

ST 2002



GARY E. JOHNSON

Governor

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

Harold Runnels Building  
1190 St. Francis Drive, P.O. Drawer 26110  
Santa Fe, New Mexico 87502-6110



JOHN D'ANTONIO

Secretary

OFFICE OF GENERAL COUNSEL

PHONE: 505-827-2987

FAX: 505-827-2836

September 5, 2002

Mr. James B. Harris  
Thompson & Knight  
1700 Pacific Ave., Suite 3300  
Dallas, Texas 76201-4693

**RE: Sparton's Comments and Dispute on the Hazardous Waste Bureau's  
Draft Post-Closure Care Permit.**

Dear Mr. Harris:

Enclosed please find a copy of a redline strikeout version of the Draft Post-Closure Care Permit that the Hazardous Waste Bureau (HWB) proposes in an effort to resolve the dispute you invoked by your letter of July 17, 2002.

The HWB has taken your comments into account in preparing the enclosed version of the draft permit. I believe you will see from our enclosure that the HWB has attempted to resolve the matter in a most satisfactory manner.

Please get back to me within a week with your comments. The period for resolving our dispute terminates September 16, 2002, unless we otherwise agreed to extend the dispute resolution period.

Very truly yours,

A handwritten signature in cursive script that reads "Ana Marie Ortiz".  
Ana Marie Ortiz

Enclosures

cc: John Kieling, Program Manager, HWB  
Robert Warder, HWB



GARY E. JOHNSON  
GOVERNOR

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

*Hazardous Waste Bureau*  
2905 Rodeo Park Drive East, Building 1  
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JOHN R. D'ANTONIO JR  
SECRETARY

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

September 5, 2002

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

**RE: DRAFT POST-CLOSURE CARE PERMIT COMMENT RESOLUTION,  
SPARTON TECHNOLOGY, INC. EPA ID # NMD083212332  
HWB-ST 01-001**

Dear Mr. Stranko:

The New Mexico Environment Department (the Department or NMED) has received the comments from Metric Corporation relating to the Draft Post-Closure Care Permit dated August 5, 2002. The applicable comments have been incorporated into the Draft Post-Closure Care Permit as redline/strikeouts, and are provided as attachments for your review and comment. The individual numbered comments from the Metric Corporation letter are addressed below. The Department has substantially altered its draft permit in an effort to compromise and settle this dispute and to address our respective concerns. The Department has substantially compromised its draft permit and hopes that Sparton Technology, Inc. will also compromise its position based upon our proposed changes.

1. Paragraph 1 of Section I.A., which among other things incorrectly states that the Permit "authorizes" Sparton to perform the corrective actions, and it incorrectly states that the permit "establishes" standards for corrective action;

NMED understands your concern. Paragraph 1 of Module I of the Draft Post-Closure Care Permit has been edited based upon your comments.

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2. Paragraph 4 of Section I.A. in referencing permit sections that impose corrective action obligations on Sparton.

NMED understands your concern. Paragraph 4 of Module I has been edited based upon your comments.

3. Inclusion of definitions in Section I.D;

NMED is of the opinion that the following definitions need to be included in the Draft Post-Closure Care Permit to the extent that they are standard definitions and provide clarification as to what actions govern at the facility. The definitions are only referenced, indicating that corrective action is governed under the Consent Decree as explicitly referenced. These definitions are: "Consent Decree" and "Facility".

NMED understands your concerns. The remaining definitions have been edited based upon your comments.

4. Section I.E.6;

NMED understands your concern. Section I.E.6 has been edited based upon your comment.

5. Sections I.E.8 – 10;

NMED understands your concerns. Sections I.E.8 through I.E.10 have been edited based upon your comments.

6. Section I.G;

NMED understands your concern. Section I.G has been edited based upon your comment.

7. Section I.H;

NMED understands your concern. Section I.H has been edited based upon your comment.

8. Section II.D;

This section has been edited to reflect the removal of security requirements related to the Final Off-Site Containment System Operation and Maintenance Manual and the Draft Source Containment System Operation and Maintenance Manual.

Reference to Section 2.4 of the Permit Application will remain in Section II.D.

9. Section II.E;

NMED understands your concern. Section II.E has been edited based upon your comment.

10. Sections II.E.1-5;

See resolution of comment No. 9 above.

11. Section II.I.1-5;

NMED understands your concerns. Sections II.I.1-5 have been edited based upon your comments.

12. Section II.J.1-4;

NMED believes that portions of Section II.J, Contingency Plan, should be included in the Post-Closure Care Permit due to the fact that additional requirements related to the contingency plan have been discussed and resolved previously in correspondence from Mr. Tony Hurst, PE, dated June 11, 2002 (re: Source Containment System Operation and Maintenance Manual).

13. Section II.L.1-3;

NMED understands your concerns. Sections II.L.1-3 have been edited based upon your comments.

14. Section II.O;

NMED understands your concern. Section II.O has been edited based upon your comment.

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15. Section II.P;

NMED understands your concern. Section II.P has been edited based upon your comment.

16. Section III.A.1;

NMED understands your concern. Section III.A.1 has been edited based upon your comment.

17. All of Module IV;

NMED understands your concerns. Module IV has been edited based upon your comments.

18. Sparton also objects to II.M.5 because it deals with closure activities that have already been completed;

NMED understands your concern. Section II.M.5 has been edited based upon your comment.

19. Sections II.N and II.N.1 have been edited to reflect "initiation" of corrective action.

The next three comments are in reference to the fact sheet as specified on Page 4 of the August 5, 2002 letter from Metric Corporation.

1. The fact sheet incorrectly identifies the facility as owned by Sparton Corporation when it is owned by Sparton Technology Inc.;

The Hazardous Waste Permit Application Part A submitted by Sparton to NMED in the original and revised RCRA Post-Closure Permit Applications dated September 2000, and February 2002, lists the facility legal owner as Sparton Corporation.

If an incorrect Part A application was submitted to NMED, Sparton shall submit a complete corrected Part A application to NMED within ten (10) days of receipt of this letter.

2. The fact sheet incorrectly says that the printed circuit electronic assembly and manufacturing occurred from 1961 to 1999;

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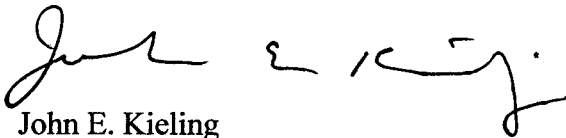
The RCRA Post-Closure Permit Application did not specify that the printed circuit electronic assembly process only operated during part of the time from 1961 to 1999.

3. The printed circuit manufacturing did not generate spent solvents. It was the electronic assembly activities that generated spent solvents;

NMED understands your concern. Future correspondence related to activities at the Site will be edited based upon your comment.

Should you have any questions regarding this letter please contact Robert Warder of my staff at (505) 841-9040.

Sincerely,



John E. Kieling  
Manager  
Permits Management Program

cc w/attachment:

Robert Warder, NMED HWB  
Ana Marie Ortiz, NMED OGC  
Gary Richardson, PE, Metric Corporation  
Laurie King, EPA Region VI (6PD-N)

cc w/out attachment:

James P. Bearzi, NMED HWB  
Will Moats, NMED HWB

FILE: Red ST-01-001 and Reading File