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Deputy Secretary

**FACT SHEET
INTENT TO ISSUE A HAZARDOUS WASTE FACILITY PERMIT UNDER THE NEW
MEXICO HAZARDOUS WASTE ACT
SPARTON TECHNOLOGY, INC. ALBUQUERQUE, NEW MEXICO.
EPA ID NUMBER NMD083212332
June 18, 2021**

The New Mexico Environment Department (NMED or the Department) intends to issue a hazardous waste Permit (Permit) to Sparton Technology, Inc. (ST), the Permittee, to continue its post-closure care corrective action activities related to the capped surface impoundment plume hydrology at the Facility, as set forth in the draft Permit. All the Permittee's corrective action activities at the Facility are governed by a Consent Decree, Civil Action No. Civ. 97 0206 LH/JHG, which was filed on March 3, 2000.

Prior to issuing a permit, the NMED is required by regulation to release a draft of the Permit for public comment. The Department is also required to issue a fact sheet, which serves two functions: 1) to facilitate public review of that draft permit; and 2) to provide the basis for any requirements not specified in State Regulation. This is that Fact Sheet.

This fact sheet describes the general background for the revised Permit, including a physical description of the Facility, its hazardous waste activities, and a description of how the public may be involved in its permitting process. This fact sheet also provides the technical and regulatory basis for the permit and a description of the permit parts.

The Sparton Technology, Inc. facility, (also called Former Coors Road Plant), is located at 9621 Coors Boulevard NW, north of Paseo del Norte and south of Arroyo de las Calabacillas on Latitude 35° 11' 05" North, and Longitude 106° 39' 38" West. The Facility lies within Bernalillo County and the City of Albuquerque zoning jurisdictions and occupies a 12-acre tract about one-half of a mile northwest of the Rio Grande floodplain.

Sparton Technology, Inc. operated a defense electronics component manufacturing plant at this location from 1961 through 1994. In the late 1980's it was determined that several industrial solvents had impacted soil and groundwater. A series of investigations over the following years detailed the nature and extent of the solvent contamination. The primary constituents impacting soil, soil gas, and groundwater were trichloroethylene (TCE), 1,1,1-trichloroethane (TCA) and lesser amounts of methylene chloride (MC), acetone, and 1,1-dichloro-ethylene (DCE) a degradation product of TCA and TCE. By the late 1990s the primary solvent constituents found in soils, soil gas, and groundwater were TCE, DCE, and TCA. Groundwater sampling further

indicated that these constituents had migrated off site up to one-half mile to the northwest of the plant. Various studies have indicated that the contaminant plume has not impacted any existing water supply wells.

The manufacturing processes at the Facility generated two waste streams that were managed as hazardous wastes: a solvent waste stream and an aqueous metal-plating waste stream. Waste solvents were discharged to an on-site concrete sump and allowed to evaporate. In October 1980, the Facility discontinued using the sump and closed it by removal of the remaining wastes and backfilling.

The plating wastes were discharged to an unlined surface impoundment for accumulation and then shipped offsite for disposal during the manufacturing process. The surface impoundment received waste until August of 1983, when it was taken out of service. In December of 1985, the Facility submitted a plan to formally close the surface impoundment under RCRA, because the surface impoundment and two drum storage areas had not been used since August 1983. The "closure in place" of the surface impoundment and sump area was certified on December 18, 1986. The impoundment was backfilled, and an asphaltic concrete cap was placed over the entire area to divert rainfall and surface water run-on to minimize infiltration of water into the subsurface. The two drum storage areas were certified clean closed by NMED on October 15, 1986 and December 31, 2001, respectively.

Sparton Technology began environmental remediation activities at the plant in 1983. In late 1988 Sparton Technology installed a groundwater recovery and treatment system on site. Site investigation, installation of monitoring wells, and negotiations among various interested parties to establish appropriate remediation measures were conducted between 1988 and 1998. In 1998, additional remediation activities were implemented.

All cleanup activities are now being implemented according to the requirements of an agreement reached between Sparton Technology, the United States Environmental Protection Agency (USEPA), the City of Albuquerque, the Bernalillo County Commissioners, the New Mexico Environment Department (NMED), the New Mexico Attorney General's Office, and the New Mexico Office of the Natural Resources Trustee, as documented in a Consent Decree [CIV 97 0206 LH/JHG (D.N.M.)] dated March 3, 2000, which is filed with the U.S. District Court for the District of New Mexico. This Permit addresses the post closure care of the closed surface impoundment and will address newly discovered releases should such a release be encountered.

The draft Permit is comprised of four Permit Parts (Parts 1 through 4) and 12 Permit Attachments (Permit Attachments A through L). The Permit Parts address how the Permittee shall conduct post-closure care of the facility, including, but not limited to, cleanup of contaminated soil, surface water, or groundwater, collectively referred to in the Permit as "corrective action" if new releases are discovered at the Facility. The Permit Parts also include general requirements that apply to all permitted hazardous waste management facilities throughout the State of New Mexico (e.g., duration of a Permit, Contingency Plan, etc.) and general requirements that apply to the facility (e.g., Inspection).

The Permit Attachments include a facility description, a contingency plan (emergency response), an inspection plan, a personnel training plan, a post closure plan and a compliance schedule that lists when the Permittees must complete specific tasks. The draft Permit requires the Permittee to notify and cooperate with NMED regarding releases of any hazardous waste or hazardous constituents within the facility.

PUBLIC REVIEW OF THE DRAFT PERMIT

The Administrative Record for this proposed action consists of the Permit Application, the draft Permit, the Public Notice, this Fact Sheet, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: Dave Cobrain

A copy of the draft Permit, Public Notice, and this Fact Sheet are also available on the NMED website at: www.nmenv.state.nm.us/HWB/stperm.html. To obtain a copy of the Administrative Record or a portion thereof, please contact Dave Cobrain at 505-476-6000, or at the address above. NMED will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

NMED issues this public notice on **June 18, 2021**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, August 17, 2021**. Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (email) comments with the commenter's name and address to the respective address below. Only comments and/or requests received before **5:00 p.m. MDT, August 17, 2021** will be considered.

Dave Cobrain
Program Manager
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
(505) 476-6000
E-mail: dave.cobrain@state.nm.us
Ref: ST Draft Permit

Written comments must be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Request 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 Permit, including specific references to any conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. Written comments and requests for Public Hearing must be filed with Dave Cobrain before **5:00 p.m. MDT, August 17, 2021**. NMED will provide a minimum of 30-days' notice of a public hearing, if scheduled.

All written comments will be considered in formulating a final decision and may cause the draft Permit to be modified. The NMED will respond in writing to all public comments. This response will specify which provisions, if any, in the draft Permit have been changed in the final decision and the reasons for the changes; and briefly describe and respond to all public comments raised during the public comment period. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the Hazardous Waste Bureau website.

After consideration of the written public comments that were received, the Secretary of the New Mexico Environment Department may issue a final Permit. The Secretary will make the final decision publicly available and shall notify the Permittee by certified mail. All persons submitting written public comments, who filed an Entry of Appearance, or 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.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Ms. Tina Montoya no less than ten days prior to the end of the public comment period at the following address: New Mexico Environment Department, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, telephone number: (505) 827-9769. TDD or TDY users, please access Ms. Montoya's number via the New Mexico Relay Network at 1-(800) 659-8331.

NON-DISCRIMINATION STATEMENT

The NMED does not discriminate on the basis of race, color, national origin, disability, age, or sex in the administration of its programs or activities, as required by applicable laws and regulations. The NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 CFR Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to an NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM, 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how to file a complaint of discrimination.

REGULATORY BACKGROUND

In 1976, the Resource Conservation and Recovery Act (RCRA) was passed by the U.S. Congress to regulate “cradle to grave” management of hazardous waste. RCRA was enacted as an amendment to the Solid Waste Disposal Act of 1965. RCRA mandates the development of regulations governing the actions of owners or operators of facilities that generate, transport, treat, store, or dispose of solid wastes. On May 19, 1980, the RCRA regulations became effective, and it became unlawful to treat, store, or dispose of hazardous waste without having, or having applied for, a permit. The requirement to submit a permit application is satisfied by submitting a “Part A” and “Part B” permit application. The roles of the Part A and B applications are described in 40 CFR § 270.10. The United States Environmental Protection Agency (EPA) has authorized the State of New Mexico to implement and enforce hazardous waste management requirements, including corrective action requirements, under its own hazardous waste management program. The State’s authority for the program is the Hazardous Waste Act (HWA), which: (1) authorizes the State’s Environmental Improvement Board (EIB) to adopt hazardous waste management regulations; and (2) authorizes the NMED to implement and enforce regulations issued under the HWA. These regulations are the New Mexico Hazardous Waste Management Regulations (HWMR). The EIB adopted regulations concerning hazardous waste management and the issuance of hazardous waste permits. These regulations incorporate by reference subtitle C of the Code of Federal Regulations (CFR) – 40 CFR Parts 260 through 270, 273, and 280 – and are codified in the HWMR, 20.4.1. NMAC. The HWA and HWMR require each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste to have a permit (see 42 U.S.C. 6925 and 20.4.1.900 NMAC (incorporating 40 CFR § 270.1)).

The HWA and HWMR also require corrective action for all releases of hazardous waste or hazardous constituents, regardless of when waste was placed in such a unit, from any solid waste management unit (SMWU) at a facility seeking a permit. (42 U.S.C. § 6924(u); 74-4-4.2(B) NMSA 1978; 20.4.1.500 NMAC, incorporating 40 CFR § 264.101(a)). Corrective action is also required beyond the facility boundary (42 U.S.C. § 6924(v); 20.4.1.500 NMAC, incorporating 40 CFR § 264.101 (c)). On November 8, 1984, the Hazardous and Solid Waste Amendments to RCRA required corrective action at “units” where solid waste had been managed or disposed of regardless of the time that the solid waste was placed at the “unit”.

On January 25, 1985, the State of New Mexico received authorization from the EPA to implement its hazardous waste program under the HWA. 50 Fed. Reg. 1515 (Jan. 11, 1985). Subsequent program revisions were approved effective on April 10, 1990, July 25, 1990, December 4, 1992, August 23, 1994, December 21, 1994, July 10, 1995, January 2, 1996, March 10, 1997, July 13, 1998, October 9, 2001, and October 16, 2007. On January 2, 1996, the State received authorization from the EPA to implement the corrective action program under the HWA. See 60 Fed. Reg. 53708 (Oct. 17, 1995); 61 Fed. Reg. 2450 (Jan. 26, 1996).

PERMIT APPLICATION REQUIREMENTS

Owners or operators of hazardous waste management facilities, including interim status hazardous waste management facilities, are required to submit a comprehensive permit application covering all aspects of design, operation, maintenance, and closure of their facilities. A complete Permit Application consists of a Part A and Part B application. The Part A application is a standard form that requires the name of the owner/operator, a list of the types of wastes managed, a facility layout diagram, and the activities requiring a permit. The Part B application is an extensive document submitted in a narrative, tabular, and schematic format that includes general information requirements for all hazardous waste management facilities, as well as unit-specific information. The Part B also includes information necessary to establish corrective action requirements for releases from solid waste management units and areas of concern (SWMUs and AOCs).

SPARTON TECHNOLOGY, INC. (ST) PERMIT HISTORY

The Facility was originally operated by Sparton Technology, Inc. as a defense electronics component manufacturing plant from 1961 through 1994. The draft Permit is a proposed renewal of a Post Closure Permit that was first issued to the Permittee in September 2003. The NMED currently enforces the 2003 Permit.

On March 29, 2013 Sparton Technology, Inc. (the Permittee) submitted to the NMED a timely Part A Permit renewal application concurrently with a Part B application, as required under the New Mexico Hazardous Waste Management Regulations at 20.4.1 NMAC, incorporating 40 CFR § 270.30(b), to continue post-closure care of the Facility, which is located at 9621 Coors Road NW, Albuquerque, New Mexico.

Based upon the fact that ST submitted the Permit renewal application in a timely manner, (i.e., at least 180 days before the expiration of the operating Permit) the Permittee is allowed to continue post closure care activities at the facility until the effective date of a new Permit.

PART A PERMIT APPLICATION

The Part A Permit application contains basic information related to the hazardous waste management facility to be permitted, the waste management processes the Permittee proposes to employ at the storage and treatment areas of the facility, and the specific EPA Hazardous Waste Numbers or waste codes applied to the waste to be managed at those areas.

PART B PERMIT APPLICATION

On March 29, 2013 the Permittee submitted to the NMED a timely Part B Permit renewal application concurrently with the Part A application as required under the New Mexico Hazardous Waste Management Regulations at 20.4.1 NMAC, incorporating 40 CFR § 270.30(b).

The applications, including additional information submitted by the Permittee, and relevant materials reviewed by the NMED together comprise the Administrative Record ("AR"). The AR provides the basis for the draft Permit.

TYPES OF HAZARDOUS WASTES MANAGED AT THE FACILITY

There is no waste management at the facility because closure of the former unlined surface impoundment and sump area occurred in December 1986 under a New Mexico State-approved closure plan.

TYPES OF UNITS TO BE PERMITTED

The draft Permit would authorize the Permittee to continue post-closure care activities related to the capped surface impoundment at the Facility, as set forth in the draft Permit. All corrective action activities related to the known units at the Facility shall still be governed by, and enforced under the Consent Decree, Civil Action No. Civ. 97 0206 LH/JHG, which was filed on March 3, 2000.

PERMIT ORGANIZATION

The revised draft Permit comprises Permit Parts (1-4) and Permit Attachments (A-L). The Permit Parts contain terms that the NMED would require the Permittee to adhere to while managing any hazardous waste generated while conducting corrective actions at the Facility.

Permit terms are established to ensure compliance with New Mexico's HWA and the HWMR and are derived from applicable regulatory requirements, the Permittee's commitments, or requirements established by the NMED to ensure adherence to the regulations and to protect human health or the environment as provided at 20.4.1.900 NMAC, incorporating by reference 40 CFR § 270.32(b)(2).

This fact Sheet and the revised draft Permit generally refer to regulations by citing the federal hazardous waste management regulations 40 CFR Parts 260 through 273, rather than the New Mexico Hazardous Waste Management Regulations 20.4.1 NMAC, which, with certain exceptions, incorporate by reference the federal regulations. Where relevant, the New Mexico HWMR are cited directly.

PERMIT PARTS

A description of each of the 4 Permit Parts is presented below:

Permit Part 1: General Permit Conditions contains permit conditions that apply to all hazardous waste management units, most of which are based upon mandatory permit conditions set forth at 20.4.1.500 NMAC, incorporating 40 CFR Part 264, and 20.4.1.900 NMAC, incorporating 40 CFR Part 270.

Permit Part 2: General Facility Requirements contains mandatory permit conditions for operation of hazardous waste management facilities set forth in 40 CFR Part 264, Subparts B through E, and Subparts G, I, and Subpart X. Permit Part 2 references Permit Attachments that provide more information regarding the Facility, namely Permit Attachment A (*Facility Description*), Permit Attachment B (*Authorized Wastes*), Permit Attachment C (*Waste Analysis Plan*), Permit Attachment D (*Contingency Plan*), Permit Attachment E (*Inspection Plan*) Permit Attachment F (*Personnel Training Plan*), Permit Attachment G (*Closure Plan*), Permit Attachment H (*Post-Closure Care Plan for Corrective Action*), Permit Attachment I (*Compliance Schedule*), Permit Attachment J (*Hazardous Waste Management Units*), Permit Attachment K (*Solid Waste Management Units and Areas of Concern Requiring Corrective Action*), and Permit Attachment L (*Figures*).

Permit Part 3: Post-Closure Care Conditions and Requirements contains the regulatory requirements that the Permittee shall follow when conducting post-closure care of the Facility. These requirements include maintenance of the security fence surrounding the facility, protection and maintenance of the surface impoundment final cover and all monitoring wells located within the enclosed area, and maintenance of storm water run-on and run-off controls to prevent erosion of the surface impoundment final cover.

Permit Part 4: Corrective Action Requirements Under The Consent Decree requires the Permittee to implement corrective action as necessary to protect human health and the environment for all releases pursuant to this Permit and in accordance with Sections 74-4-4(A)(5)(h) and (i) and 74-4-4.2(B) of the HWA and Section 3004(u) and (v) of RCRA, 42 U.S.C. § 6924(u) and (v) , and 40 CFR § 264.101, Subparts F and S, including (1) new releases of hazardous waste or hazardous constituents to the environment, from operating or closed units at the Facility.

Corrective action for releases from hazardous waste management units that commingle with releases originating from other sources undergoing corrective action under the Consent Decree shall be conducted under the Consent Decree. Any newly discovered SWMU or AOC for which corrective action is required that is not subject to corrective action under the Consent Decree shall be subject to corrective action under this Permit Part and 40 CFR § 264.101.

These requirements also include the processes of implementing corrective action, cleanup levels, general methods and procedures for conducting field activities, laboratory procedures, general procedures for conducting risk assessments and determining background levels, general requirements for drilling and well installation, and requirements for reporting on corrective action activities conducted under this Permit.

PERMIT ATTACHMENTS

Permit Attachment A contains a detailed description of the Hazardous Waste Management that occurred at the Facility prior to its closure and current post-closure care corrective action.

Permit Attachment B, Authorized Wastes identifies the U.S. EPA hazardous waste process codes and estimated annual quantities that the Permittee was authorized to manage at the facility, and which are no longer required since the Facility is undergoing post-closure care.

Permit Attachment C, Waste Analysis Plan

Sparton Technology, Inc. is currently conducting data acquisition, analysis and groundwater monitoring under the Consent Decree. Therefore, the list of the wastes and the maximum annual quantities of wastes that the Permittee was previously allowed to manage, treat and/or store at the Facility is no longer required.

Permit Attachment D, the Contingency Plan is required by 40 CFR §§ 264.51 and 264.52.

Following closure of the capped surface impoundment and discovery of the plume in the groundwater below the unit, the Permittee began conducting corrective action under the Consent Decree. Therefore, the contingency plan for active hazardous waste management facilities does not apply to the facility as it is undergoing post-closure care.

However, in the event of an unforeseen emergency related to the capped surface impoundment, the Emergency Coordinators listed in Table D of the Contingency Plan shall be notified and the applicable regulatory procedures carried out, as specified in Permit Part 2, Section 2.10.

Permit Attachment E, the Inspection Plan, responds to the regulatory requirement that the “owner or operator must develop and follow a written schedule for inspecting the facility undergoing post-closure care monitoring equipment, safety and emergency equipment, and security devices that are important for preventing, detecting, or responding to environmental or human health hazards.”

Permit Attachment F contains the **Personnel Training Plan**, which is required to meet the terms of 40 CFR § 264.16(d)(3), which calls for a “written description of the type and amount of both introductory and continuing training that will be given to each person filling a position” related to hazardous waste management. The Permittees submitted a training plan with their permit application which is included in the Attachment.

Permit Attachment G contains a summary of the closure activities conducted by the Permittee to close the former hazardous waste management units at the Facility.

Permit Attachment H – contains the **Post Closure Care Plan** for the closed Surface Impoundment.

Permit Attachment I - Reserved

Permit Attachment J lists the hazardous waste management units at the Facility. The Attachment contains two Tables:

- 1) Table J-1, which lists the permitted units undergoing Post-Closure Care; and
- 2) Table J-2, which describes the Closed Units not requiring Post-Closure Care.

Permit Attachment K Lists the units subject to corrective action under the Consent Decree.

Permit Attachment L contains the Figures referenced elsewhere in the Permit.