financial Officer, Treasurer

[Date] December 19, 2001

Enclosure: Sparton's 2001 Annual Report to Shareholders

## Report of Independent Accountants on Applying Agreed-Upon Procedures

Mr. Richard L. Langley  
Chief Financial Officer  
Sparton Corporation  
2400 Easton Ganson  
Jackson, MI 49202

We have audited, in accordance with auditing standards generally accepted in the United States, the consolidated balance sheet of Sparton Corporation and subsidiaries as of June 30, 2001 and the related consolidated statements of operations, shareowners' equity, and cash flows for the year then ended, and have issued our report thereon dated August 17, 2001. Our opinion on the financial statements referred to above is presented on page 18 of Sparton Corporation's 2001 Annual Report to Shareholders' which is included with the letter dated December 19, 2001 and signed by Richard Langley, Chief Financial Officer of Sparton Corporation, to the Environmental Protection Agency and the New Mexico Environment Department ("the Langley Letter").

We have performed the procedures described below, which were specified by the Environmental Protection Agency and agreed to by Sparton Corporation, to the Langley Letter, solely to assist you in complying with the requirements of the State of New Mexico and the United States Environmental Protection Agency. This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings are as follows:

We have compared the following data included in the Langley Letter, to amounts included in or derived from the audited consolidated balance sheet of Sparton Corporation and subsidiaries as of June 30, 2001, and the related consolidated statements of operations, shareowners' equity, and cash flows for the year then ended, which we have audited and issued our report thereon as described above, and found them to be in agreement.

<u>Description</u>	<u>Balance</u>
Total liabilities	\$ 28,272,054
Tangible net worth	79,522,450
Net worth	79,522,451
Current assets	86,513,361
Current liabilities	20,536,181
Net working capital	65,977,180
Sum of net earnings plus depreciation, depletion, and amortization	3,532,800

We were not engaged to, and did not, perform an audit, the objective of which would be the expression of an opinion on the Langley Letter. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of management of Sparton Corporation, the State of New Mexico, and the United States Environmental Protection Agency and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

*Ernst + Young LLP*

August 17, 2001

**PERMIT ATTACHMENT II-2**

Post Closure Cost Estimate

**Environmental  
Resources  
Management**

5151 Flynn Parkway  
Suite 620  
Corpus Christi, Texas 78411  
(361) 814-8200  
(361) 814-8220 (fax)

December 18, 2001

Mr. Dick Langley  
Sparton Corporation  
2400 East Ganson Street  
Jackson, Michigan 49202

W.O. #555-003

Re: Sparton Technologies, Inc.  
Albuquerque, New Mexico  
Coors Road Facility Financial Assurance Estimate



Dear Mr. Langley:

Environmental Resources Management (ERM) is pleased to provide the attached estimate of financial assurance to be included in the submission by Sparton Technologies, Inc. (Sparton) to the Environmental Protection Agency (EPA) and New Mexico Environmental Department (NMED) per Section XXIV, Paragraph 90, of the March 3, 2000 Consent Decree and meets the requirements for cost estimates for closure found under 40 CFR §264.142. The attached estimate of \$4,183,526 is based on an effective value date on June 30, 2001, which is consistent with Sparton's fiscal year-end and also the RCRA regulatory requirements. This estimate is \$440,384 lower than ERM's previous estimate provided to Sparton in March 2000. Items reducing the estimate included completion of 2 years of the 30 years of projected time for closure operations, completion of capital expenditures for the Vadose Soil Vapor Extraction (SVE) and Source Containment systems, completion of the 1 year required operation of the Vadose SVE system, and lower actual costs for the lease of water rights. Items increasing the estimate included operation of a chromium treatment system, actual costs for easements, and an increase in electricity cost. The modifications made as part of the update of the financial assurance estimate, are described both below and in the attached estimate as notes of the changes made. (See Attachment 1 - 28 Year Summary.)

The starting point for this update was ERM's original estimate provided to Sparton in March 2000. Mr. Tony Hurst was contacted and he provided information, including monthly reports, on operations of the systems at the Coors Road Facility. Mr. Gary Richardson was also contacted concerning the operations of monitoring and containment wells at the facility. Labor rates and the estimate for plugging and abandoning site wells were also confirmed. The changes made to the estimate included the following:

December 18, 2001  
Sparton Corporation  
168CC555-L01  
Page 2

- Updating the remaining capital expenditures as of June 30, 2001. The remaining expected capital expenditures include installation of the Source Containment well, pump, and air stripper.
- Operating and maintenance (O&M) expenditures for limited chromium treatment as part of the offsite containment. As of June 30, 2001 the chromium had been below 0.044 mg/L for five consecutive months. ERM estimated O&M expenditures for chromium treatment based on expected reduced operation of the chromium treatment system through the first nine months of FY 2002 and no treatment after FY2002.
- Actual cost of pipeline and Arroyos easements included in the Offsite Containment O&M Expenditures.
- Termination, per the terms of the Consent Decree, of the Vadose SVE after one year of operation, except for 40 soil gas samples to be taken in July and August 2001.
- Actual cost of electricity in June 2001.
- Actual cost for the lease of water rights included under source containment.
- Expected operation of the source containment system for one half of FY2002 (installation expected to be completed by the end of December 2001).
- Reduction in expected electricity use by the Source Containment system based on actual equipment to be installed during the first half of FY2002.

Based on the information obtained by ERM, original assumptions are still valid with respect to the end date (2029), expected operations and maintenance of various systems, closure (including well plugging and abandonment costs), labor rates, analysis costs, and other costs associated with evaluation and recommendations.

It has been our pleasure assisting Sparton Corporation with this matter. If you should have questions, please feel free to contact the undersigned.

Environmental Resources Management



Mark W. Cheesman, J.D.  
Associate

cc: Mr. R. Jan Appel - Sparton Corporation  
Ms. Susan Widener - Sparton Corporation  
Mr. James Harris - Thompson and Knight, L.L.P.  
Mr. Tony Hurst - Hurst Engineering Services  
Mr. Richard Bost - Environmental Resources Management

**28-Year Summary**  
*Attachment 1*

*December 18, 2001*  
*WO #555-003*  
*Sparton Technologies, Inc.*

**Environmental Resources Management**  
5151 Flynn Parkway, Suite 620  
Corpus Christi, Texas 78411  
(361) 814-8200

Sparton Technologies, Inc.  
Coors Rd. Facility  
Albuquerque, New Mexico  
Fiscal Year 2002  
28 Year Summary

Changes Notes	Material and Service Expenditures				Labor Expenditures				TOTAL TYPICAL ANNUAL cost	2002-2004	2005-2009	2010-2014	2015-2019	2020-2024	2025-2029	TOTALS
	Unit	No.	Cost/Unit	Contingency Percent	Hours	Hourly Rate	Contingency Percent	Percent								
<b>Remaining Capital Expenditures</b>																
Offsite Containment I No remaining tasks										\$0	\$0	\$0	\$0	\$0	\$0	\$0
Vadose (SVE) No remaining tasks										\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Source Containment</b>										\$76,000	\$0	\$0	\$0	\$0	\$0	\$76,000
Equipment - (1) 120' well and (1) 50gpm pump	LS	1	23,000	3,000	13%				28,000	28,000	0	0	0	0	0	0
Equipment - Install (1) 50gpm Air Stripper	LS	1	28,500	2,850	10%	375	45	1,775	11%	50,000	0	0	0	0	0	0
<b>Total Remaining Capital Expenditure</b>										<b>\$78,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$78,000</b>
<b>O&amp;M Expenditures</b>																
Offsite Containment II Permits / Licenses										\$171,390	\$264,500	\$264,500	\$264,500	\$0	\$0	\$964,890
Permits / Licenses	LS	1	500	0%					500	500	500	500	500	0	0	0
Permits / Licenses	LS	1	3,000	0%					3,000	3,000	3,000	3,000	3,000	0	0	0
Operate System - Power (4shp) & Utilities	Month	12	1,850	2,000	9%				24,200	24,200	24,200	24,200	24,200	0	0	0
Influent/Effluent Sampling	Month	12	315	420	11%				4,200	12,600	21,000	21,000	21,000	0	0	0
O&M - Equipment (a)	Month	12	1,000	1,200	10%				13,200	39,600	66,000	66,000	66,000	0	0	0
O&M - Labor (b)						158	45	780	11%	7,800	23,400	39,000	39,000	39,000	0	0
Ground water monitoring - see below																
O&M - Equipment & Labor (Chromium treatment)	Month	12	1,920	1,850	15%				22,890	22,890	0	0	0	0	0	0
Vadose (SVE) Monitoring - Soil gas samples	Sample	40	180	1,320	18%				8,520	8,520	0	0	0	0	0	0
<b>Source Containment</b>										<b>\$80,010</b>	<b>\$159,800</b>	<b>\$159,800</b>	<b>\$159,800</b>	<b>\$159,800</b>	<b>\$159,800</b>	<b>\$879,010</b>
Operate System - Power	Month	12	495	2,000	10%				6,540	18,350	32,700	32,700	32,700	32,700	32,700	32,700
Influent/Effluent Sampling	Month	12	315	420	11%				4,200	10,500	21,000	21,000	21,000	21,000	21,000	21,000
O&M - Equipment (a)	Month	12	1,000	1,200	10%				13,200	39,600	66,000	66,000	66,000	66,000	66,000	66,000
O&M - Labor (b)						158	45	780	11%	7,800	19,500	39,000	39,000	39,000	39,000	39,000
Cost of water rights	LS	1	220	0%					220	680	1,100	1,100	1,100	1,100	1,100	1,100
<b>Evaluation, Analysis &amp; Recommendation</b>										<b>\$289,806</b>	<b>\$276,560</b>	<b>\$247,460</b>	<b>\$247,460</b>	<b>\$247,460</b>	<b>\$247,460</b>	<b>\$1,556,206</b>
Quality Check (c)						5	60	60	20%	360	1,080	1,800	1,800	1,800	1,800	1,800
Aquifer Model (ERM Estimate) (d)						520	75	4,200	11%	43,200	129,870	35,000	5,900	5,900	5,900	5,900
Annual Reports Incl. Perf. & Alt. Eval. (e)						50	60	600	20%	3,600	10,800	18,000	18,000	18,000	18,000	18,000
<b>Ground Water Monitoring and Sampling</b>																
Data Collection and Sampling (f)						255	45	1,275	11%	12,750	38,250	63,750	63,750	63,750	63,750	63,750
Sampling Equipment (g)	Sample	93	14	150	12%				1,452	4,358	7,260	7,260	7,260	7,260	7,260	7,260
Analysis (Lab Costs) (h)	Sample	93	270	2,790	11%				27,900	83,700	139,500	139,500	139,500	139,500	139,500	139,500
QA/QC and Data Analysis (i)						26	75	300	15%	2,250	6,750	11,250	11,250	11,250	11,250	11,250
Analysis of Additional Modeling Information (j)						180	75	1,500	11%	15,000	15,000	0	0	0	0	0
<b>Closure</b>										<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$94,100</b>	<b>\$94,100</b>
Plug and Abandon 63 wells	Well	63	1,200	11,500	15%				87,100	0	0	0	0	0	87,100	87,100
Remove Piping (LS)			1,500	500	33%				2,000	0	0	0	0	0	2,000	2,000
Closure Certification Report (k)						60	75	500	11%	5,000	0	0	0	0	5,000	5,000
Soil Sampling at Infiltration Galleries (l)																
<b>Project Management</b>										<b>\$21,800</b>	<b>\$64,800</b>	<b>\$108,000</b>	<b>\$108,000</b>	<b>\$108,000</b>	<b>\$108,000</b>	<b>\$604,800</b>
Management (m)						170	75	900	7%	13,650	40,950	68,250	68,250	68,250	68,250	68,250
Data Tabulation (n)						25	75	110	6%	1,985	5,955	9,925	9,925	9,925	9,925	9,925
Monthly Reporting (o)						25	75	110	6%	1,985	5,955	9,925	9,925	9,925	9,925	9,925
Annual Reporting (p)						50	75	230	6%	3,980	11,940	19,900	19,900	19,900	19,900	19,900
<b>Total O&amp;M Expenditure</b>										<b>\$614,526</b>	<b>\$808,860</b>	<b>\$779,760</b>	<b>\$779,760</b>	<b>\$515,260</b>	<b>\$609,360</b>	<b>\$4,107,526</b>

**Summary**

Total Remaining Capital Expenditure	\$76,000	\$0	\$0	\$0	\$0	\$0	\$76,000
Total O&M Expenditure	\$614,526	\$808,860	\$779,760	\$779,760	\$515,260	\$609,360	\$4,107,526
<b>TOTAL</b>	<b>\$690,526</b>	<b>\$808,860</b>	<b>\$779,760</b>	<b>\$779,760</b>	<b>\$515,260</b>	<b>\$609,360</b>	<b>\$4,183,526 (a)</b>

**Changes made:**

1. **Vadose (SVE) Equipment one 400 scfm blower installation has occurred, there are no remaining tasks**
2. The following Source Containment items have been completed and these items removed from estimate
  - a. Water Rights Transfer (200gpm)
  - b. Installation of Infiltration Pond Piping
  - c. Creation of Infiltration Pond/Berms
3. Cost/Unit of Pipeline Easement Permits/Licenses for the Offsite Containment II was increased from \$450 to \$500 (based on actual cost) and the contingency was omitted
4. Cost/Unit of Arroyos Easement Permits/Licenses for the Offsite Containment II was increased from \$2,700 to \$3,000 (based on actual cost) and the contingency was omitted
5. Offsite Containment O&M Expenditures for Operate System - Power (45hp) & Utilities has increased from \$1,000/Unit to \$1,850/Unit and contingency from \$1,980 to \$2,000.  
(This was based on using the actual electricity cost for June 2001 at \$0.07657 per KWH.)
6. O&M Expenditures for Chromium Treatment Equipment and Labor of \$920/Unit with a contingency of 15% was added (based on actual costs in FY 2001 projected through first 9 months of FY 2002).
7. O&M Expenditures for the following Vadose (SVE) items have been removed due to operations completed in FY 2001 per terms of the Consent Decree
  - a. Operate System - Power
  - b. O&M - Equipment
  - c. O&M - Labor (b)
8. The No. of samples for Vadose (SVE) Monitoring - Soil gas samples has been reduced from 66 to 40 (remainder for FY 2002)
9. O&M Expenditures for Operate System - Power (12hp) has reduced from \$1,000/Unit to \$495/Unit and contingency from \$1,980 to \$600 (based on actual equipment to be installed and June 2001 electricity costs)
10. O&M Expenditures for the following Source Containment items have been calculated for 1/2 Fiscal Year 2002 (expected operations)
  - a. Operate System - Power
  - b. Influent/Effluent Sampling
  - c. O&M - Equipment
  - d. O&M - Labor
11. Cost/Unit of Source Containment Lease of water rights was reduced from \$1,050 to \$220 and the contingency was omitted (based on actual costs)
12. Cost/Unit of Plug and Abandonment of 63 wells was checked for applicability in 2001
13. The Hourly Rates for Labor Expenditures were checked for applicability in 2001
14. The cost estimates for the 2000-2004 column are now calculated for 2002-2004 i.e. 3 years and the rest for 5 year periods (based on Total typical Annual Costs)

**Notes**

- (a) The equipment cost of \$13,200 per year each for both the onsite and offsite systems (Total of \$600,600) includes \$140,000 for replacing a total of 15 wells.
- (b) Labor cost for operation and maintenance of the containment systems (off-site and source) assumes \$45.00/hour plus a minimum contingency of 10%. The labor requirement assumes performing routine inspection on each of the two systems an average of 3 hours per week per system, not including 15 minute inspections each week included in sampling labor.  
This is consistent with ERM's experience and the experience of Sparton. The inspection and monitoring program will entail checking and recording information pertaining to the status of the system. The parameters that will be monitored are listed in Appendix K of the System O&M Manual.
- (c) Quality Check entails additional evaluation of previously collected analytical data, resulting in 5 hours of work annually for a staff scientist (\$60.00 / hour) plus a minimum of 10% contingency.
- (d) Aquifer Modeling will require 520 hours for the first three years, 100 hours for the next four years, and 14 hours per year for the remaining years. Basis for the reduction of effort relates to the **improved calibration of the model over time, assuming only minor adjustments will be required to confirm model outputs are consistent with observations. Modeling will be executed by a Project Scientist (\$75.00 / hour) plus a minimum of 10% contingency.**
- (e) The preparation of annual reports includes performance and alternative system evaluation. Due to the data generated throughout the process, with costs contained in other sections of the budget (i.e. modeling, data analysis, etc.), 50 hours annually are allocated to prepare the Annual Report for a Staff Engineer (\$60.00 / hour). A minimum of 10% contingency and additional review by a Senior Engineer are included in a total contingency not to exceed \$600.00.
- (f) Data collection and sampling for the 63 wells located both on- and off-site require 255 hours annually for a field technician (\$45.00), plus a minimum of 10% contingency.
- (g) Assumes 19 days for rental of pH/specific conductance/temperature meter (\$20/day), water level indicator (\$25/day), disposable bailers (\$2/day), miscellaneous equipment (gloves, tape, replacement drums, etc., \$5/well), which averages about \$14/sample.
- (h) Number of samples based on 63 wells plus approximately 30 quality control samples.
- (i) Quality Assurance and Control of data analysis results consists of 1 hour every other week for a Project Engineer (\$75.00 / hour) plus a minimum of 10% contingency.
- (j) Analysis of Additional Modeling Information will entail combining previous annual reports, modeling results and other previously collected data with the current (5th year) annual report; the data analysis and performance evaluation for this report is included under aquifer modeling, annual reports and project management.
- (k) Closure Certification Report entails compiling historical data and a written analysis of 30 years of progress, as a result of the remedial actions, by a Project Engineer (\$75.00 / hour) plus a minimum of 10% contingency.
- (l) Task to be completed only if significant exceedances of discharge limits occur, thus no expenditure is anticipated. If this expenditure is required, the contingency for closure (\$11,500) is ample to cover the anticipated sampling cost (\$1000).
- (m) "Management" consists of meetings with agency representatives, consultants and individuals from Sparton Technologies, in addition to handling routine administrative tasks. The total estimate for these tasks is 170 hours per year.
- (n) "Data Tabulation" is assumed to be on a quarterly basis for about 6 hours per quarter.
- (o) "Monthly Reporting" is assumed to be about 2 hours per month.
- (p) "Annual Reporting" is assumed to be 50 hours annually.
- (q) Total includes contingency.

**MODULE III**  
**POST-CLOSURE CARE CONDITIONS AND REQUIREMENTS**

**III.A. POST CLOSURE PROCEDURES AND USE OF PROPERTY**

**III.A.1. Groundwater Monitoring**

The Permittee shall operate the ground water monitoring and corrective action system of the Corrective Action Program in accordance with this Permit, the RCRA Post-Closure Care Permit Application, and the Consent Decree, and shall comply with all other applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart F), during the post-closure period as specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (a) (1)).

**III.A.2. Surface Impoundment**

The Permittee shall comply with the requirements for Subpart K- Surface Impoundments, referencing the existing capped surface impoundment and surrounding security fence, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.228 (b)), and as follows:

- a. Maintain the integrity and effectiveness of the final cover, including making repairs to the cover, as necessary, to correct the effects of settling, subsidence, erosion, damage, or other events;
- b. Prevent run-on and run-off from eroding or otherwise damaging the final cover; and
- c. Protect and maintain surveyed benchmarks used in complying with the surveying and recordkeeping requirements in accordance with the approved post-closure plan.
- d. Protect and maintain existing installed soil vapor extraction system and all related equipment until such time that the system is removed from the area.
- e. Protect and maintain all monitoring wells located within the enclosed area,
- f. Maintain the integrity of the eight-foot high chain link security fence in place around the perimeter of the capped surface impoundment in accordance with the Permit Application and 20.4.1.500 NMAC (incorporating 40 CFR 264.14).

**III.A.3. Post-Closure Security**

The Permittee shall maintain security at the Facility during the post-closure care period, in accordance with the Post-Closure Plan and all security requirements specified in Permit Condition II.D, the Consent Decree, and in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.14 and 40 CFR 264.117 (b)).

**III.A.4. Facility Use**

The Permittee shall not allow any use of the Facility which will disturb the integrity of the surface impoundment final cover or the function of the Facility's monitoring or corrective action systems under the Consent Decree during the post-closure care period, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (c)).

**III.A.5. Inspection**

The Permittee shall inspect the components, structures, and equipment at the Site in accordance with the requirements specified in Permit Condition II.E, the Permit Application, and the Consent Decree pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (a) (1) (ii)).

**III.A.6. Post-Closure Activities**

All post closure care activities and corrective action must be in accordance with the provisions of the approved Post-Closure Plan as specified in the Permit Application, and the Consent Decree, and as specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (d)).

## **MODULE IV CORRECTIVE ACTION CONDITIONS AND REQUIREMENTS**

### **IV.A. CORRECTIVE ACTION PROGRAM**

The corrective action program, as defined in this Permit, shall address the release of contaminants to soil and ground water from the Site and shall be conducted as required and pursuant to the Consent Decree.

### **IV.B. GENERAL REQUIREMENTS**

#### **IV.B.1. Well Replacement and Abandonment**

- a. The Permittee shall replace any ground water monitoring well removed from service with a monitoring well located as close to the abandoned well as practicable. The Permittee shall submit the proposed location and construction specifications for the new well to the Secretary for prior approval.
- b. The Permittee shall record the surveyed location and elevation of a new monitoring well when the well is installed.
- c. All wells removed from the monitoring program shall be plugged and abandoned by the Permittee so as to ensure that the abandoned well will not serve to transport contaminants to the aquifer and will be otherwise in compliance with all applicable regulations and abandoned in accordance with applicable laws and regulations. The Permittee shall submit well plugging and abandonment specifications to the Secretary for approval prior to abandoning the well.

## **APPENDIX IV-A**

The following are the Solid Waste Management Units (SWMUs) at Sparton Technology, Inc.

### **Table A.1: List of SWMUs Requiring Corrective Action**

1. **Concrete Sump**
2. **Surface Impoundment**

### **Table A.2: List of SWMUs Not Currently Requiring Corrective Action**

1. **New Drum Storage Area (Certified Clean Closed 10/15/1986)**
2. **Old Drum Storage Area (Certified Clean Closed 12/31/2001)**



GARY E. JOHNSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*

*2905 Rodeo Park Drive East, Building 1*

*Santa Fe, New Mexico 87505-6303*

*Telephone (505) 428-2500*

*Fax (505) 428-2567*

*www.nmenv.state.nm.us*



PETER MAGGIORE  
SECRETARY

June 21, 2002

**SUBJECT: PROPOSED INITIAL ISSUANCE OF POST-CLOSURE CARE PERMIT  
SPARTON TECHNOLOGY, INC., ALBUQUERQUE, NEW MEXICO  
EPA IDENTIFICATION NUMBER: NMD083212332**

Dear Concerned Citizen:

Enclosed is the Fact Sheet regarding the New Mexico Environment Department's (NMED) intent to approve a Resource Conservation and Recovery Act (RCRA) Post-Closure Care Permit to Sparton Technology, Inc. (Sparton), located at 9621 Coors Road NW, Albuquerque, New Mexico.

The proposed permit requests approval for issuance of the initial Post-Closure Care Permit for Sparton Technology, Inc., thus allowing Sparton to enter into the post-closure care period. The enclosed Fact Sheet represents a summary of additional information regarding the proposed permit issuance, repositories where the complete administrative record for this action can be reviewed, and procedures for submitting comments and requesting a public hearing. Comments and requests for a public hearing may be submitted to NMED at the above address from June 21, 2002 until 5:00 p.m., August 4, 2002.

Should you have questions or comments, please contact Robert Warder of my staff by e-mail at [robert\\_warder@nmenv.state.nm.us](mailto:robert_warder@nmenv.state.nm.us), at the address above, or by phone at (505) 841-9040.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling".

John E. Kieling  
Manager  
Permits Management Program

Enclosure



**GARY E. JOHNSON**  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
*2905 Rodeo Park Drive East, Building 1*  
*Santa Fe, New Mexico 87505-6303*  
*Telephone (505) 428-2500*  
*Fax (505) 428-2567*  
*www.nmenv.state.nm.us*



**PETER MAGGIORE**  
SECRETARY

**PUBLIC NOTICE # 02-05**  
**NEW MEXICO ENVIRONMENT DEPARTMENT**  
**HAZARDOUS WASTE BUREAU**  
**Santa Fe, New Mexico 87505**  
**June 21, 2002**

**NOTICE OF INTENT TO ISSUE A POST-CLOSURE CARE PERMIT FOR SPARTON TECHNOLOGY, INC**

Under authority of the New Mexico Hazardous Waste Act NMSA 1978 §74-4-1 *et. seq.* (1989), New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, and subtitle C of the Resource Conservation and Recovery Act (RCRA), the New Mexico Environment Department (NMED) is authorized to issue, renew, revoke, suspend or deny, permits.

The New Mexico Environment Department received a Post-Closure Care Permit application submitted by Sparton Technology, Inc., (Sparton), EPA I.D. Number NMD083212332, for its facility located at 9621 Coors Road NE in the City of Albuquerque, Bernalillo County, New Mexico. When Sparton Technology, Inc. was operating, it was configured as a printed circuit electronic assembly manufacturing facility from 1961 to 1999. The printed circuit manufacturing process generated aqueous plating wastes and spent solvents. These wastes are believed to be the sources of the groundwater contamination. The plating waste mainly consisted of trichloroethylene (TCE), 1,1,1 – trichloroethane (TCA), lesser amounts of methylene chloride, acetone, and 1,1 –dichloroethylene (DCE). Approximately 2,950 pounds of TCE and 150 pounds of DCE have been removed to date at the facility.

The NMED is responsible for processing the permit action that is the subject of this notice. The Administrative Record for this draft Post-Closure Care Permit consists of Sparton's permit application, the draft Post-Closure Care Permit, the fact sheet, and related documents and correspondence.

The draft Post-Closure Care Permit may be reviewed at either of the following locations:

New Mexico Environment Department	Albuquerque Public Library
Hazardous Waste Bureau	501 Copper Avenue Northwest
2905 Rodeo Park Drive East, Building 1	Albuquerque, New Mexico 87103
Santa Fe, New Mexico 87505-6303	
(505) 428-2500	

*Mondays through Fridays  
8:00 A.M. to 5:00 P.M.*

*Mondays through Thursdays 10:00 A.M. to  
8:00 P.M. and  
Fridays and Saturdays 10:00 A.M. to 6:00  
P.M.*

A copy of the draft Post-Closure Care Permit may be obtained by contacting the person listed below and is also available for review online at:  
[www.nmenv.state.nm.us/HWB/hazwaste\\_home.html](http://www.nmenv.state.nm.us/HWB/hazwaste_home.html), located under the Permits/Draft Permits heading.

Any person who wishes to comment on the draft Post-Closure Care Permit or to request a public hearing should submit written comments and/or a request for hearing, along with the commentor's name and address, to the contact person at the above Santa Fe address. Requests for a public hearing shall provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of the requester and/or all persons whom the requester represents; (3) a statement of any objections to the draft Post-Closure Care Permit, including specific references to the permit condition; and (4) a statement of the issues which such persons propose to raise for consideration at the hearing. Only comments and/or requests received during the public comment period from June 21 to August 4, 2002 will be considered. Comments should be mailed to Mr. John Kieling, Manager, New Mexico Environment Department, Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6303. The New Mexico Environment Department will provide a thirty (30) day notice of a public hearing, if scheduled.

NMED ensures that the approved draft Post-Closure Care Permit is consistent with the New Mexico Hazardous Waste Management Regulations for Permits. All written comments submitted on the draft Post-Closure Care Permit will be considered in formulating a final decision and may cause the draft Post-Closure Care Permit to be modified. The New Mexico Environment Department will respond in writing to all public comments. This response shall:

- (a) specify which provisions, if any, of the draft Post-Closure Care Permit have been changed in the final permit decision, and the reasons for the change; and
- (b) briefly describe and respond to all public comments on the draft Post-Closure Care Permit or the permit application raised during the public comment period or public hearing.

After consideration of all the written public comments received, NMED will issue, or modify and issue the Post-Closure Care Permit. If the New Mexico Environment Department modifies and issues the Post-Closure Care Permit, Sparton Technology, Inc., shall be provided by mail, a detailed written statement of reasons for the modification. A copy of the modified Post-Closure Care Permit will be mailed to Sparton Technology, Inc.

The Secretary will make the final permit decision publicly available and shall notify the applicants by certified mail. All persons presenting written comments, and who requested

notification in writing shall be notified of the decision by first-class regular mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act.

Any person seeking additional information regarding this draft Post-Closure Care Permit, or who would like to arrange for copies of the draft Post-Closure Care Permit at 25 cents per page, may contact Mr. Robert Warder at the Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6303 or by phone at (505) 841-9040.

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Cliff Hawley by August 4, 2002, at the following address: New Mexico Environment Department, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, or by phone at (505) 827-2850. TDD or TDY users please access Mr. Hawley's number via the New Mexico Relay Network. Albuquerque users may access Mr. Hawley's number at (505) 275-7333 or 1-800-659-1779.



**GARY E. JOHNSON**  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
*2905 Rodeo Park Drive East, Building 1*  
*Santa Fe, New Mexico 87505-6303*  
*Telephone (505) 428-2500*  
*Fax (505) 428-2567*  
*www.nmenv.state.nm.us*



**PETER MAGGIORE**  
SECRETARY

**FACT SHEET**  
**SPARTON TECHNOLOGY, INC.**  
**POST-CLOSURE CARE DRAFT PERMIT**

June 21, 2002

**FACILITY NAME:** Sparton Technology, Inc.

**EPA I.D. NUMBER:** NMD083212332

**FACILITY OWNER:** Sparton Corporation

**FACILITY OPERATOR:** Sparton Technology, Inc.

**FACILITY LOCATION:** Sparton Technology, Inc. (Sparton) is located at 9621 Coors Road NE in the City of Albuquerque, Bernalillo County, New Mexico on Latitude 35° 11' 05" North and on Longitude 106° 39' 38" West.

**ACTIVITIES:** When Sparton Technology, Inc. was operating, it was configured as a printed circuit electronic assembly manufacturing facility from 1961 to 1999. The printed circuit manufacturing process generated aqueous plating wastes and spent solvents. These wastes are believed to be the sources of the groundwater contamination. The plating waste mainly consisted of trichloroethylene (TCE), 1,1,1 – trichloroethane (TCA), lesser amounts of methylene chloride, acetone, and 1,1 –dichloroethylene (DCE). Approximately 2,950 pounds of TCE and 150 pounds of DCE have been removed to date at the facility.

**FACILITY PURPOSE:** The objective of the work to be conducted under this draft Post-Closure Care Permit is to comply with all proposed permit conditions, including corrective action, which requires the remediation of contaminated ground water from the Sparton facility until corrective action performance standards are achieved in accordance with the City of Albuquerque and Board of County Commissioners of the County of Bernalillo, Plaintiffs, v. Sparton Technology, Inc., Defendant, Civil Action No. CIV 97 0206

LH/JHG consolidated with CIV 97 0208 JC/RLP, CIV 97 0210 M/DJS, and CIV 97 0981 LH/JHG (Consent Decree). The basis of the draft Post-Closure Care Permit is pursuant to the authority of the New Mexico Hazardous Waste Act NMSA 1978 §74-4-1 et. seq. (Repl.Pamp. 2000) as amended, 1989, and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC, Effective June 14, 2000).

**FACILITY  
DESCRIPTION:**

The Sparton Technology, Inc. facility consists of the Off-Site Containment System building and related appurtenances including an infiltration gallery located within the Calabacillas Arroyo, the Source Containment System building and related appurtenances, six rapid infiltration ponds, numerous monitoring wells, extraction wells, and containment wells, and the capped surface impoundment. The Facility is located on approximately 12 acres of land.

**DRAFT PERMIT  
AVAILABILITY:**

A copy of the facility draft Post-Closure Care Permit is available for public review at the following locations:

The New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe New Mexico 87505 -6303  
(505) 428-2500  
*Monday through Friday  
from 8:00 AM to 5:00 PM*

Albuquerque Public Library  
501 Copper Avenue NW  
Albuquerque, New Mexico 87102  
*Mondays through Thursday, from 10 AM to  
8:00 PM, Saturday and Sunday from  
10:00 AM to 6:00 PM.*

A copy of the draft Post-Closure Care Permit may be obtained by contacting the person listed below or may be viewed online at [www.nmenv.state.nm.us/HWB/hazwaste\\_home.html](http://www.nmenv.state.nm.us/HWB/hazwaste_home.html)

**Contact Person:** Robert Warder - can be contacted at the following number if additional information is needed.  
**Telephone Number:** (505) 841-9040

**PUBLIC COMMENTS:** Any person who wishes to comment on the draft Post-Closure Care Permit or to request a public hearing should submit written comments and requests, along with the commentor's name and address, to the contact person at the above Santa Fe address. Requests for a public hearing shall provide: (1) a clear and concise

factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requester represents; (3) a statement of any objections to the draft Post-Closure Care Permit, including specific references to the permit condition; and (4) a statement of the issues which such persons propose to raise for consideration at the hearing. Only comments and/or requests received on or before August 4, 2002 will be considered. The New Mexico Environment Department will provide a thirty (30) day notice of a public hearing, if scheduled.

**FINAL DECISION:**

All comments received on the draft Post-Closure Care Permit during the public comment period will be considered in reaching a final Permit issuance decision. The New Mexico Environment Department will notify Sparton Technology, Inc., and each person who submitted a written comment, of any changes made.