



BILL RICHARDSON  
GOVERNOR

State of New Mexico  
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau  
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RON CURRY  
SECRETARY

DERRITH WATCHMAN-MOORE  
DEPUTY SECRETARY

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

September 29, 2003

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

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

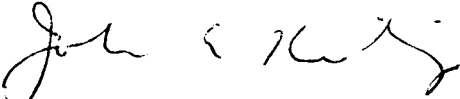
Enclosed is the final post-closure care permit, issued pursuant to the Resource Conservation and Recovery Act (RCRA), as amended (42 USC 6901, *et seq.*) and the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, Repl. Pamp. 1993). This Permit, (Permit Number NMD083212332-1) authorizes post-closure care of the capped surface impoundment at the Sparton Technology, Inc., Coors Road site located in Albuquerque, New Mexico. Compliance with the conditions of this Permit constitutes compliance with the hazardous waste regulations for hazardous waste management for the duration of this Permit, unless modified, suspended or revoked. The effective date of this Permit is 30 days from the date of the Signature on the Permit certificate.

A Public Notice of the draft Permit and public comment period was issued on June 21, 2002 and continued through August 4, 2002. There were no comments received from the public during the comment period.

Mr. Charles Stranko  
Sparton Technology, Inc.  
September 29, 2003  
Page 2 of 2

Please contact Mr. Robert Warder, P.E. of my staff at (505) 841-9040 if you have questions regarding the enclosed Post-Closure Care Permit.

Sincerely,



John E. Kieling  
Manager  
Permits Management Program

Enclosures

cc: S. Martin, NMED HWB (w/o enclosures)  
L. King, EPA Region 6 (w/ enclosures)  
W. Moats, NMED HWB (w/o enclosures)  
R. Warder, P.E., NMED HWB (w/o enclosures)  
Pam Allen, HWB (w/ enclosures)

File: ST 01-001, Post-Closure Care Permit Issuance

**LIBRARY COPY**

**SPARTON TECHNOLOGY INC.**

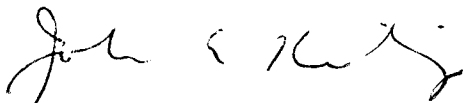
**POST-CLOSURE CARE PERMIT**

**SEPTEMBER 2003**

Mr. Charles Stranko  
Sparton Technology, Inc.  
September 29, 2003  
Page 2 of 2

Please contact Mr. Robert Warder, P.E. of my staff at (505) 841-9040 if you have questions regarding the enclosed Post-Closure Care Permit.

Sincerely,

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

John E. Kieling  
Manager  
Permits Management Program

Enclosures

cc: S. Martin, NMED HWB (w/o enclosures)  
L. King, EPA Region 6 (w/ enclosures)  
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File: ST 01-001, Post-Closure Care Permit Issuance



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GOVERNOR

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



**RON CURRY**  
SECRETARY

**CHARLES LUNDSTROM**  
DIRECTOR

## **HAZARDOUS WASTE FACILITY PERMIT**

Permittee: Sparton Technology, Inc.


EPA Identification Number: NMD083212332  
Permit Number: NMD083212332-1

The Permittee shall comply with all terms and conditions of this Permit. This Permit consists of the terms and conditions herein including those in the Attachments.

This Permit is based on the assumption that all information contained in the Permit Application and the administrative record is accurate and that post-closure care at the Facility will be conducted as specified. Any inaccuracies found in the submitted information may be grounds for the termination or modification of this Permit in accordance with 20.4.1.900 NMAC, incorporating 40 CFR '270.41, '270.42, and '270.43, and 20.4.1.901 NMAC and for potential enforcement action.

This Permit shall become effective 30 days after notice of the decision has been served on the Applicant, and shall remain in effect for ten years in accordance with the New Mexico Hazardous Waste Act, Section 74-4-4 unless modified, suspended or revoked under Section 74-4-4.2 or 20.4.1.900 NMAC, incorporating 40 CFR '270.41, '270.42, '270.43, and 20.4.1.901 NMAC, or continued in accordance with 20.4.1.900 NMAC incorporating 40 CFR '270.51, or issued for a duration that is less than the full allowable term in accordance with 20.4.1.900 NMAC incorporated at 40 CFR '270.50(c).

Signed this 26 day of September 2003.

by 

Charles Lundstrom  
Director  
Water & Waste Management Division  
New Mexico Environment Department

**SPARTON TECHNOLOGY INC.**  
**POST-CLOSURE CARE PERMIT**  
**SEPTEMBER 2003**

## **PART 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 is limited in scope to activities related to the capped surface impoundment area (Facility) and the Site as set forth herein. All corrective action activities at the Facility shall be governed and enforced under the Consent Decree, Civil Action No. Civ 97 0206 LH/JHG, filed May 3, 2000.

This Permit also establishes the general and specific standards limited to the capped surface impoundment area, 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 Parts I through IV and Appendix IV-A. The Permittee shall comply with the post-closure care limited to the capped surface impoundment, and other activities and standards as specified in the Permit.

## **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)”** for purposes of this Permit includes any area having a probable release of a hazardous or hazardous constituent which is not from a Solid Waste Management Unit and is determined by the Secretary to pose a current or potential threat to human health of the environment. Such AOCs may require investigations and remedial action as required under Section 3005(c)(3) of RCRA and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)) in order to ensure adequate protection of human health and 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.

**“Facility”** means the capped surface impoundment area 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.

**“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. Pamph. 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 Post-Closure Care Permit consisting of Permit Parts I through IV and Appendices A.1, and A.2.

**“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.

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

**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 as related to the capped surface impoundment and concrete sump. 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 kept by this Permit and pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (h)) and as required by the Consent Decree, 20.4.1.500 NMAC (incorporating 40 CFR 264.100 (g) as required by the Consent Decree, and 40 CFR 264.118. 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**

Inspection and entry shall be limited to activities related to the capped surface impoundment.

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 the capped surface impoundment is located, 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 Part that must be kept under the conditions of this Permit;

**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 limited to the soil in the vicinity of the capped surface impoundment.

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 of records shall be in accordance with Sections I.E.7 and II.L of this Permit and Permit Application, and pursuant to all provisions of 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (j)).

**I.E.9.a.      Monitoring Records Contents** records for monitoring information shall be 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 Facility in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30 (l) (1)).

**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) 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 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, 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 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 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.

## **PART 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)), and in Section 2.4 of the Permit Application in order to prevent unknowing or unauthorized entry onto any portions of the 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)).

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

The Permittee shall implement the inspection schedules specified in Section 2.5 and Attachment 4 of the Permit Application. The inspection schedule shall be kept at the Corporate Office as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (b) (2)).

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

The Permittee shall inspect all items specified in Section 2.5 and Attachment 4 of the Permit Application which includes the capped surface impoundment and the security fence surrounding the capped surface impoundment 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.

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 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**

Section II.I is not applicable to this Permit due to no wastes being handled at the Facility and that the capped surface impoundment does not pose a current or future threat to human health or the environment due to the design of the RCRA engineered cap.

**II.J. CONTINGENCY PLAN**

In the event of an unforeseen emergency related to the capped surface impoundment, the emergency coordinator listed in the Final Source Containment System Operation and Maintenance Manual shall be notified and the procedures specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.56) carried out.

The remainder of 20.4.1.500 NMAC (incorporating 40 CFR 264.50 through 40 CFR 264.54), is not applicable to this Permit due to no wastes being handled at the Facility and that the capped surface impoundment does not pose a current or future threat to human health or the environment due to the design of the RCRA engineered cap.

**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**

Record keeping and reporting requirements shall be in accordance with this Permit. The Permittee shall maintain at the Corporate Office, records containing information required under this Permit. The Permittee shall comply with the following requirements:

**II.L.1. Required Records**

The following items shall be retained at the Corporate Office:

- a. Records and results of waste analyses and waste determinations related to the capped surface impoundment;
- b. Summary reports and details of all incidents that require implementation of the Contingency Plan;
- c. Records and results of inspections, retained for a period of three (3) years; and
- d. Monitoring, testing, or analytical data, and corrective action related to the capped surface impoundment.

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

Section II.L.2 is not applicable to this Permit.

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

The Permittee shall retain all records of all information, including all calibration and maintenance records, copies of all reports and records required by this Permit, Permit Attachments, the Permit Application, and records used to complete the Permit Application.

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**

Section II.M.5 is not applicable to this Permit due to Facility being in post-closure.

**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 contamination left in place after closure of one RCRA regulated unit and one Solid Waste Management Unit (SWMU). The SWMU is a concrete sump used for storage of RCRA regulated hazardous waste. The concrete sump was located immediately north of the existing Facility, and consisted of a five foot by five foot by two foot sump that received spent solvent waste. 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 removed in 1986. The RCRA regulated unit is the capped surface impoundment constructed in 1975, operated until August 1983, and closed in 1986. The 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 use of property on or in which hazardous wastes remain after final closure must never be allowed to disturb the integrity of the final cover, or any other components of the containment system, or the function of the capped surface impoundment

monitoring systems unless as approved by the Secretary and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (c)).

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

Post-closure care requirements shall remain in place for 30 years after closure of the capped surface impoundment, unless the post-closure period is shortened or lengthened pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (a) (1) and (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 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 and the Permit Application 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 Facility, 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)).

By removing hazardous waste, the owner or operator may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264).

#### **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 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 (l)) pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.120).

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

The cost estimate for the post-closure care period is satisfied by the cost estimate requirements of Section XXIV of the Consent Decree.

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

Financial assurance for the post-closure care period is satisfied by the financial assurance requirements of Section XXIV of the Consent Decree.

#### **II.Q.    LIABILITY REQUIREMENTS**

Section II.Q is not applicable to this Permit due to the 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.



### **PART III**

#### **POST-CLOSURE CARE CONDITIONS AND REQUIREMENTS**

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

##### **III.A.1. Surface Impoundment**

The Permittee shall comply with the requirements of 40 CFR 264 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;
- 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 all monitoring wells located within the enclosed area; and
- e. 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.2. 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.3. 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 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.4.      Post-Closure Activities**

All post closure care activities shall be in accordance with the provisions of the approved Post-Closure Plan as specified in the Permit Application and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (d)).

## **PART IV**

### **CORRECTIVE ACTION CONDITIONS AND REQUIREMENTS**

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

In accordance with Section VIII, Paragraph 22 (b), of the Consent Decree, corrective actions related to releases from the Facility and the Site shall be enforced under and in accordance with the Consent Decree.

Pursuant to Section VIII, Paragraph 22 (c) (ii), of the Consent Decree, any corrective action related to the Site, if any, that may be required after the termination of the Consent Decree, shall be included as a condition of this Post-Closure Care Permit. Such corrective action may include, but is not limited to, monitoring of groundwater for three years after the Performance Standards under the Consent Decree are achieved as set forth in the applicable regulations and perform corrective action to address contamination that may be identified by such monitoring.

The Permittee shall propose, if deemed necessary by the New Mexico Environment Department (NMED), and in accordance with the New Mexico Water Quality Control Commission Regulations (20.6.2 NMAC), the New Mexico Hazardous Waste Act and associated regulations for corrective action, a groundwater monitoring plan for a three-year period after the termination of the Consent Decree which shall be subject to NMED review and approval. If Performance Standards, as defined in Section III of the Consent Decree, are exceeded during any three year monitoring plan, the Permittee shall propose an appropriate remediation plan for NMED's review and approval. The Permittee shall bear the burden of proof that any Performance Standard exceedances are not the result of the Permittee's actions

In the event the Permittee decides to clean close the Facility, the Permittee shall propose an appropriate closure plan for the Facility using the current NMED Soil Screening Levels, based upon the EPA Region 6 SSLs, or other applicable guidance and regulation, for NMED's review and approval.

NMED will review the work plans, reports, schedules, and other documents (submittals), which require NMED's approval in accordance with the conditions of this Post-Closure Care Permit. NMED shall notify the Permittee in writing of any submittal that is disapproved, or approved with conditions, and the basis thereof. This condition shall apply only to submittals that have been disapproved or approved with conditions by NMED.

In the event that a dispute arises between the Permittee and NMED about submittals required under this Permit, that is unable to be resolved through informal negotiations Section IV.A.1 of this Permit shall be followed.

#### **IV.A.1          Dispute Resolution**

The Permittee and NMED shall use good faith efforts to informally resolve all disputes arising out of requirements in this Module. The Permittee shall not invoke dispute resolution for purposes of delay. If, however, the Permittee disagrees, in whole or in part, with NMED's conditional approval of a submittal or disapproval required by the Permit, the following shall apply:

1. If the Permittee disputes any revisions or disapproves of plans, etc. made by NMED, the Permittee shall notify NMED in writing within 30 calendar days of receipt of NMED's decision. Such notice shall set forth the specific matters in dispute, the work affected by the dispute, including specific compliance dates, all factual data, analysis, opinion and documentation supporting the Permittee's position, and any matters considered necessary for NMED's determination.
2. The Permittee and NMED shall have 30 calendar days to use best efforts to resolve the dispute informally. If the Permittee and NMED are unable to resolve the dispute, the Permittee will have 30 days to request a final decision from the Secretary.
3. In the event agreement is reached, the Permittee shall comply with the terms of such agreement or if appropriate submit the revised submittal and implement the same in accordance with and within the time frame specified in such agreement. The resolution of the dispute shall, as necessary and appropriate, be incorporated as a Permit Condition.
4. If agreement is not reached, the Secretary will notify the Permittee in writing of his/her decision on the dispute within 30 calendar days from receipt of Permittee's request for a final decision. The Secretary's decision is a final agency action and shall be incorporated as an enforceable Permit Condition, however after administrative remedies are exhausted, judicial review shall be as provided by law in section 74-4-14 of the New Mexico Hazardous Waste Act or other applicable laws.

The invocation of dispute resolution shall not stay the requirements of any final decision of the Secretary absent a court order granting a stay.

#### **IV.B. CORRECTIVE ACTION FOR SWMUs**

##### **IV.B.1. Applicability**

The Conditions of Section IV.A apply to:

- a. The groundwater at the Site impacted by the SWMU identified in Appendix IV-A of this Module; and
- b. Any SWMU(s) created by Sparton on the land owned by the Permittee and located at 9621 Coors Road, N.W., Albuquerque, Bernalillo County, New Mexico.

## **APPENDIX IV-A**

### **List of SWMUs Requiring Corrective Action**

1. Concrete Sump (dry well)