ENTERED

NEW MEXICO
ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 South St. Francis Drive, P.O. Box 5469
Santa Fe, NM 87502-5469
Phone (505) (505) 827-2855
www.env.nm.gov

Michelle Lujan Grisham
Governor

Howie C. Morales
Lieutenant Governor

James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 20, 2019

Ernesto Martinez
Corporate EHS Manager
Sparton Technology, Inc.
30167 Power Line Road
Brooksville, FL 34602

Re: Discharge Permit Modification Required for Additional Contaminant, and Abatement Plan Required for Vadose Zone Contamination, Sparton Technology Site, Albuquerque, NM

Dear Mr. Martinez:

Recent amendments to the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC, took effect on December 21, 2018. The amendments include the following changes which are directly relevant to regulated activities at Sparton Technology's former Coors Road Plant site in Albuquerque, New Mexico:

1. The list of toxic pollutants now includes 1,4-dioxane (see 20.6.2.7 NMAC), and the toxic pollutants are subject to a narrative standard (see Subsection A(2) of 20.6.2.3103 NMAC).

2. Abatement standards and requirements now apply to the vapor intrusion pathway. Subsection A(2) of 20.6.2.4103 NMAC states, "Any constituent listed in 20.6.2.3103 NMAC or any toxic pollutant in the vadose zone shall be abated so that it is not capable of endangering human health due to inhalation of vapors that may accumulate in structures, utility infrastructure, or construction excavations."

As a result of these changes, the New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) hereby notifies you that:

1. **Pursuant to Subsection E of 20.6.2.3109 NMAC, a Discharge Permit Modification is required to address 1,4-dioxane, unless you demonstrate that the injections of treated groundwater are not causing an exceedance of the new standard.**

Analytical results of samples collected from the effluent of the groundwater treatment systems in 2014 and 2017 indicated the presence of 1,4-dioxane at concentrations ranging from 5.19 to 15.1 micrograms per liter (µg/L). NMED's 2019 *Risk Assessment Guidance for Site Investigations and Remediation* identifies a carcinogenic risk-based tap water screening level of 4.59 µg/L for 1,4-dioxane.

Your renewal application for Discharge Permit 1184 (DP-1184) was received by NMED on May 9, 2017. Please submit a revised application for renewal and modification of the Discharge Permit to the GWQB Pollution Prevention Section **within 60 days of receipt of this letter**. Continued injections of groundwater containing concentrations of 1,4-dioxane above the tap water screening level cannot be permitted, so your revised application must acknowledge the presence of the contaminant and propose an associated treatment or other remedy. Alternatively, please submit evidence that the injections of treated groundwater are not resulting in a violation of the 1,4-dioxane Tap Water Screening Level.

2. **Pursuant to Subsection A of 20.6.2.4106 NMAC, an Abatement Plan is required for investigation and remediation of chlorinated solvent vadose zone contamination.**

NMED's 2019 *Risk Assessment Guidance for Site Investigations and Remediation* identifies the following residential scenario Vapor Intrusion Screening Levels (VISLs) for trichloroethylene (TCE): 5.16 µg/L in groundwater and 69.5 micrograms per cubic meter (µg/m^3) in soil gas. Screening levels are also identified for the other volatile organic contaminants of concern at the site, including but not limited to DCE, 1,1-TCA and 1,4-dioxane. Cumulative exposure to all contaminants at the site should not exceed a carcinogencic risk level of 1 x 10^{-5} or a noncarcinogenic hazard quotient of 1.0.

Soil gas surveys were conducted at the site in the 1980s and 1990s. A vapor remediation system to reduce TCE soil gas concentrations at the source location was shut down in 2001 after the target concentration identified in the March 3, 2000 Consent Decree was reached. That target concentration was 10 parts-per-million volume, or approximately 56,000 µg/m^3, approximately 800 times higher than the current risk-based soil gas VISL.

Historical and current groundwater concentrations of TCE at the site exceed the groundwater VISL. Initial concentrations of TCE in the approximately 12-acre on-site plume in 1998/1999 were as high as 6,500 µg/L[1]. Initial concentrations of TCE in the approximately 75-acre regional plume were as high as 7,700 µg/L.

Please submit a proposed Stage 1 Abatement Plan to the GWQB Remediation Oversight Section **within 60 days of receipt of this letter**. The Abatement Plan shall address the vapor intrusion exposure pathway for existing and potential structures by proposing investigation of chlorinated solvents in soil gas at the former facility and across the

[1] Initial concentrations and extent for both plumes as reported in the 2017 Annual Report in the Sparton Technology, Inc. Former Coors Road Plant Remedial Program, Figures 1.6 and 1.7.

historical extent of the groundwater contamination, and shall include the elements identified in Section 20.6.2.4106 NMAC.

The amended regulations are available on the Ground Water Quality Bureau's website under Regulations and Guidelines (https://www.env.nm.gov/gwqb/gw-regulations/). NMED's 2019 *Risk Assessment Guidance for Site Investigations and Remediation* is available on the Hazardous Waste Bureau's website under Regulations and Policy – Guidance Documents (https://www.env.nm.gov/hazardous-waste/guidance-documents/).

Please direct any questions regarding the Discharge Permit to Pam Homer at 505-827-0018 or pamela.homer2@state.nm.us, and regarding the Abatement Plan to Justin Ball at 505-222-9522 or justin.ball@state.nm.us. We appreciate your cooperation.

Sincerely,

KH LHH for:

Michelle Hunter, Chief
Ground Water Quality Bureau

MH:ph

cc: John Verheul, NMED OGC
John Kieling, NMED-HWB
Dave Cobrain, NMED-HWB
Naomi Davidson, NMED-HWB
Justin Ball, NMED-GWQB
Steve Pullen, NMED-GWQB
Melanie Sandoval, NMED-GWQB
Pamela Homer, NMED-GWQB
Charles Hendrickson, USEPA Region VI, hendrickson.charles@epa.gov
Cary B. Wood, President, Sparton Technology, Inc., cwood@sparton.com
Joseph G. McCormack, Senior Vice President and Chief Financial Officer, Sparton Corporation, jmccormack@asparton.com
James B. Harris, Attorney, Thompson & Knight LLP, james.harris@tklaw.com
Stavros Papadopulos, S. S. Papadopulos & Associates, Inc., stavros@sspa.com
Alex Papadopulos, S. S. Papadopulos & Associates, Inc., alex@sspa.com