



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

Certified Mail - Return Receipt Requested



June 18, 2021

Mr. Stuart D. Boyd  
General Counsel  
Sparton Corporation  
5612 Johnson Lake Road  
DeLeon Springs, Florida 32130

**SUBJECT: DRAFT PERMIT FOR POST-CLOSURE CARE FACILITY  
SPARTON TECHNOLOGY, INC., ALBUQUERQUE, NM  
EPA ID# NMD083212332**

Dear Mr. Boyd:

Enclosed is a Public Notice regarding the New Mexico Environment Department's intent to issue Sparton Technology, Inc. (the Permittee) a renewed Resource Conservation and Recovery Act Hazardous Waste Post Closure Permit for the closed Sparton Technology, Inc. facility located at 9621 Coors Boulevard NW in Albuquerque New Mexico.

The enclosed Public Notice provides locations where the draft Permit and the Administrative Record for this action can be reviewed and provides procedures for submitting comments and requesting a public hearing. Comments and requests for a public hearing must be received no later than **5:00 p.m. August 17, 2021.**

Please contact me at (505) 476-6055 or at the address below if you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Cobrain".

Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

cc: C. Amindyas, NMED HWB  
N. Davidson, NMED HWB  
L. King, EPA Region 6 (6PD-N)

File: HWB-ST 2021 and Reading

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313  
Telephone (505) 476-6000 - [www.env.nm.gov](http://www.env.nm.gov)



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
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**James C. Kenney**  
Cabinet Secretary

**Stephanie Stringer**  
Deputy Secretary

**PUBLIC NOTICE NUMBER 21-05  
NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A  
PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR  
SPARTON TECHNOLOGY, INC. COORS ROAD PLANT ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO.  
EPA ID NUMBER NMD083212332  
June 18, 2021**

The New Mexico Environment Department (NMED) is issuing for public comment a draft Hazardous Waste Facility Permit (draft Permit) issued under the New Mexico Hazardous Waste Act (HWA). NMSA 1978, §§ 74-4-1 to 74-4-14, in accordance with the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 New Mexico Administrative Code (NMAC). The Permit will authorize Sparton Technology, Inc. (ST), the Permittee, to continue post-closure care for a closed capped surface impoundment at its Facility, as set forth in the draft Permit. Pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992k, the State of New Mexico, through the NMED, is authorized to administer and enforce the state hazardous waste management program under the HWA in lieu of the federal program to ensure that the Permittee's hazardous waste operations are conducted in a manner protective of human health and the environment.

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.

Sparton Technology, Inc. operated a defense electronics component manufacturing plant at the Coors Road location from 1961 through 1994. In the late 1980's it was determined that industrial solvents had been released to soil and groundwater from the site. 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-dichloroethylene (DCE) a degradation product of TCA and TCE. Various studies have indicated that the contaminant plume has not impacted any existing water supply wells. Corrective action at the Facility is governed by a Consent Decree, Civil Action No. Civ. 97 0206 LH/JHG, filed on March 3, 2000.

All structures were removed from the site prior to 1999 with the exception of a closed, backfilled, and capped surface impoundment. The draft Permit addresses post closure care of the closed surface impoundment.

NMED also announces the availability of a Fact Sheet that provides the basis for the proposed action on the draft permit and the significant factual and regulatory issues considered in preparing the draft permit. The Fact Sheet explains the basis for the draft permit and permit conditions, including applicable statutory and regulatory support.

### **PUBLIC REVIEW OF THE DRAFT PERMIT**

The Administrative Record for this proposed action consists of the Permit application, the draft Permit, this Public Notice, 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

Copies of the draft Permit, this Public Notice, and the Fact Sheet are also available on the NMED website at: <http://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 given 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. MST, August 17, 2021**. Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and/or requests received before **5:00 p.m. MST 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 87505-6313  
(505) 476-6000  
E-mail: [dave.cobrain@state.nm.us](mailto: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. 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 requestor 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 on or before **5:00 p.m. MST August 17, 2021**. NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

NMED must ensure that the approved Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a final decision and may cause the draft Permit to be modified. NMED will respond in writing to all public comments received. The response will specify which provisions, if any, of the draft Permit have been changed in the final decision and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. The responses will also be posted on the NMED website.

After consideration of all the written public comments received, NMED will issue, or modify and issue, the Permit. The Permittee will be provided by mail a copy of the Permit including any modifications and a detailed written statement of reasons for the modifications. The Secretary of the New Mexico Environment Department will make the final decision publicly available and shall notify the Permittee by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA (Chapter 74, Article 4 NMSA 1978).

### **ARRANGEMENTS FOR PERSONS WITH DISABILITIES**

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact 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 C.F.R. 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](mailto: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.



**Michelle Lujan Grisham**  
Gobernadora

**Howie C. Morales**  
Vicegobernador

**DEPARTAMENTO DE MEDIO AMBIENTE  
DE NUEVO MÉXICO**

**Oficina de Residuos Peligrosos**

2905 Rodeo Park Drive East, Edificio 1  
Santa Fe, Nuevo México 87505-6313  
Teléfono (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)



**James C. Kenney**  
Secretario de Gabinete

**Stephanie Stringer**  
Subsecretaria

**AVISO PÚBLICO NÚMERO 21-05  
AVISO DE PERÍODO DE COMENTARIOS PÚBLICOS Y OPORTUNIDAD PARA  
SOLICITAR UNA AUDIENCIA PÚBLICA SOBRE UN BORRADOR  
DE PERMISO DE RESIDUOS PELIGROSOS PARA  
SPARTON TECHNOLOGY, INC. PLANTA DE COORS ROAD ALBUQUERQUE  
CONDADO DE BERNALILLO, NUEVO MÉXICO.  
NÚMERO DE ID DE EPA NMD083212332  
18 de junio de 2021**

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) emite, para comentarios del público, un borrador de Permiso para Instalaciones de Residuos Peligrosos (borrador de Permiso), es emitido bajo la Ley de Residuos Peligrosos de Nuevo México (HWA, por sus siglas en inglés). NMSA 1978, §§ 74-4-1 a 74-4-14, de acuerdo con el Reglamento de Manejo de Residuos Peligrosos de Nuevo México (HWMR, por sus siglas en inglés), 20.4.1 Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés). El permiso autorizará a Sparton Technology, Inc. (ST), el Permisionario, a continuar con el cuidado posterior al cierre de un embalse de superficie cerrado en su Instalación, como se establece en el borrador de Permiso. De conformidad con la Ley de Conservación y Recuperación de Recursos (RCRA, por sus siglas en inglés), 42 U.S.C. §§ 6901 a 6992k, el Estado de Nuevo México, a través del NMED, está autorizado a administrar y hacer cumplir el programa estatal de manejo de residuos peligrosos en virtud de la HWA en lugar del programa federal para garantizar que las operaciones de residuos peligrosos del Permisionario se lleven a cabo de una manera que proteja a la salud humana y al medio ambiente.

La instalación de Sparton Technology, Inc., (también llamada Antigua Planta de Coors Road), está ubicada en 9621 de Coors Boulevard NW, al norte del Paseo del Norte y al sur del Arroyo de las Calabacillas en la Latitud 35° 11' 05" Norte, y la Longitud 106° 39' 38" Oeste. La instalación se encuentra dentro del condado de Bernalillo y la ciudad de Albuquerque.

Sparton Technology, Inc. operó una planta de producción de componentes electrónicos de defensa en la ubicación de Coors Road desde 1961 hasta 1994. A finales de la década de 1980 se determinó que se habían liberado disolventes industriales en el suelo y en las aguas subterráneas del lugar. Una serie de investigaciones realizadas en los años siguientes detallaron la naturaleza y el alcance de la contaminación por disolventes. Los principales componentes que afectaban al suelo, al gas del suelo y a las aguas subterráneas eran el tricloroetileno (TCE), el 1,1,1-tricloroetano (TCA) y cantidades menores de cloruro de metileno (MC), acetona y 1,1-dichloro-ethylene (DCE), un producto de degradación del TCA y el TCE. Varios estudios han indicado que la pluma contaminante no ha afectado a ningún pozo de suministro de agua existente. Las acciones correctivas en la instalación se rigen por un Decreto de Consentimiento, Acción Civil Número 97 0206 LH/JHG, presentado el 3 de marzo de 2000.

Todas las estructuras se retiraron del lugar antes de 1999, con la excepción de un embalse de superficie cerrado, relleno y tapado. El borrador de permiso aborda el cuidado posterior al cierre del embalse de superficie cerrado.

El NMED también anuncia la disponibilidad de una Hoja Informativa que proporciona la base para la acción propuesta en el borrador de permiso y los importantes asuntos fácticos y regulatorios considerados en la preparación del borrador de permiso. La Hoja Informativa explica la base del borrador de permiso y las condiciones del permiso, incluido el respaldo legal y reglamentario aplicable.

## **REVISIÓN PÚBLICA DEL BORRADOR DE PERMISO**

El Registro Administrativo de esta acción propuesta consiste en la solicitud de Permiso, el borrador de Permiso, este Aviso Público, la Hoja Informativa y la documentación de respaldo. El Registro Administrativo puede ser revisado, con cita previa, en la siguiente ubicación durante el período de comentarios públicos.

NMED - Hazardous Waste Bureau (Oficina de Residuos Peligrosos)  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6313  
Teléfono: (505) 476-6000  
*Lunes a viernes: de 8:00 a.m. a 5:00 p.m.*  
Contacto: Dave Cobrain

También se pueden obtener copias del borrador de Permiso, de este Aviso Público y de la Hoja Informativa en el sitio web del NMED en: <http://www.nmenv.state.nm.us/HWB/stperm.html>. Para obtener una copia del Registro Administrativo o parte de este, comuníquese con Dave Cobrain llamando al teléfono (505) 476-6000, o en la dirección indicada anteriormente. El NMED proporcionará una copia del Registro Administrativo o parte de este, a un costo para el solicitante.

El NMED emite este aviso público el **18 de junio de 2021**, para anunciar el inicio de un período de comentarios de 60 días que terminará a las **5:00 p.m., MST (hora estándar de la montaña), el 17 de agosto de 2021**. Cualquier persona que desee hacer comentarios sobre el borrador de Permiso o solicitar una audiencia pública debe mandar los comentarios por escrito o por correo electrónico (e-mail) con el nombre y la dirección del comentarista a la dirección respectiva que hay a continuación. Sólo se tendrán en cuenta los comentarios y/o solicitudes que se reciban antes de las **5:00 p.m., MST (hora estándar de la montaña) del 17 de agosto de 2021**.

Dave Cobrain  
Program Manager  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6313  
(505) 476-6000  
Correo electrónico: [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)  
*Ref: Borrador de Permiso ST*

Los comentarios por escrito deben basarse en información razonablemente disponible e incluir, en la medida de lo posible, todos los materiales fácticos referenciados. No es necesario volver a presentar los documentos en el Registro Administrativo si el comentarista hace referencia expresa a ellos. Las solicitudes

de audiencia pública deberán incluir (1) una declaración clara y concisa de la naturaleza y el alcance del interés de la persona que solicita la audiencia; (2) el nombre y la dirección de todas las personas a las que el solicitante representa; (3) una declaración de cualquier objeción al borrador de Permiso, incluidas las referencias específicas a cualquier condición que se aborde; y (4) una declaración de las cuestiones que el comentarista propone plantear para su consideración en la audiencia. Los comentarios por escrito y las solicitudes de audiencia pública deberán presentarse a Dave Cobrain a más tardar hasta las **5:00 p.m., MST (hora estándar de la montaña), del 17 de agosto de 2021**. El NMED proporcionará un aviso de treinta (30) días de una audiencia pública, si está programada.

El NMED debe asegurarse de que el Permiso aprobado sea consistente con el Reglamento de Manejo de Residuos Peligrosos de Nuevo México. Todos los comentarios presentados por escrito serán considerados en la formulación de una decisión final y pueden hacer que el borrador de Permiso sea modificado. El NMED responderá por escrito a todos los comentarios públicos recibidos. La respuesta especificará qué disposiciones, si las hay, del borrador de Permiso se han modificado en la decisión final y las razones de los cambios. La decisión se notificará por correo a todas las personas que presenten comentarios por escrito o que hayan solicitado una notificación por escrito. Las respuestas también se publicarán en el sitio web del NMED.

Tras considerar todos los comentarios públicos recibidos por escrito, el NMED emitirá, o modificará y emitirá, el Permiso. El Permisionario recibirá por correo una copia del Permiso, incluidas las modificaciones y una declaración escrita detallada de las razones de estas modificaciones. El secretario del Departamento de Medio Ambiente de Nuevo México hará pública la decisión final y notificará al Permisionario por correo certificado. La decisión del secretario constituirá una decisión final de la agencia y podrá ser apelada según lo dispuesto por la HWA (Capítulo 74, Artículo 4 NMSA 1978).

## **DISPOSICIONES PARA PERSONAS CON DISCAPACIDAD**

Cualquier persona con discapacidad que necesite asistencia o un dispositivo auxiliar para participar en este proceso debe comunicarse con Stephanie Sloman al menos diez días antes de que finalice el periodo de comentarios públicos a la siguiente dirección: New Mexico Environment Department, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM, 87502-6110, número de teléfono (505) 827-9769. Los usuarios de TDD o TDY, pueden acceder al número de la Sra. Sloman a través de la Red de Retransmisión de Nuevo México llamando al 1-(800) 659-8331.

## **AVISO DE NO DISCRIMINACIÓN**

El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Kathryn Becker, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
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**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**

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**James C. Kenney**  
Cabinet Secretary

**Stephanie Stringer**  
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:

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*Monday – Friday: 8:00 a.m. to 5:00 p.m.*  
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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](http://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  
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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](mailto: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.

# SPARTON TECHNOLOGY, INC.

Resource Conservation and Recovery Act  
Post Closure  
Permit  
EPA ID # NMD083212332

New Mexico Environment Department – Hazardous Waste Bureau

DRAFT June 2021

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## PERMIT PART 1 GENERAL PERMIT CONDITIONS AND REQUIREMENTS

### 1.1 EFFECT OF PERMIT

The NMED of the New Mexico Environment NMED (NMED) 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, New Mexico (Site) (EPA ID. No. NMD083212332). This Permit is limited in scope to activities related to the post-closure care of the capped surface impoundment plume hydrology area (Facility) and the Site as set forth herein. All existing corrective action activities at the Facility shall be governed by, and enforced under the Consent Decree, Civil Action No. Civ. 97 0206 LH/JHG, which was filed on 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 NMED and shall 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 or 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 1 through 4 and Appendix 4-1, and Permit Attachments A through L. The Permittee shall comply with post-closure care limited to the capped surface impoundment, and other activities and standards as specified in the Permit, in addition to all activities governed by the Consent Decree.

#### 1.1.1 Citations

Whenever the Permit cites a provision of 20.4.1 NMAC or 40 CFR the Permit shall be deemed to incorporate the citation by reference, including all subordinate provisions of the cited provision, and make binding the full text of the cited provision.

Hazardous waste management regulations are frequently cited throughout this Permit. The federal Hazardous Waste Management Regulations, 40 CFR Parts 260 through 273, are generally

cited rather than the New Mexico Hazardous Waste Management Regulations, 20.4.1.100 through 20.4.1.900 NMAC. The federal regulations are cited because only the federal regulations set forth the detailed regulatory requirements; the State regulations incorporate by reference, with certain exceptions, the federal regulations in their entirety. Citing only the federal regulations also serves to avoid encumbering each citation with references to two sets of regulations. However, it is the State regulations that are legally applicable and enforceable. Therefore, for the purpose of this Permit and enforcement of its terms and conditions, all references to provisions of federal regulations that have been incorporated into the State regulations shall be deemed to include the State incorporation of those provisions.

## **1.2 PERMIT ACTIONS**

### **1.2.1 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 (40 CFR 270.4 (a) and 270.30 (f)).

### **1.2.2 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 40 CFR § 270.10 (h) and § 270.30 (b) and Permit Condition 1.5.3. In reviewing any application for a permit renewal, the NMED shall consider improvements in the state of control and measurement technology and changes in applicable regulations.

### **1.2.3 Property Rights**

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

## **1.3 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.

## **1.4 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 waste or hazardous constituent which is not from a Solid Waste Management Unit and is determined by the NMED to pose a current or potential threat to human health of the environment. An AOC may include buildings, structures, and other locations at which releases of hazardous waste or constituents have not been remediated, including releases resulting from one time and accidental events. 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 the EPA and NMED pursuant to Section X (Review of Submittals).

**Contaminant** means any hazardous constituent listed in 40 CFR Part 261, Appendix VIII and 40 CFR Part 264, Appendix IX; any groundwater contaminant listed in the New Mexico WQCC Regulations at 20.6.2.3103 NMAC; any toxic pollutant listed in the New Mexico WQCC Regulations at 20.6.2.7.T(2) NMAC; methyl tertiary-butyl ether; perchlorate; polychlorinated biphenyls (PCBs); dioxins and furans; total petroleum hydrocarbons, dioxins, furans, per- and polyfluoroalkyl substances, rocket fuel constituents, waste military munitions, and munitions constituents as defined in 10 U.S.C. 2710(e)(3).; and any other substance present in soil, sediment, rock, surface water, groundwater, or air for which the NMED determines that monitoring, other investigation, or a remedy is necessary to carry out the purposes of this Permit.

**Corporate Office** means the Sparton Technology, Inc. Corporate Office located at 5612 Johnson Lake Road, DeLeon Springs, Florida 32130.

**EPA** means the U.S Environmental Protection Agency and any successor or predecessor agencies.

**Facility** means the capped surface impoundment area owned by Sparton Technology, Inc., and located at 9621 Coors Road NW, Albuquerque, in Bernalillo County, New Mexico. EPA ID. No. NM083212332.

**Foreign Source** means hazardous waste generated outside the United States of America.

**Hazardous Constituent** means any constituent identified in 40 CFR Part 261, Appendix VIII, any constituent identified in 40 CFR Part 264, Appendix IX, any constituent identified in a hazardous waste listed in 40 CFR Part 261, Subpart D, or any constituent identified in a toxicity characteristic waste 40 CFR§ 261.21, and Table 1 contained in that Part.

**Hazardous Waste**, for the purposes of corrective action for solid waste management units and areas of concern conducted pursuant to 74-4-4.2(B) of the HWA, 40 CFR Part 264, Subpart F, or 40 CFR 270.32(b)(2), means a hazardous waste as defined in 74-4-3(K) of the HWA. Hazardous waste, for the purposes of corrective action, includes, without limitation any hazardous waste as defined in 40 CFR 261.3, any groundwater contaminant listed in the Water Quality Control Commission (WQCC) Regulations in 20.6.2.3103 NMAC, any toxic pollutant listed in 20.6.2.7.T(2) NMAC, any contaminant or constituent defined in this Permit Section (1.12) or for which the EPA has promulgated a maximum contaminant level (MCL) at 40 CFR parts 141 and 143, perchlorate, total petroleum hydrocarbons, methyl tertiary butyl ether, polychlorinated biphenyls (PCBs), dioxins, furans, per- and polyfluoroalkyl substances, rocket fuel constituents, waste military munitions, and munitions constituents as defined in 10 U.S.C. 2710(e)(3).

**Hazardous Waste** for all other purposes of this Permit, means a hazardous waste as defined in 40 CFR 261.3.

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

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

**NMED** means the New Mexico Environment NMED and any successor or predecessor agencies.

**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 effective Post-Closure Care Permit consisting of Permit Parts 1 through 4 and Attachments A through L.

**Permit Application** means the RCRA Post-Closure Care Permit Renewal Application submitted by Sparton Technology, Inc. in March 2013, and all modifications or revisions received by the New Mexico Environment NMED Hazardous Waste Bureau as of July 2021.

**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.

**NMED** means the NMED of the New Mexico Environment NMED or designee.

**Site** means the land 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 or where hazardous constituents originated from and have come to be located.

**Solid Waste Management Unit (SWMU)** means any discernable unit or area at the Facility at which solid waste has been placed at any time, and from which NMED determines there may be a risk of a release of hazardous waste or constituents, irrespective of whether the unit was intended for the management of solid waste. Such units include any area at which solid waste has been routinely or systematically placed.

## **1.5 DUTIES AND REQUIREMENTS**

### **1.5.1 Duty to Comply**

The Permittee shall comply with all conditions and requirements of this Permit, except to the extent that such actions are specifically covered by the Consent Decree and to the extent and for the duration such noncompliance may be authorized by an emergency permit specified in 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 40 CFR § 270.30(a).

### **1.5.2 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 NMED pursuant to 40 CFR § 270.10 (h) and § 270.30(b).

### **1.5.3 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 40 CFR § 270.10 (h)(1), § 270.13 through § 270.29, and § 270.51 (d), and through no fault of the Permittee, the NMED has not issued a new Permit on or before the expiration date of this Permit.

#### **1.5.4 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 40 CFR § 270.30 (c).

#### **1.5.5 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 40 CFR § 270.30 (d).

#### **1.5.6 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 include 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 40 CFR § 270.30 (e).

#### **1.5.7 Duty to Provide Information**

The Permittee shall furnish to the NMED, within a reasonable time period specified by the NMED, any relevant information which the NMED 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 NMED, upon request, copies of any records required to be kept by this Permit and pursuant to 40 CFR § 270.30 (h) and as required by the Consent Decree, 40 CFR § 264.100 (g) as required by the Consent Decree, and 40 CFR § 264.118. Permit Condition 1.5.7 shall not be construed to limit, in any manner, the NMED's authority under HWA Section 74-4-4.3 or RCRA Section 3007 (a).

#### **1.5.8 Inspection and Entry**

Inspection and entry shall be limited to activities related to the capped surface impoundment and all systems associated with Corrective Action under the Consent Decree. The Permittee shall allow the NMED, or authorized representatives, upon the presentation of credentials and other documents as may be required by law in accordance with 40 CFR § 270.30 (i):

### **1.5.8.1 Entrance to Premises**

The Permittee shall allow the NMED, or authorized representatives, upon the presentation of credentials and other documents as may be required by law, in accordance with 40 CFR § 270.30 (i), 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 and all systems associated with Corrective Action under the Consent Decree.

### **1.5.8.2 Access to Records**

The Permittee shall allow the NMED, 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)), to have access to and copy, at reasonable times, any records as specified in Section 1.5.7.

### **1.5.8.3 Inspection**

The Permittee shall allow the NMED, or authorized representatives, upon the presentation of credentials and other documents as may be required by law, in accordance with 40 CFR § 270.30 (i), to inspect, at reasonable times, any Facility equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit.

### **1.5.8.4 Sampling**

The Permittee shall allow the NMED, or authorized representatives, upon the presentation of credentials and other documents as may be required by law, in accordance with incorporating 40 CFR § 270.30 (i), 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 1.5.8 shall not be construed to limit in any manner, the NMED's authority under HWA Section 74-4-4.3, RCRA Section 3007 (a), or any other applicable law.

## **1.5.9 Monitoring and Records**

Monitoring and retention of records shall be in accordance with Sections 1.5.7 and 2.12.3 of this Permit, and pursuant to all provisions of 40 CFR § 270.30 (j).

### **1.5.9.1 Monitoring Records Contents**

Monitoring shall be conducted in accordance with 40 CFR § 270.30(j)(1). All records of monitoring information collected shall be maintained in accordance with 40 CFR § 270.30(j)(2) and (3).

### **1.5.10 Reporting Planned Changes**

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

### **1.5.11 Reporting Anticipated Noncompliance**

The Permittee shall give advanced notice to the NMED of any planned changes in the 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 40 CFR § 270.42, pursuant to 40 CFR § 270.30 (l) (2), until:

- a. The Permittee has submitted to the NMED 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 NMED has inspected the modified Facility and finds it is in compliance with the conditions of the Permit;

### **1.5.12 Certification of Construction or Modification**

Should modification of the Facility be conducted, certification of construction or modification of the Facility shall be in accordance with Section 1.5.11 above and 40 CFR § 270.30(l)(2)(i).

### **1.5.13 Transfer of Permits**

The Permittee shall not transfer this Permit to any person without providing notice to the NMED and receiving approval from the NMED for this action. The prospective new owner or operator must file a disclosure statement with the NMED as specified in HWA Section 74-4-4.4. The NMED shall require modification or revocation and reissuance of this Permit, as specified by 40 CFR § 270.40 (b) and §270.41 (b) (2), and 20.4.1.900 and 901 NMAC, to identify the new Permittee and incorporate such other requirements as may be necessary under the HWA and RCRA and their 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 40 CFR Part 270 and this Permit pursuant 40 CFR §264.12(c) and §270.30(l)(3).

### **1.5.14 Twenty-Four Hour Reporting**

#### **1.5.14.1 Oral Report**

The Permittee shall report orally to the NMED 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 40 CFR § 270.30(l)(6)(i), and shall include:

1. Information concerning the release of any hazardous waste or hazardous constituents which may endanger public drinking water supplies;
2. 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 40 CFR § 270.30(l)(6)(i));
3. Name, address, and telephone number of the Permittee and the Facility;
4. Date, time, and type of incident;
5. Name and quantity of materials involved;
6. The extent of injuries, if any;
7. An assessment of actual or potential hazards to the environment and human health outside the Facility; and
8. Estimated quantity and disposition of recovered material that resulted from the incident

The reporting shall be provided in accordance with 40 CFR § 270.30(l)(6)(ii).

#### **1.5.15 Written Report**

The Permittee shall also submit a written notice to the NMED within five (5) calendar days of the time the Permittee becomes aware of the noncompliance as required by 40 CFR 270.30(l)(6)(iii). The written notice shall contain the information required by Section 1.5.14.1 above and following information:

1. A description of the noncompliance or incident and its cause;
2. 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
3. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, incident, or imminent hazard.

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

#### **1.5.16 Other Noncompliance**

The Permittee shall report all instances of noncompliance with Permit conditions and requirements not reported under Permit Conditions 1.5.9, 1.5.10, 1.5.14, and 2.4.4 at the time monitoring reports are submitted under Permit Condition 1.5.14 as required by 40 CFR §270.30(l)(10). The reports shall contain the information listed in Permit Condition 1.5.14.

#### **1.5.17 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 NMED, the Permittee

shall promptly submit the corrected facts or information in writing to the NMED as required by 40 CFR § 270.30(l)(11).

## **1.6 SIGNATORY REQUIREMENT**

The Permittee shall sign and certify, as specified in 40 CFR § 270.11 and 40 CFR § 270.30(k), all applications, plans and reports required by this Permit, or other information required by the NMED.

## **1.7 REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE NMED**

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

The Bureau Chief  
New Mexico Environment NMED  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6313

## **1.8 CONFIDENTIAL INFORMATION**

The Permittee may claim confidentiality for any information submitted to or requested by the NMED or required by this Permit to the extent authorized by Section 74-4-4.3 (D) of the HWA and 40 CFR § 270.12.

## **1.9 ENFORCEMENT**

### **1.9.1 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.

### **1.9.2 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.

## **1.10 SUBMITTAL OF REPORTS, NOTIFICATIONS, AND INFORMATION TO THE NMED**

### **1.10.1 Information Submittal**

Unless otherwise provided in this Permit, the Permittees shall submit by certified mail, courier/delivery service, or hand delivery all reports, notifications, or other submissions that are required by this Permit to be sent or given to the NMED.

A description of reporting requirements for documents prepared pursuant to this Permit is included in Permit Section 4. Section 4 is not exhaustive and the absence of a reporting requirement in Section 4 shall not be interpreted to waive an otherwise applicable requirement.

The all plans, reports, notifications or other submissions shall be submitted to the NMED by certified mail, courier/delivery service or hand delivery to:

Chief  
New Mexico Environment NMED  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Telephone Number: (505) 476-6000

### **1.10.2 Approval of Submittals**

All documents that the Permittee prepares under the terms of this Permit and submits to the NMED that are subject to the requirements of 20.4.2 NMAC shall be subject to the procedures set forth therein. Documents requiring NMED approval that are subject to the requirements of 20.4.2 NMAC will be reviewed and approved, approved with modifications, disapproved, denied, or rejected by the NMED.

Upon the NMED's written approval, all submittals and associated schedules are incorporated into this permit and shall become enforceable as part of this Permit in accordance with the terms of the NMED's written approval, and such documents, as approved, shall control over any contrary or conflicting requirements of this Permit. This provision does not affect any public process that is otherwise required by this Permit, the HWA, or its implementing regulations.

Failure to submit any of the work plans, schedules, reports, or other deliverable documents that the Permittee is required to prepare under this Permit according to the schedules or deadlines in this Permit, may subject the Permittee to enforcement action under 74-4-10 of the HWA, or other applicable provisions of law, which may include fines, civil penalties, or suspension or revocation of the Permit. Failure to submit any of the required items, the submission of inadequate or insufficient information, or failure to comply with NMED direction or with the

approved work plans or schedules is a violation of this Permit and may subject the Permittee to enforcement action.

Any noncompliance with approved plans and schedules shall cause the Permittee to be in noncompliance with this Permit. The NMED may grant extensions of written requests for due dates for submittals of reports and other deliverables, provided that the Permittee includes a written justification showing good cause and a proposed schedule for submittal in accordance with Permit Section 1.19 (Extensions of Time).

### **1.10.3 Extensions of Time**

The Permittees may seek an extension of time in which to perform a requirement of this Permit, for good cause, by sending a written request for extension of time and proposed revised schedule to the NMED no less than 10 days prior to the due date of the submittal. The request shall state the length of the requested extension and describe the basis for the request. The NMED will respond in writing to any request for extension following receipt of the request. If the NMED denies the request for extension, it will state the reasons for the denial.

## **GENERAL FACILITY CONDITIONS AND REQUIREMENTS**

### **2.1 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 40 CFR § 264.31.

### **2.2 REQUIRED NOTICES**

#### **2.2.1 Hazardous Waste from Off-site**

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

### **2.3 GENERAL WASTE ANALYSIS**

The analysis of residual contamination related to electroplating waste previously generated at the Facility shall be conducted as provided in Attachment C (Waste Analysis Plan) of this Permit, as applicable.

### **2.4 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 H.2 of Permit Attachment H, in order to prevent unknowing or unauthorized entry onto any portions of the capped surface impoundment and the Containment Systems.

### **2.5 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 40 CFR § 264.15 (a), and as specified in Permit Attachment E (Inspection Plan).

The Permittee shall conduct a general inspection of the condition of the facility on a semi-annual basis. To facilitate this inspection, the Permittee shall restrict vehicular access to the area for a length of time sufficient to complete a thorough inspection. The Permittee shall perform a visual inspection of the entire 3-inch-thick asphalt wearing surface during the semi-annual inspection. The location of any gouges, cracks, surface-movement, and/or pavement deterioration (chemical or natural) shall be noted. Any such breaches of the wearing surface which expose (to any extent) the asphalt base shall be repaired and will commence upon discovery. Additionally, the Permittee shall remove undisturbed wearing surface material for a distance of 6 inches in all directions

around the breach, and this area shall be resurfaced, as specified for the initial paving in the Post-Closure Care Plan, Permit Attachment E, Section E.1.

### **2.5.1 Inspection Schedule**

The Permittee shall implement the inspection schedules specified in this Section (2.5) and as described in Attachment E of this Permit. The inspection schedule shall be kept locally and at the Corporate Office as required 40 CFR § 264.15 (b) (2).

### **2.5.2 Inspection Frequency**

The Permittee shall inspect all items at the frequency specified above in Section 2.5.1 and in Attachment E of this Permit, which includes inspection of the capped surface impoundment, the containment systems, and the security fence surrounding the capped surface impoundment in accordance with 40 CFR §264.15(b)(1) through (b)(4)).

### **2.5.3 Remediation of Equipment and Structures**

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

### **2.5.4 Inspection Log and Checklist**

The Permittee shall use the inspection checklist contained in Attachment E of this Permit. 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 40 CFR §264.15 (d).

### **2.5.5 Inspection Records**

The Permittee shall maintain at the Facility Office, the inspection schedules and results for three years from the date of the inspection in accordance with this Permit, pursuant to 40 CFR § 264.15 (d).

## **2.6 PERSONNEL TRAINING FOR CORRECTIVE ACTION ACTIVITIES**

The Permittee shall have trained engineers and geologists for conducting the post-closure corrective action activities at the Facility, as specified in Permit Attachment F (Personnel Training Plan).

## **2.7 CONTINGENCY PLAN**

In the event of an unforeseen emergency related to the capped surface impoundment or the off-site containment system, the emergency coordinators listed in Table D, Permit Attachment D

(Contingency Plan), shall be notified and the procedures specified in 40 CFR § 264.56 shall be carried out.

## **2.8 RECORDKEEPING AND REPORTING**

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

### **2.8.1 Required Records**

The following items shall be retained at the Facility:

- 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.
- e. A copy of this Permit.

### **2.8.2 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, including Permit Attachments, the Permit Application, and records used to complete the Permit Application.

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

## **2.9 GENERAL CLOSURE REQUIREMENTS**

### **2.9.1 Chronology of Closure Activities**

A summary of the chronology of closure activities at the former operating unit, which is currently undergoing post-closure care is presented in Permit Attachment G (Closure of the Formerly Active Hazardous Waste Management Unit).

## **2.10 GENERAL POST-CLOSURE REQUIREMENTS**

This Permit implements post-closure care requirements for soil and groundwater contamination after closure of the Sparton Technologies Hazardous Waste Management Unit and one Solid Waste Management Unit (SWMU). The SWMU is a concrete sump that was used for storage of RCRA regulated hazardous waste. The concrete sump was located immediately north of the

existing Facility and consisted of 5 feet x 5 feet x 2 feet sump that previously received spent solvent waste that mainly consisted of trichloroethylene (TCE), 1,1,1 – trichloroethane (TCA), methylene chloride, acetone, and 1,1 –dichloroethylene (DCE). The concrete sump, which was constructed sometime between 1960 and 1969, was in operation until October 1980. It was removed in 1986. The former Hazardous Waste Management Unit is the capped surface impoundment, which was constructed in 1975, operated until August 1983, and closed in 1986. The surface impoundment accepted plating waste for storage and for off-site shipment.

The Old Drum Storage Area, referenced in Permit Attachments G and J, was used for spent solvent storage from 1980 to 1981. This unit was certified as clean closed by NMED in December 2001.

The New Drum Storage Area, referenced in Permit Attachment J, stored spent solvents from May 1981 until 1986. This unit was clean closed in 1986.

Post-closure use of property is not allowed since that could disturb the integrity of the final cover, other components of the containment system, or the function of the capped surface impoundment monitoring systems, unless approved by the NMED, as required by 40 CFR § 264.117 (c).

### **2.10.1 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 40 CFR § 264.117 (a) (1) and (2).

Post-closure care shall be conducted in accordance with the requirements of: a) 40 CFR Part 264, Subpart G; b) the Post-Closure Plan; c) Permit Attachment H, and d) shall be subject to the terms and conditions of this Permit in accordance with 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 Permit Attachment H, pursuant to 40 CFR § 264.117 (d) and § 264.118 (b).

### **2.10.2 Post-Closure Security**

The Permittee shall implement the security provisions outlined in Section 2.4 of this Permit, in accordance with 40 CFR § 264.14.

### **2.10.3 Amendment to the 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 Part 270.42 and 20.4.1.901 NMAC, as applicable. The written modification or request shall include a copy of the amended post-closure plan for review or approval by the NMED as required by 40 CFR § 264.118 (d).

#### **2.10.4 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 40 CFR Part 270 and 20.4.1.901 NMAC. The Permittee shall demonstrate that the removal of hazardous waste complies with all applicable HWA and RCRA requirements for generation and transport of hazardous waste pursuant to 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 40 CFR Parts 262 and 264).

#### **2.10.5 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 NMED, 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 NMED upon request until the NMED releases the Permittee from the financial assurance requirements for post-closure care under 40 CFR § 264.145 (l) pursuant to 40 CFR § 264.120.

### **2.11 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.

### **2.12 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.

### **2.13 LIABILITY REQUIREMENTS**

The Facility is in post-closure care. The Permittee must maintain financial assurance for the Facility as specified in the Consent Decree and must provide the Post-Closure Care Certificate of Insurance and Liability Certificate of Insurance annually no later than April 30 of each year after the effective date of this Permit.

## **2.14 INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS**

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

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

### **3.1 POST CLOSURE PROCEDURES AND USE OF PROPERTY**

#### **3.1.1 Surface Impoundment**

The Permittee shall comply with the applicable requirements of 40 CFR 264 Subpart K, Surface Impoundments, referencing the existing capped surface impoundment and surrounding security fence, pursuant to 40 CFR § 264.228(b), and shall do the following:

- 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 site; and
- e. Maintain the integrity of the eight-foot high chain link security fence in place around the perimeter of the capped surface impoundment, as required by 40 CFR § 264.14, and as specified in Section H.2 of Permit Attachment H.

#### **3.1.2 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 2.4, the Consent Decree, and in accordance with 40 CFR § 264.14 and 40 CFR § 264.117 (b), and as specified in Permit Attachment H.

#### **3.1.3 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 contained under the Consent Decree during the post-closure care period, in accordance with 40 CFR § 264.117 (c).

#### **3.1.4 Post-Closure Activities**

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

## **PERMIT PART 4 CORRECTIVE ACTION**

### **4.1 Corrective Action Requirements Under the Consent Decree**

The New Mexico Environment NMED (NMED) and the Permittee signed Consent Decree dated March 3, 2000, which required the Permittee to conduct corrective action at the Site related to releases from the hazardous waste management unit and one solid waste management unit (SWMU) at the Facility to fulfill the requirements of 40 CFR 264.101. The Consent Decree is an enforceable document pursuant to 40 CFR 264.90(f), 264.110(c), and as defined in 40 CFR § 270.1(c)(7). Nothing in this Permit Part shall be construed to constitute a change to the Consent Decree.

#### **4.1.1 Integration of Corrective Action Under this Permit with the Consent Decree**

The Permittee shall conduct corrective action under this Permit rather than the Consent Decree, under the following circumstances:

1. For new releases and newly discovered releases of hazardous waste or hazardous waste constituents from newly discovered Solid Waste Management Units (SWMUs) or Areas of Concern (AOCs) at the Facility.
2. At units undergoing closure and post closure care under 40 CFR Part 264, Subpart G, as they apply to the Facility.
3. During implementation of the controls, including long-term monitoring, at any Solid SWMU or AOC at the Facility not covered by the Consent Decree.
4. At releases of hazardous wastes or hazardous constituents that occur or are discovered after the date on which the Consent Decree terminates.

The Permittee shall conduct corrective action as necessary to protect human health and the environment from any releases of hazardous waste or hazardous waste constituents pursuant to this Permit and in accordance with §§ 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 Part 264, Subparts F and G. 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 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 §§ 264.100 and 264.101. The status of a SWMU or AOC will be indicated through placement in the appropriate Table in Permit Attachment K following the permit modification process as specified in 40 CFR 270.41, 270.42 and 20.4.1.901, as applicable.

## **4.1.2 Corrective Action Program**

### **4.1.2.1 Applicability**

Except as identified in Permit Section 4.1.1 above and 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 conducted in accordance with 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 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 minimum three-year period after the termination of the Consent Decree which shall be subject to NMED review and approval. The groundwater monitoring plan shall be updated annually. If no changes are made to the groundwater monitoring plan, the Permittee shall submit a letter stating as such to NMED for the year that changes are not made to the plan. 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 the 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 that will achieve the cleanup levels specified in Permit Section 4.4 for the NMED's review and approval.

The NMED will review work plans, reports, schedules, and other documents (submittals), which require the NMED's approval in accordance with the conditions of this Post-Closure Care Permit. The NMED shall notify the Permittee in writing of any submittal that is disapproved, or approved with modifications, and the basis thereof in accordance with 20.4.2.201.B(4) NMAC.

### **4.1.2.2 Identification and Status of SWMUs, AOCs and Hazardous Waste Management Units**

The Table of SWMUs and AOCs Requiring Corrective Action under this Permit will be added as appropriate to include any newly identified SWMUs or AOCs.

## **4.2 Newly Discovered SWMUs or AOCs**

### **4.2.1 Notification of Newly Discovered SWMUs or AOCs**

Within fifteen (15) days after the discovery of any newly identified potential SWMU or AOC, the Permittee shall notify the NMED in writing of such discovery. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of any release of contaminants from the SWMU or AOC, including the contaminants released the magnitude of the release, and the media affected by the release.

Within ninety (90) days after submitting such notification, the Permittee shall submit to the NMED for review and written approval a SWMU Assessment Report or a Release Assessment Report for each newly identified potential SWMU or AOC. Such Report shall include the following information, to the extent available:

1. Location of each unit on a topographic map of appropriate scale;
2. Type and function of each unit;
3. General dimensions, capacities, and structural description of each unit (including all available plans/drawings);
4. Dates of operation for each unit;
5. Identification of all wastes that have been managed at or in each unit, to the extent available. Include any available data on hazardous constituents in the wastes; and
6. All available information pertaining to any release of contaminants from each unit, including groundwater data, soil analyses, air sampling or monitoring data, and surface water data. Based on the results of the SWMU or Release Assessment Report, the NMED will determine the need for further investigations at the SWMU or AOC identified in the Report, including the need for an investigation work plan under Permit Section 4.3.1.1.

### **4.2.2 Notification of Newly Discovered Releases from SWMUs or AOCs**

The Permittee shall notify the NMED orally of the discovery of a SWMU or AOC and its associated release within 24 hours and shall notify the NMED in writing within 15 days of discovery of any contamination identified at a newly discovered SWMU or suspected AOC.

## **4.3 CORRECTIVE ACTION PROCEDURES**

The Permittee shall conduct corrective action at sites where releases of hazardous waste or hazardous constituents have occurred. If corrective action is necessary to protect human health or the environment, the NMED will direct the Permittee to complete one or more of the requirements included in this Permit Section (4.8). The conditions listed below apply to all corrective action conducted under this Permit unless otherwise specified in Permit Part 5 (Closure Requirements).

### **4.3.1 Release Assessment**

#### **4.3.1.1 Release Assessment Report**

If required by the NMED, the Permittee shall submit a Release Assessment Report for newly discovered releases from any Permitted unit. Any revisions to the Release Assessment Report required by the NMED shall be submitted within 90 calendar days of receipt of the NMED's comments on the Release Assessment Report.

The Release Assessment Report shall, at a minimum, include the following information:

1. Location of unit(s) on a topographic map of appropriate scale, as required under 40 CFR § 270.14(b)(19);
2. Designation of type and function of unit(s);
3. General dimensions, capacities and structural description of unit(s) (supply any available plans/drawings);
4. Dates that the unit(s) was operated;
5. All available site history information;
6. Specifications of all wastes that have been managed at/in the unit(s) to the extent available. Include any available data on hazardous waste or hazardous constituents in the wastes; and
7. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s) (to include ground water data, soil analyses, air, and surface water data).

Based on the results of the SWMU or Release Assessment Report, the NMED will determine the need for further investigations at the SWMUs or AOCs identified in the SWMU or Release Assessment Report, including the need for submittal of an investigation work plan in accordance with Permit Section 4.3.5.1.1.

### **4.3.2 Interim Measures**

#### **4.3.2.1 Interim Measures Required by the NMED**

Upon written notification by the NMED, the Permittee shall prepare and submit an Interim Measures (IM) Work Plan where the NMED determines that interim measures are necessary to minimize or prevent the migration of hazardous waste or hazardous constituents and limit actual or potential human and environmental exposure to hazardous waste or hazardous constituents while long term corrective action remedies are evaluated and implemented. The Permittee shall submit its IM Work Plan to the NMED within 30 calendar days of the NMED's notification, unless another time is specified by the NMED. Such interim measures may be conducted concurrently with any required corrective action.

#### **4.3.2.2 Permittee-Initiated Interim Measures**

The Permittee may initiate interim measures at a SWMU or AOC by notifying NMED, in writing, at least 60 calendar days prior to beginning the Interim Measures. NMED will approve the Permittee-initiated IM, conditionally approve the IM, or require submittal of an IM work plan for NMED review and approval prior to implementation of the Interim Measure. Upon approval, NMED will establish a schedule for the submittal of a report(s) summarizing the actions and results of the interim measure implementation and the progress in achieving cleanup.

#### **4.3.3 Emergency Interim Measures**

The Permittee may determine, during implementation of site investigation activities, that emergency interim measures are necessary to address an immediate threat of harm to human health or the environment. The Permittee shall notify the NMED within one business day of discovery of the facts giving rise to the threat and shall propose emergency interim measures to address the threat. If the NMED approves the emergency interim measures in writing, the Permittee may implement the proposed emergency interim measures without submitting an IM Work Plan. If circumstances arise resulting in an immediate threat to human health or the environment such that initiation of emergency interim measures are necessary prior to obtaining written approval from the NMED, the Permittee shall notify the NMED within one business day of taking the emergency interim measure. The notification shall contain a description of the emergency, the types and quantities of contaminants involved, the emergency interim measures taken, and contact information for the emergency coordinator handling the situation. The notification shall also include a written statement justifying the need to take the emergency action without prior written approval from the NMED. This requirement shall not be construed to conflict with 40 CFR §§ 264.1(g)(8) or 270.61.

#### **4.3.4 IM Work Plan Requirements**

The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and is consistent with, and integrated into, any final corrective measures at the Facility. The IM Work Plan shall include the interim measures objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.

The IM Work Plan imposed under Permit Condition 4.3.2.1 or initiated by the Permittee under Permit Condition 4.3.2.2 must be approved by the NMED in writing prior to implementation. The NMED will specify the start date of the IM Work Plan schedule in the letter approving the IM Work Plan. The NMED will approve, approve with conditions, or disapprove the IM Work Plan in accordance with Permit Condition 4.7.

#### **4.3.4.1 Interim Measures Implementation**

##### **4.3.4.1.1 Implementation and Completion of Approved IM Work Plan**

The Permittee shall implement interim measures required under Permit Section 4.8.2 in accordance with the NMED-approved IM Work Plan. The Permittee shall complete interim measures within 180 calendar days of the start of implementation of the interim measure. The Permittee may submit a written request to the NMED to extend the period for implementation of the interim measure. The request must provide justification for the extension and a proposed schedule for completion of the interim measure. The NMED will notify the Permittee, in writing, of the approval or disapproval of the request within 30 calendar days of receipt of the IM implementation extension request.

##### **4.3.4.1.2 Notification of Changes**

The Permittee shall give notice to the NMED as soon as possible of any planned changes, reductions or additions to the IM Work Plan required by the NMED under Permit Section 4.3.2.1 or initiated by the Permittee in accordance with Permit Section 4.3.2.2.

##### **4.3.4.1.3 Interim Measures Report**

The Permittee shall submit to the NMED for review and approval, within 90 calendar days of completion of interim measures, an IM Report summarizing the results of interim measure implementation. The IM Report shall contain, at a minimum, the following information:

1. A description of interim measures implemented;
2. Summaries of results;
3. Summaries of all problems encountered during IM investigations;
4. Summaries of accomplishments and/or effectiveness of interim measures; and,
5. Copies of all relevant laboratory/monitoring data, maps, logs, and other related information.

#### **4.3.5 Corrective Action Investigations**

##### **4.3.5.1 Investigation Work Plan**

The Permittee shall submit to the NMED Investigation Work Plans for units where the NMED determines that corrective action is necessary to investigate releases to the environment.

##### **4.3.5.1.1 Investigation Work Plan Requirements**

Investigation Work Plans shall meet the requirements specified in Permit Section 7.2 (Reporting Requirements). Investigation Work Plans shall include schedules of implementation and completion of specific actions necessary to determine the nature and extent of contamination and

the potential pathways of contaminant releases to the air, soil, surface water, and ground water. The Permittee shall provide sufficient justification and associated documentation that a release is not probable or has already been characterized if a unit or a media/pathway associated with a unit (ground water, surface water, soil, subsurface gas, or air) is not included in an Investigation Work Plan. Such deletions of a unit, medium, or pathway from the work plan(s) are subject to the approval of the NMED. The Permittee shall provide sufficient written justification for any omissions or deviations from the minimum requirements specified in Permit Section 7.2 (Reporting Requirements). Such omissions or deviations are subject to the approval of the NMED. In addition, Investigation Work Plans shall include all investigations necessary to ensure compliance with 40 CFR § 264.101. All monitoring, sampling, and analysis shall be conducted in accordance with the investigation methods and procedures set forth in Permit Part 5.

#### **4.3.5.1.2 Work Plan Implementation Notification**

The Permittee shall implement Work Plans as approved by the NMED. The Permittee shall notify the NMED at least 20 days prior to any permit or corrective action-related field activity (e.g., drilling, sampling).

#### **4.3.5.2 Investigation Reports**

The Permittee shall prepare and submit to the NMED Investigation Reports for the investigations conducted in accordance with Investigation Work Plans submitted under Permit Section 4.3.5.1. The Permittee shall submit the Investigation Reports to the NMED for review and approval in accordance with the schedules included in its approved Investigation Work Plans.

The Investigation Reports shall include an analysis and summary of all required investigations conducted under this Permit. The summary shall describe the type and extent of contamination at each unit investigated including sources and migration pathways, identify all hazardous waste or constituents present in all media, and describe actual or potential receptors. The Investigation Report shall also describe the extent of contamination (qualitative and quantitative) in relation to background levels for the area. If the Investigation Report concludes that further work is necessary, the report shall include a proposed schedule for submission of a work plan for the next phase of investigation.

#### **4.3.5.2.1 Cleanup Levels**

The Investigation Reports shall identify the applicable cleanup levels in accordance with Permit Section 4.4 and 4.5 for each hazardous waste or hazardous constituent found at each unit where corrective action is required. The Permittee shall propose in the Investigation Report or in a subsequent Risk Assessment or Corrective Measures Evaluation appropriate cleanup levels for those hazardous wastes or hazardous constituents without established cleanup levels based upon human and ecological risk.

#### **4.3.5.2.2 Requirement to Proceed**

Based upon the NMED's review of the Investigation Report, the NMED will notify the Permittee of the need for further investigative action, if necessary, and inform the Permittee, if not already notified, of the need for a Corrective Measures Evaluation. The NMED will notify the Permittee if corrective action is complete. If the NMED determines that further investigation is necessary, the NMED will require the Permittee to submit a work plan for approval that includes a proposed schedule for additional investigation(s).

#### **4.3.5.3 Risk Assessment**

The Permittee shall attain the cleanup goals outlined in Permit Sections 4.4 and 4.5. If the NMED determines that the cleanup levels included in Permit Sections 4.4 and 4.5 cannot be achieved at a site, the NMED will require performance of risk analyses to establish alternative cleanup levels. Such risk analyses shall be prepared in the format included in the Permit Section 4.12 (Reporting Requirements). The Permittee shall submit to the NMED for approval a Risk Assessment Report in accordance with Permit Section 7.5 according to the schedule set forth by the NMED for sites where risk analyses are conducted.

### **4.3.6 Corrective Measures Evaluation**

#### **4.3.6.1 General**

The NMED will require corrective measures at a unit if the NMED determines, based on the Investigation Report and other relevant information available to the NMED, that there has been a release of contaminants into the environment at the site and that corrective action is necessary to protect human health or the environment from such a release. Upon making such a determination, the NMED will notify the Permittee in writing. The NMED will specify a date for the submittal of the necessary reports and evaluations in the written notification.

#### **4.3.6.2 Corrective Measures Evaluation Report**

Following written notification from the NMED that a corrective measures evaluation is required, the Permittee shall submit to the NMED for approval a Corrective Measures Evaluation Report. The Permittee shall follow the Corrective Measures Evaluation Report format outlined in Permit Section 7.6 (Reporting Requirements). The corrective measures evaluation shall evaluate potential remedial alternatives and shall recommend a preferred remedy that will be protective of human health and the environment and that will attain the appropriate cleanup goals. The Corrective Measures Evaluation Report shall, at a minimum, comply with Permit Section 7.6 (Reporting Requirements) and include the following:

1. A description of the location, status, and current use of the site;
2. A description of the history of site operations and the history of releases of contaminants;

3. A description of site surface conditions;
4. A description of site subsurface conditions;
5. A description of on- and off-site contamination in all affected media;
6. An identification and description of all sources of contaminants;
7. An identification and description of contaminant migration pathways;
8. An identification and description of potential receptors;
9. A description of cleanup standards or other applicable regulatory criteria;
10. An identification and description of a range of remedy alternatives;
11. Remedial alternative pilot or bench scale testing results;
12. A detailed evaluation and rating of each of the remedy alternatives, applying the criteria set forth in Permit Section.4.3.6.4 including costs for long-term monitoring and maintenance (Reporting Requirements);
13. An identification of a proposed preferred remedy or remedies;
14. Design criteria of the selected remedy or remedies; and
15. A proposed schedule for implementation of the preferred remedy.

#### **4.3.6.3 Cleanup Standards**

The Permittee shall select corrective measures that are capable of achieving the cleanup standards and goals outlined in Permit Sections 4.4 and 4.5 including, as applicable, approved alternate cleanup goals established by a risk assessment.

#### **4.3.6.4 Remedy Evaluation Criteria**

##### **4.3.6.4.1 Threshold Criteria**

The Permittee shall evaluate each of the remedy alternatives for the following threshold criteria. To be selected, the remedy alternative must:

1. Be protective of human health and the environment;
2. Attain media cleanup standards;
3. Control the source or sources of releases to reduce or eliminate, to the extent practicable, further releases of contaminants that may pose a threat to human health and the environment; and
4. Comply with applicable standards for management of wastes.

#### **4.3.6.4.2 Remedial Alternative Evaluation Criteria**

The Permittee shall evaluate each of the remedy alternatives for the factors described in this Permit Section (4.3.6.4). These factors shall be balanced in proposing a preferred alternative.

#### **4.3.6.4.3 Long-term Reliability and Effectiveness**

The remedy shall be evaluated for long-term reliability and effectiveness. This factor includes consideration of the magnitude of risks that will remain after implementation of the remedy; the extent of long-term monitoring, or other management or maintenance that will be required after implementation of the remedy; the uncertainties associated with leaving contaminants in place; and the potential for failure of the remedy. The Permittee shall give preference to a remedy that reduces risks with little long-term management, and that has proven effective under similar conditions.

#### **4.3.6.4.4 Reduction of Toxicity, Mobility, or Volume**

The remedy shall be evaluated for its reduction in the toxicity, mobility, and volume of contaminants. The Permittee shall give preference to a remedy that uses treatment to more completely and permanently reduce the toxicity, mobility, and volume of contaminants.

#### **4.3.6.4.5 Short-Term Effectiveness**

The remedy shall be evaluated for its short-term effectiveness. This factor includes consideration of the short-term reduction in existing risks that the remedy would achieve; the time needed to achieve that reduction; and the short-term risks that might be posed to the community, workers, and the environment during implementation of the remedy. The Permittee shall give preference to a remedy that quickly reduces short-term risks, without creating significant additional risks.

#### **4.3.6.4.6 Implementability**

The remedy shall be evaluated for its implementability or the difficulty of implementing the remedy. This factor includes consideration of installation and construction difficulties; operation and maintenance difficulties; difficulties with cleanup technology; permitting and approvals; and the availability of necessary equipment, services, expertise, and storage and disposal capacity. The Permittee shall give preference to a remedy that can be implemented quickly and more easily and poses fewer and lesser difficulties.

#### **4.3.6.4.7 Cost**

The remedy shall be evaluated for its cost. This factor includes a consideration of both capital costs, and operation and maintenance costs. Capital costs shall include, without limitation, construction and installation costs; equipment costs; land development costs; and indirect costs including engineering costs, legal fees, permitting fees, startup and shakedown costs, and

contingency allowances. Operation and maintenance costs shall include, without limitation, operating labor and materials costs; maintenance labor and materials costs; replacement costs; utilities; monitoring and reporting costs; administrative costs; indirect costs; and contingency allowances for the entire anticipated post-closure care or long-term monitoring period. All costs shall be calculated based on their net present value. A remedy that is less costly but does not sacrifice protection of health and the environment, shall be preferred.

#### **4.3.6.5 Corrective Measures Evaluation Report Approval**

The NMED will review the Corrective Measures Evaluation (CME) Report and notify the Permittee in writing of approval, approval with modifications, or disapproval of the report in accordance with Permit Section 1.10. The NMED's approval of the CME Report shall not be construed to mean that the NMED agrees with the recommended preferred remedy. Based on preliminary results and the CME Final Report, the NMED may require the Permittee to evaluate additional remedies or elements of one or more proposed remedies.

#### **4.3.6.6 Relationship to Corrective Action Requirements**

The Corrective Measures Evaluation shall serve as a Corrective Measures Study for the purposes of RCRA compliance. (*See* 55 Fed. Reg. 30875-77 (July 27, 1990) (proposed 40 CFR §§ 264.520 through 264.524)).

#### **4.3.6.7 Remedy Selection**

Upon approval of the Corrective Measures Evaluation Report, NMED will select a remedy or remedies for the site. NMED may choose a different remedy from that recommended by the Permittee. NMED will issue a Statement of Basis for selection of the remedy and will issue a draft of the decision for public comment in accordance with the public participation requirements applicable to remedy selection under sections 20.4.1.900 NMAC (incorporating 40 CFR 270.41) and 20.4.1.901 NMAC. NMED will issue a response to public comments at the time of NMED's final decision.

#### **4.3.6.8 Financial Assurance for Corrective Action**

The Permittee shall submit to the NMED evidence of financial responsibility for completing the corrective actions identified in the approved CME Final Report, as required by 40 CFR § 264.101(b) and (c). Proof of Financial Assurance to implement the selected remedy shall be submitted to the NMED within 120 days, or other time approved by the NMED, of completion of the Permit modification incorporating the approved remedy.

#### **4.3.6.9 Permit Modification for Remedy Identification**

As required by 40 CFR § 270.41, a Permit modification will be initiated by the NMED after recommendation of a remedy under Permit Condition 4.3.6.7. This modification will serve to incorporate a final remedy into this Permit and to establish the financial cost of the remedy.

### **4.3.7 Corrective Measures Implementation**

#### **4.3.7.1 General**

The Permittee shall implement the final remedy selected by the NMED.

#### **4.3.7.2 Corrective Measures Implementation Plan**

Within 90 days after the NMED's selection of a final remedy, or as otherwise specified by the schedule contained in the approved Corrective Measure Evaluation Report or as specified by a schedule required by the NMED in the written approval notification, the Permittee shall submit to the NMED for approval a Corrective Measures Implementation Plan outlining the design, construction, operation, maintenance, and performance monitoring for the selected remedy, and a schedule for its implementation. The Corrective Measures Implementation Plan shall, at a minimum, include the following elements:

1. A description of the selected final remedy;
2. A description of the cleanup goals and remediation system objectives;
3. An identification and description of the qualifications of all persons, consultants, and contractors that will be implementing the remedy;
4. Detailed engineering design drawings and systems specifications for all elements of the remedy;
5. A construction work plan;
6. An operation and maintenance plan;
7. The results of any remedy pilot test;
8. A plan for monitoring the performance of the remedy, including sampling and laboratory analysis of all affected media;
9. A waste management plan;
10. A proposed schedule for submission to the NMED of periodic progress reports; and
11. A proposed schedule for implementation of the remedy.

The NMED will review the Corrective Measures Implementation Plan and notify the Permittee in writing of approval, approval with modifications, or disapproval of the plan in accordance with Permit Part 1.10.

#### **4.3.7.3 Health and Safety Plan**

The Permittee shall conduct all activities in accordance with a site-specific or facility-wide Health and Safety Plan during all construction, operation, maintenance, and monitoring activities conducted during corrective measures implementation.

#### **4.3.7.4 Progress Reports**

The Permittee shall submit to the NMED progress reports in accordance with the schedule approved in the Corrective Measures Implementation Plan. The progress reports shall, at a minimum, include the following information:

1. A description of the remedy work completed during the reporting period;
2. A summary of problems, potential problems, or delays encountered during the reporting period;
3. A description of actions taken to eliminate or mitigate the problems, potential problems, or delays;
4. A discussion of the remedy work projected for the next reporting period, including all sampling events;
5. Copies of the results of all monitoring, including sampling and analysis, and other data generated during the reporting period; and
6. Copies of all waste disposal records generated during the reporting period.

#### **4.3.8 Remedy Completion**

##### **4.3.8.1 Remedy Completion Report**

Within 90 days after completion of the remedy, the Permittee shall submit to the NMED a Remedy Completion Report. The report shall, at a minimum, include the following items:

1. A summary of the work completed;
2. A statement, signed by a registered professional engineer, or subject to approval by the NMED, another competent person with appropriate expertise or professional certification, that the remedy has been completed in accordance with the NMED approved work plan for the remedy;
3. As-built drawings and specifications signed and stamped by a registered professional engineer if applicable;

4. Copies of the results of all monitoring, including sampling and analysis, and other data generated during the remedy implementation, if not already submitted in a progress report;
5. Copies of all waste disposal records, if not already submitted in a progress report; and
6. A certification, signed by a responsible official of the Permittee (Sparton Technology, Inc.), stating, "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

#### **4.3.9 Accelerated Clean-up Process**

If the Permittee identify a corrective action or measure that, if implemented voluntarily, will reduce risks to human health and the environment to levels acceptable to the NMED, will reduce cost and/or will achieve cleanup of a SWMU, AOC or other contaminated location, ahead of schedule, the Permittee may implement the corrective measure as provided in this Permit Section (4.3.9), in lieu of the process established in Permit Section 4.8.5.1. The accelerated cleanup process shall be used at sites to implement presumptive remedies (*see* 61 Fed. Reg. 19432, 19439-40) (May 1, 1996) at small-scale and relatively simple sites where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the site, and where the field work will be accomplished within 180 days of the commencement of field activities. The proposed accelerated cleanup will be documented in an Accelerated Corrective Measure Work Plan, which shall include:

1. A description of the proposed remedial action, including details of the unit or activity that is subject to the requirements of this Permit;
2. An explanation of how the proposed cleanup action is consistent with the overall corrective action objectives and requirements of this Permit;
3. The methods and procedures for characterization and remediation sample collection and analyses; and
4. A schedule for implementation and reporting on the proposed cleanup action.

The Permittee shall notify the NMED of implementation of the planned accelerated corrective measure a minimum of 180 days prior to the commencement of any accelerated field activity. The notification shall include the submittal of the Plan if not already submitted to the NMED.

##### **4.3.9.1 Accelerated Corrective Measures Work Plan**

The Permittee shall obtain approval of an Accelerated Corrective Measures Work Plan prior to implementation. The Permittee shall prepare the Work Plan in general accordance with the

requirements of Permit Section 7.2 (Reporting Requirements). The Work Plan shall be submitted to the NMED for review in accordance with the procedures in Permit Section 1.10. If the NMED disapproves the Accelerated Corrective Measures Work Plan, the NMED will notify the Permittee in writing of the Plan's deficiencies and specify a due date for submission of a revised Accelerated Corrective Measures Work Plan. The Permittee shall include an implementation schedule in the revised Accelerated Corrective Measures Work Plan.

#### **4.3.9.2 Accelerated Corrective Measures Implementation**

The Permittee shall implement the accelerated corrective measures in accordance with the approved Accelerated Corrective Measures Work Plan. Within 90 days of completion of the accelerated corrective measures, the Permittee shall submit to the NMED for approval a Remedy Completion Report in a format approved by the NMED in general accordance with Permit Section 7 (Reporting Requirements). If upon review, the NMED identifies any deficiencies in the Remedy Completion Report, the NMED will notify the Permittee in writing.

#### **4.3.10 Recordkeeping**

For each unit undergoing corrective action under this Permit, the Permittee shall retain, until completion of the post-closure care, all records of monitoring information and other pertinent data and information used to prepare the applicable documents required by this Section (4).

#### **4.4 Cleanup Levels**

The NMED's cleanup levels for protection of human health are based on excess lifetime cancer risk levels and hazard index levels that are consistent with the EPA's National Oil and Hazardous Substance Pollution Contingency Plan, 40 CFR 300.430(e)(2)(i)(A)(2). The EPA recommends a range of  $10^{-4}$  to  $10^{-6}$  lifetime excess cancer risk as acceptable. In general, the NMED has selected a target risk level of  $10^{-5}$  for establishing cleanup levels for regulated substances. The NMED has generally selected a target hazard quotient (HQ) of one for individual non-carcinogenic regulated compounds. For contamination involving two or more non-carcinogenic regulated substances, the NMED has generally selected a target hazard index (HI) of one.

Unless otherwise specifically provided in this Permit, the Permittee shall follow the cleanup and screening levels described in this Permit in implementing the corrective action requirements of this Permit. The Permittee shall comply with the adopted and established cleanup and reporting requirements described in this Permit. In addition, cleanup levels for the protection of the environment shall address ecological risk consistent with the NMED's guidance for assessing ecological risk as specified in Permit Section 4.5. In accordance with 40 CFR 270.32(b)(2) this Permit part contains terms and conditions to protect human health and the environment as determined by the NMED.

#### **4.4.1 Groundwater Cleanup Levels**

The cleanup levels for all contaminants in groundwater shall be the New Mexico Water Quality Control Commission (WQCC) groundwater quality standards, 20.6.2.3103 NMAC, the cleanup levels calculated for toxic pollutants listed in 20.6.2.7.T(2) NMAC, and the drinking water maximum contaminant levels (MCLs) adopted by EPA under the federal Safe Drinking Water Act (42 U.S.C. 300f to 300j-26) or the New Mexico Environmental Improvement Board (EIB), 20.7.10 NMAC. If both a WQCC groundwater quality standard and an MCL have been established for an individual substance, then the lower of the levels shall be the cleanup level for that substance.

The most recent version of the NMED's Tap Water Screening Levels listed in Table A-1 or as specified in other sections of the 2019 NMED Risk Assessment Guidance for Site Investigation and Remediation ((SSG), as it may be updated) shall be used to establish the cleanup level if neither a WQCC standard or an MCL has been established for a specific substance. In the absence of an NMED tap water screening level or other cleanup level listed in the SSG, the EPA Regional Screening Levels for Chemical Contaminants at Superfund Sites (RSLs, as updated) for tap water shall be used. If no WQCC groundwater standard, MCL, NMED tap water or other screening level or EPA RSL has been established for a contaminant for which toxicological information is published, the Permittee shall use a target excess cancer risk level of  $10^{-5}$  for carcinogenic substances and a HI of 1.0 for non-carcinogenic substances as the basis for proposing a groundwater cleanup level for the contaminant. If the background concentration of an inorganic constituent exceeds the standard, then the cleanup level is the background concentration for that specific substance. Any cleanup level based on a risk assessment must be submitted to the NMED for review and approval.

#### **4.4.2 Soil and Sediment**

The cleanup levels for soil and sediments shall be the cleanup levels for soil set forth in this Permit Part. If the Permittee be unable to achieve the Soil Cleanup Levels established under Permit Section 4.4.2.1, the Permittee may request a variance in accordance with Permit Section 4.6. Any cleanup level established based on a risk assessment must be submitted to the NMED for its review and approval.

##### **4.4.2.1 Soil Cleanup Levels**

The NMED has specified soil-screening levels that are based on a target total excess cancer risk of  $10^{-5}$  for carcinogenic substances and, for non-carcinogenic substances, a target HI of 1.0 for the residential land use, industrial land use, and construction worker scenarios. If the potential for migration to groundwater is applicable for a site, the NMED may determine that a dilution attenuation factor (DAF), as calculated using the NMED-approved methods described in the SSG (as updated) for contaminated soils, is appropriate to achieve clean closure. This approach

may apply at sites where the migration of contaminants through the soil column to groundwater has occurred or when the NMED determines that the potential exists for migration of contaminants through the soil column to groundwater. Soil cleanup levels shall be the target soil screening levels listed in the SSG. If a NMED soil screening level has not been established for a substance for which toxicological information is published, the soil cleanup level shall be established using the most recent version of the EPA RSL for residential and industrial soil for compounds designated as “n” (non-carcinogen effects) or ten times the EPA RSL for compounds designated “c” (carcinogen effects). The cumulative risk shall not exceed a total excess cancer risk of  $10^{-5}$  for carcinogenic substances and, for non-carcinogenic substances, a target HI of 1.0 at sites where multiple contaminants are present.

If the current and reasonably foreseeable future land use is one for which the NMED has not established soil screening levels, the Permittee may propose cleanup levels to the NMED based on a risk assessment and a target excess cancer risk level of  $10^{-5}$  for carcinogenic substances or an HI of 1.0 for NMED review and approval.

Petroleum hydrocarbons or per- and polyfluorinated alkyl substances may be detected in environmental media as the result of contaminant releases where individual hazardous constituents are not present at significant concentrations. In these cases, the Permittee shall use the most recent version of the SSG for cleanup of petroleum hydrocarbons or per- and polyfluorinated alkyl substances in soil.

#### **4.4.3 Surface Water Cleanup Levels**

The Permittee shall comply with the surface water quality standards outlined in the Clean Water Act (33 U.S.C. 1251 to 1387), the New Mexico WQCC Regulations (20.6.2 NMAC), and the State of New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC).

#### **4.4.4 Vapor Intrusion Cleanup Levels**

The NMED has specified vapor intrusion screening levels for volatile organic compounds that are based on a target total excess cancer risk of  $10^{-5}$  and, for noncarcinogenic contaminants, a target HI of one (1.0) for residential and industrial land use scenarios. The target residential and industrial vapor intrusion screening levels for selected substances are listed in NMED’s SSG (as updated). Vapor intrusion shall be evaluated for sites that meet the criteria specified in the SSG. If a contaminant is not listed in NMED’s SSG, the Permittee shall calculate the vapor intrusion screening level following the methodology specified in the SSG.

### **4.5 Ecological Risk Evaluation**

The Permittee shall derive cleanup levels for each hazardous waste and for hazardous constituents for each ecological zone at the Facility using the methods specified in NMED’s SSG

(as it may be updated). If the ecological risk evaluation indicates that a lower cleanup level for a hazardous waste or hazardous constituent in groundwater, soil, or surface water is necessary to protect environmental receptors, the NMED may establish cleanup levels based on ecological risk for hazardous waste or hazardous constituents in a selected environmental media that are lower than levels that are solely protective of human health.

#### **4.6 Variance from Cleanup Levels**

If attainment of the established cleanup level is demonstrated to be technically infeasible, the Permittee may perform a risk-based evaluation to establish alternative cleanup levels for specific media at individual corrective action units. The risk-based evaluation should be conducted in accordance with the most recent version of NMED's SSG. For groundwater, if the Permittee proposes to demonstrate the technical infeasibility of achievement of a specific groundwater cleanup level that is a WQCC standard, the applicable requirements of the WQCC Regulations, 20.6.2.4103.E NMAC, shall be followed.

For all other instances in which the Permittee seeks a variance from a cleanup level, the Permittee shall submit a demonstration to the NMED that achievement of the cleanup level is impracticable. In making such demonstration, the Permittee may consider such things as technical or physical impracticability of the project, the effectiveness of proposed solutions, the cost of the project, hazards to workers or to the public, and any other basis that may support a finding of impracticability at a particular SWMU or AOC. The Permittee may also refer to all applicable guidance concerning impracticability. In addition to demonstrating the basis for the impracticability request, the Permittee's written submission shall propose the action to be taken by the Permittee, if the NMED approves the impracticability demonstration. Such action shall include, but is not limited to, completion of a site-specific risk assessment and identification of alternate cleanup levels.

The NMED will review the Permittee's written submission concerning impracticability and determine whether achievement of the cleanup level is impracticable. The NMED may consider such things as technical or physical feasibility of the project, the effectiveness of proposed solutions, the cost of the project, hazards to workers or to the public, and any other basis that may support or refute a finding of impracticability at a particular SWMU or AOC. If the NMED approves or disapproves the Permittee's impracticability demonstration, it will notify the Permittee in writing, and such notice will describe the specific actions to be taken by the Permittee.

#### **4.7 APPROVAL OF SUBMITTALS**

All documents shall be subject to the review and approval procedures described in Permit Section 1.10.

## **METHODS AND PROCEDURES**

### **5.1 Highlights**

The Permittee must submit to the NMED, for review and written approval, site-specific work plans for sites where a release(s) of contaminants has occurred prior to the commencement of field activities where environmental investigation, corrective action, sampling, or monitoring is required. The site-specific work plans shall include all methods to be used to conduct all activities at each site or unit and shall be prepared in accordance with the format described in Permit Part 7. The Permittee shall provide notification to the NMED of corrective action field activities a minimum of 20 days prior to commencing the activity.

The methods used to conduct investigation, remediation, and monitoring activities shall be sufficient to fulfill the requirements of this Permit and provide accurate data for the evaluation of site conditions, to determine the nature and extent of contamination and contaminant migration, and for remedy selection and implementation, where necessary. The methods presented in this Permit Part (5) are minimum requirements for environmental investigation and sampling and are not intended to include all methods that may be necessary to fulfill the requirements of this Permit. The methods for conducting investigations, corrective actions, and monitoring at the Facility must be determined based on the conditions and contaminants that exist at each site.

The Permittee may propose alternate methods for data collection from those included in this Permit Part (5) for NMED approval. Such alternate methods must be approved by the NMED prior to implementation and, if approved, supersede the corresponding requirements described in this Permit Part (5).

#### **5.1.1 Standard Operating Procedures**

The Permittee shall provide brief descriptions of investigation, sampling, or analytical methods and procedures in documents submitted to the NMED that include sufficient detail to evaluate the adequacy of the method and the quality of the acquired data. The Permittee may not rely on references to Standard Operating Procedures (SOPs).

### **5.2 Investigation, Sampling, and Analyses Methods**

This Section (5.2) of the Permit provides minimum requirements for field investigations, sample collection, handling, and screening procedures, field and laboratory sample analysis, and quality assurance/quality control (QA/QC) procedures for samples of the medium being investigated or tested at the Facility. The requirements addressed in this Section (5.2) include: 1) minimum requirements for drilling and sample collection in exploratory borings and other excavations; 2) minimum requirements for sampling of the target media; 3) minimum requirements for monitoring of groundwater and vadose zone conditions; and 4) minimum required screening, analytical, and QA procedures that shall be implemented during field sampling activities and laboratory analyses.

The quality assurance procedures referenced in the previous paragraph include: 1) the Facility investigation data quality objectives; 2) the requirements for QA/QC to be followed during field investigations and by the analytical laboratories; and 3) the methods for the review and evaluation of the field and laboratory QA/QC results and documentation.

### **5.2.1 Field Exploration Activities**

The NMED may require subsurface explorations to fulfill the requirements of this Permit. Any boring locations, if required, will be determined or approved by the NMED. The depths and locations of all exploratory and monitoring well borings shall be specified in the unit-specific work plans submitted to the NMED for approval prior to the start of the respective field activities.

### **5.2.2 Subsurface Features/Utility Geophysical Surveys**

The Permittee shall conduct surveys, where appropriate, to locate underground utilities, pipelines, structures, drums, debris, and other buried features in the shallow subsurface prior to the start of field exploration activities. The methods used to conduct the surveys, such as magnetometer, ground penetrating radar, resistivity, or other methods, shall be selected based on the unique characteristics of the site and the possible or suspected underground structures. The results of the surveys shall be included in the investigation reports submitted to the NMED. The Permittee is responsible for locating and clearing all aboveground and underground utilities or other hazards at any site prior to conducting field work.

### **5.2.3 Drilling and Soil Sampling**

#### **5.2.3.1 Drilling**

Exploratory and monitoring well borings shall be drilled using the most effective, proven, and practicable method for recovery of relatively undisturbed samples and potential contaminants. The drilling methods selected for advancement of each boring must be approved by the NMED prior to the start of field activities. Based on the drilling conditions, the borings shall be advanced using one of the following methods:

1. hollow-stem auger;
2. air rotary/air down-the-hole hammer/ODEX;
3. direct push technology (DPT);
4. resonant sonic; or
5. other methods approved by the NMED.

All drilling equipment shall be in good working condition and capable of performing the assigned task. Drilling rigs and equipment shall be operated by properly trained, experienced, and responsible crews. The Permittee is responsible for ensuring that contaminants from another site or facility are not introduced into the site under investigation due to malfunctioning equipment or poor site maintenance. The drilling equipment shall be properly decontaminated before drilling each boring.

Exploratory borings shall be advanced to unit- and location-specific depths specified or approved by the NMED. The Permittee shall propose drilling depths in the site-specific work plans submitted for each subject area. Unless otherwise specified in this Permit or an approved work plan, the borings shall be advanced to the following minimum depths:

1. five feet below the deepest detected contamination;
2. five feet below the base of structures such as piping, building sumps, footings or other building structures;
3. at least ten feet below the water table; and
4. depths specified by the NMED based on specific data needs.

The Permittee shall notify the NMED as early as practicable if conditions arise or are encountered that do not allow the advancement of borings to the depths specified by the NMED or sampling at locations specified in approved work plans so that alternative actions may be discussed. Precautions shall be taken to prevent the migration of contaminants between geologic, hydrologic, or other identifiable zones during drilling and well installation activities. Contaminant zones shall be isolated from other zones encountered in the borings.

The drilling and sampling shall be accomplished under the direction of a qualified geologist or engineer who shall maintain a detailed log of the materials and conditions encountered in each boring. Both sample information and visual observations of the cuttings and core samples shall be recorded on the boring log. Known site features and/or site survey grid markers shall be used as references to locate each boring prior to surveying the location as described in Permit Section 5.2.7. The boring locations shall be measured to the nearest foot, and locations shall be recorded on a scaled site map upon completion of each boring.

### **5.2.3.2 Exploratory Excavations**

Trenching and other exploratory excavation methods shall follow the applicable general procedures outlined in this Permit. The specific methods proposed by the Permittee for subsurface explorations and sampling shall be included in the unit-specific investigation work plan submitted to the NMED. The NMED will include any changes or additional requirements for conducting exploratory excavation and sampling activities at the subject unit in its response to the Permittee after review of the investigation work plan.

### 5.2.3.3 Soil Sampling

Relatively undisturbed discrete soil samples shall be obtained during the advancement of each boring for the purpose of logging, field screening, and analytical testing. Generally, the samples shall be collected at the following intervals and depths:

1. continuously, at 2.5- or 5-foot intervals, at 5- or 10-foot intervals, or as approved by the NMED;
2. at the depth immediately below the base of the unit structures and at the fill-native soil interface;
3. at the maximum depth of each boring;
4. at the depth of encounters, during drilling, with perched saturated zones;
5. at the water table;
6. from soil types relatively more likely to sorb or retain contaminants than the surrounding lithologies;
7. at intervals suspected of being source or contaminated zones; and
8. at other intervals approved or required by the NMED.

The sampling interval for the borings may be modified, or samples may be obtained from a specific depth, based on field observations. A decontaminated split-barrel sampler, a coring device, or other method approved by the NMED shall be used to obtain samples during the drilling of each boring.

A split barrel sampler or coring device which produces a continuous relatively undisturbed sample is the preferred sampling method for borehole soil, rock, and sediment sampling. The recovered sample shall be directly placed in pre-cleaned, laboratory-prepared sample containers for laboratory chemical analysis. The use of an Encore® Sampler or other similar device is required during collection of soil samples for VOC analysis. The remaining portions of the sample shall be used for logging and field screening, as described in Permit Sections 5.2.4 and 5.2.5, respectively.

Discrete samples shall be collected for field screening and laboratory analyses. Homogenization of discrete samples collected for analyses other than for VOC and SVOC analyses shall be performed by the analytical laboratory, if homogenization is necessary. The Permittee may submit site-specific, alternative methods for homogenization of samples in the field to the NMED for approval.

Samples to be submitted for laboratory analyses shall be selected based on: 1) the results of the field screening or mobile laboratory analyses; 2) the position of the sample relative to groundwater, suspected releases, or site structures; 3) the sample location relative to former or altered site features or structures; 4) the stratigraphy encountered in the boring; and 5) the specific objectives and requirements of this Permit. The proposed number of samples and analytical parameters shall be included as part of the unit-specific work plan submitted to the NMED for approval prior to the start of field investigation activities at each unit. The work plans shall allow for flexibility in modifying the project-specific tasks based on information obtained during the course of the investigation. Modifications to site-specific work plan tasks must be approved by the NMED prior to implementation, if data quality or investigation objectives will be affected.

#### **5.2.3.4 Surface Sampling**

Surface samples shall be collected using decontaminated, hand-held stainless-steel coring device, shelly tube, thin-wall sampler or other method approved by the NMED, where surface or sediment sampling is conducted without the use of the drilling methods described in Permit Section 5.2.3.1 above. The samples shall be directly transferred to pre-cleaned laboratory prepared containers for submittal to the laboratory. Samples obtained for volatiles analysis shall be collected using Encore® or equivalent samplers, Shelby tubes, thin-wall samplers, or other method approved by the NMED.

The physical characteristics of the material (such as mineralogy, ASTM [American Society of Testing and Materials] soil classification, AGI [American Geological Institute] rock classification, moisture content, texture, color, presence of stains or odors, and/or field screening results), depth where each sample was obtained, method of sample collection, and other observations shall be recorded in the field log.

#### **5.2.3.5 Drill Cuttings (Investigation Derived Waste)**

Drill cuttings, excess sample material and decontamination fluids, and all other investigation derived waste (IDW) shall be contained and characterized using methods based on the boring location, boring depth, drilling method, and type of contaminants suspected or encountered. An IDW management plan shall be included with the unit-specific investigation work plan submitted to the NMED for approval prior to the start of field investigations. The method of containment for drill cuttings must be approved by the NMED prior to the start of drilling activities. Borings not completed as groundwater or vadose zone monitoring wells shall be properly abandoned in accordance with the methods listed in Permit Section 6.3. Borings completed as groundwater monitoring wells shall be constructed in accordance with the requirements described in Permit Section 6.2.

#### **5.2.4 Logging of Soil, Rock and Sediment Samples**

Samples obtained from all exploratory borings and excavations shall be visually inspected and the soil or rock type classified in general accordance with ASTM (American Society for Testing and Materials) D2487 (Unified Soil Classification System) and D2488 and/or AGI (American Geological Institute) Methods for soil and rock classification. Detailed logs of each boring shall be completed in the field by a qualified geologist or engineer. Additional information, such as the presence of water-bearing zones and any unusual or noticeable conditions encountered during drilling shall be recorded on the logs. Field boring logs, test pit logs, and field well construction diagrams shall be converted to the format acceptable for use in final reports submitted to the NMED.

#### **5.2.5 Soil Sample Field Screening**

Samples obtained from the borings shall be screened in the field for evidence of the presence of contaminants. Field screening results shall be recorded on the exploratory boring and excavation logs. Field screening results are used as a general guideline to determine the nature and extent of possible contamination. In addition, screening results shall be used to aid in the selection of soil samples for laboratory analysis. Field screening alone will not detect the possible presence or full nature and extent of all contaminants that may be encountered at the site.

The primary screening methods to be used shall include one or more of the following: (1) visual examination; (2) headspace vapor screening for volatile organic compounds; and (3) metals screening using X-ray fluorescence. Additional screening for site- or release-specific characteristics such as pH or for specific compounds using field test kits shall be conducted where appropriate.

Visual screening includes examination of soil samples for evidence of staining caused by petroleum-related compounds or other substances that may cause staining of natural soils such as elemental sulfur or cyanide compounds.

Headspace vapor screening targets volatile organic compounds and involves placing a soil sample in a plastic sample bag or a foil sealed container allowing space for ambient air. The container shall be sealed and then shaken gently to expose the soil to the air trapped in the container. The sealed container shall be allowed to rest for a minimum of five minutes while vapors equilibrate. Vapors present within the sample bag's headspace shall then be measured by inserting the probe of the instrument in a small opening in the bag or through the foil. The maximum value and the ambient air temperature shall be recorded on the field boring or test pit log for each sample. The monitoring instruments shall be calibrated each day to the manufacturer's standard for instrument operation. A photo-ionization detector (PID) equipped with a 9.5 or higher electron volt (eV) lamp, flame ionization detector, combustible gas indicator, or other instrument approved by the NMED shall be used for VOC field screening. The lamp strength of the PID used for field screening shall be recorded in the field logs. The limitations,

precision, and calibration of the instrument to be used for VOC field screening shall be included in the site-specific investigation work plan prepared for each unit.

X-ray fluorescence (XRF) may be used to screen soil samples for the presence of metals. XRF screening requires proper sample preparation and proper instrument calibration. Sample preparation and instrument calibration procedures shall be documented in the field logs. The methods and procedures for sample preparation and calibration shall be approved by the NMED prior to the start of field activities. Field XRF screening results for selected metals may be used in lieu of laboratory analyses upon approval by the NMED; however, the results shall, at a minimum, be confirmed by laboratory analyses at a frequency of 20 percent (1 sample per every five analyzed by field XRF analysis).

Field screening results are site- and boring-specific and the results vary with instrument type, the media screened, weather conditions, moisture content, soil type, and type of contaminant; therefore, all conditions capable of influencing the results of field screening shall be recorded on the field logs. The conditions potentially influencing field screening results shall be submitted to the NMED as part of the site-specific investigation, remediation, and/or monitoring reports.

At a minimum, samples with the greatest apparent degree of contamination, based on field observations and field screening, shall be submitted for laboratory analysis. The location of the sample relative to groundwater, stratigraphic units, and/or contacts and the proximity to significant site or subsurface features or structures also shall be used as a guideline for sample selection. In addition, samples with no or low apparent contamination, based on field screening, shall be submitted for laboratory analysis, if the intention is to confirm that the base (or other depth interval) of a boring or other sample location is not contaminated.

### **5.2.6 Soil Sample Types**

The Permittee shall collect soil samples at the frequencies stated in the approved site-specific investigation work plans for each unit. The samples collected shall be representative of the media and site conditions being investigated or monitored. QA/QC samples shall be collected to monitor the validity of the soil sample collection procedures and shall follow the following sampling protocols:

1. field duplicates shall be collected at a rate of 10 percent;
2. equipment blanks shall be collected from all sampling apparatus at a frequency of 10 percent for chemical analysis;
3. equipment blanks shall be collected at a frequency of one per day if disposable sampling equipment is used;
4. field blanks shall be collected at a frequency of one per day for each media (with the exception of air samples) at each unit; and

5. reagent blanks shall be used, if chemical analytical procedures requiring reagents are employed in the field as part of the investigation or monitoring program.

The blanks and duplicates shall be submitted for laboratory analyses associated with the project-specific contaminants, data quality concerns, and media being sampled. The resulting data shall provide information on the variability associated with sample collection, sample handling, and laboratory analysis operations.

### **5.2.7 Sample Point and Structure Location Surveying**

The horizontal coordinates and elevation of each surface sampling location, the surface coordinates and elevation of each boring or test pit, the top of each monitoring well casing, the ground surface at each monitoring well location, and the locations of all other pertinent structures shall be determined by a registered New Mexico professional land surveyor in accordance with the State Plane Coordinate System (NMSA 1978, 47-1-49 through 56 (Repl. Pamp. 1993)).

Alternate survey methods may be proposed by the Permittee in site specific work plans. Any proposed survey method must be approved by the NMED prior to implementation. The surveys shall be conducted in accordance with Sections 500.1 through 500.12 of the Regulations and Rules of the Board of Registration for Professional Engineers and Surveyors Minimum Standards for Surveying in New Mexico. Horizontal positions shall be measured to the nearest 0.1-ft, and vertical elevations shall be measured to the nearest 0.01-ft. The Permittee shall prepare site map(s), certified by a registered New Mexico professional land surveyor, presenting all surveyed locations and elevations including relevant site features and structures for submittal with all associated reports to the NMED.

### **5.2.8 Subsurface Vapor-phase Monitoring and Sampling**

Samples of subsurface vapors shall be collected from vapor monitoring points from discrete zones, selected based on investigation and field screening results, and as total well subsurface vapor samples as required by the NMED.

The Permittee shall, at a minimum, collect field measurements of the following:

1. organic vapors (using a photo-ionization detector with a 10.6 or higher eV (electron volt) lamp, a flame ionization detector, a combustible gas indicator, or other method approved by the NMED) and, if applicable;
2. percent oxygen;
3. percent carbon dioxide;
4. static subsurface pressure; and
5. other parameters (e.g., carbon monoxide, hydrogen sulfide) as required by the NMED.

The Permittee also shall collect vapor samples for laboratory analysis of the following as required:

1. percent moisture;
2. VOCs; and
3. other analytes required by the NMED.

Vapor samples analyzed by the laboratory for percent moisture and VOCs shall be collected using SUMMA canisters or other sample collection method approved by the NMED. The samples shall be analyzed for VOC concentrations by EPA Method TO-15, as updated, or equivalent VOC analytical method.

Field vapor measurements, the date and time of each measurement, and the instrument used, shall be recorded on a vapor monitoring data sheet. The instruments used for field measurements shall be calibrated daily in accordance with the manufacturer's specifications and as described in Permit Section 5.5.3. The methods used to obtain vapor-phase field measurements and samples must be approved by the NMED in writing prior to the start of air monitoring at each Facility site where vapor-phase monitoring is conducted.

Total well vapor sampling and vapor monitoring shall be conducted by sealing the top of the well with a cap containing a sample port. Polyethylene, Teflon or other nonreactive tubing shall be used to connect the sample port to a low-velocity pump not associated with a field instrument. The well shall be purged of a minimum of five well volumes prior to collection of samples or field measurements. If a sample is not being obtained for laboratory analysis, the well may be purged using the field instrument pump. SUMMA canisters, Tedlar bags, or field instruments shall draw effluent from the pump discharge either directly or through polyethylene, Teflon, or other nonreactive tubing. All connections between the wellhead, the instruments, and sample containers must be airtight.

## **5.2.9 Groundwater and Monitoring**

### **5.2.9.1 Groundwater Levels**

Groundwater level measurements shall be obtained at intervals required by the NMED. Groundwater levels also shall be obtained prior to purging in preparation for a sampling event. Measurement data and the date and time of each measurement shall be recorded on a site monitoring data sheet. The depth to groundwater levels shall be measured to the nearest 0.01 ft. The depth to groundwater shall be recorded relative to the surveyed well casing rim or other surveyed datum. The method of water level measurements shall be approved by the NMED. Groundwater levels shall be measured in all wells within 48 hours of the start of obtaining water level measurements.

### **5.2.9.2 Groundwater Sampling**

Groundwater samples shall initially be obtained from newly constructed monitoring wells no later than five days after the completion of well development. All monitoring wells scheduled for sampling during a groundwater sampling event shall be sampled within 15 days of the start of the monitoring and sampling event. The Permittee shall sample all saturated zones screened to

allow entry of groundwater into each monitoring well during each sampling event. All requests for variances from the groundwater sampling schedule shall be submitted to the NMED, in writing, at least 30 days prior to the start of scheduled monitoring and sampling events. Groundwater samples shall be collected from all exploratory borings not intended to be completed as monitoring wells prior to abandonment of the borings, where practicable, unless otherwise specified in a NMED-approved work plan.

Water samples shall be analyzed for one or more of the following general chemistry parameters as required by the NMED:

nitrate/nitrite	sulfate	chloride	dissolved CO2
alkalinity	carbonate/ bicarbonate	fluoride	manganese
calcium	biological activity testing	ferric/ferrous iron	ammonia
potassium	magnesium	phosphate	sodium
methane	pH	total organic carbon (TOC)	total kjeldahl nitrogen (TKN)
dissolved oxygen (DO)	Oxidation-reduction potential (ORP)	total suspended solids (TSS)	electrical conductivity (EC)
temperature	total dissolved solids (TDS)	stable isotopes	Any additional analytes required by the NMED

### 5.2.10 Well Purging

All zones in each monitoring well shall be purged by removing groundwater prior to sampling in order to ensure that formation water is being sampled. Purge volumes shall be determined by monitoring, at a minimum, groundwater pH, specific conductance, dissolved oxygen concentrations, oxidation-reduction potential, and temperature during purging of volumes and at measurement intervals approved by the NMED.

The groundwater quality parameters shall be measured using instruments approved by the NMED. The volume of groundwater purged, the instruments used, and the readings obtained at

each interval shall be recorded on the field-monitoring log. Water samples may be obtained from the well after the measured parameters of the purge water have stabilized to within ten percent (0.1 for pH) for three consecutive measurements. Field water quality parameters shall be compared to historical data to ensure that the measurements are indicative of formation water.

The Permittee may submit to the NMED for approval a written request for a variance from the described methods of well purging for individual wells no later than 90 days prior to scheduled sampling activities.

#### **5.2.10.1 Groundwater Sample Collection**

Groundwater samples shall be obtained from each well after a sufficient amount of water has been removed from the well casing to ensure that the sample is representative of formation water. Groundwater samples shall be obtained using methods approved by the NMED within 24 hours of the completion of well purging. Sample collection methods shall be documented in the field monitoring reports. The samples shall be transferred to the appropriate, clean, laboratory-prepared containers provided by the analytical laboratory. Sample handling and chain-of-custody procedures are described in Permit Section 5.3.6. Decontamination procedures shall be established for reusable water sampling equipment as described in Permit Section 5.3.8.

All purged groundwater and decontamination water shall be characterized prior to disposal. The methods for disposal of purge/decontamination water must be approved by the NMED prior to disposal. Disposable materials shall be handled as described in Permit Section 5.3.10.

Groundwater samples intended for metals analysis shall be submitted to the laboratory as total metals samples. If required by the NMED, the Permittee shall obtain groundwater samples for dissolved metals analysis to be filtered using disposable in-line filters with a 0.10 micron, 0.45 micron, or other mesh size approved by the NMED.

PFAS sampling and analytical methods are evolving and more effective and precise field and laboratory analytical methods will likely be developed in the future. As improved methods become accepted, the use of such methods is required as applicable. At a minimum, the following practices, as they may be updated, shall follow until improved methods become available:

EPA ran time-based studies on degradation or loss of target analytes during sample storage (45 days) and assessed the effects of different sample vessel materials (e.g., plastic, glass) on analyte recovery. Based on these studies, the SW-846 methods under development will utilize PFAS-free, high-density polyethylene containers; whole sample preparation; and sample holding times of 28 days. EPA also developed guidelines for field sampling, which are critical for minimizing sample contamination and optimizing data quality for site characterization and remediation. (USEPA, September 2018, Technical Brief, Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), EPA/600/F-17/022d)

Due to the widespread use of PFAS, many materials normally used in field and laboratory operations contain PFAS. For example, polytetrafluoroethylene products (tubing, sample containers, and sampling tools) are often used in sampling; however, because these products can contain PFAS, they cannot be used in sampling for PFAS. In addition, many consumer goods, such as water-resistant jackets or fast-food wrappers, brought to a sampling site may contain PFAS that can contaminate samples. Proper field sampling and laboratory hygiene protocols are critical to ensuring that testing results reflect actual PFAS levels in the analyzed media. (USEPA, September 2018, Technical Brief, Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), EPA/600/F-17/022d)

EPA developed Analytical Method 537 and 533 for the determination of selected per- and polyfluorinated alkyl acids in drinking water by solid phase extraction isotope dilution, and liquid chromatography/tandem mass spectroscopy (LC/MS/MS). Section 8, Sample Collection, Preservation, and Storage, of Method 537 details the field sample collection procedure as follows (USEPA, September 2009, Method 537. Determination of Selected Perfluorinated Alkyl Acids in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS), EPA/600/R-08/092):

Samples must be collected in a 250-mL polypropylene bottle fitted with a polypropylene screw-cap. 5 grams/ liter of the preservation reagent Trizma<sup>®</sup> must be added to each sample bottle, for water sample that contain residual chlorine, as a solid prior to shipment to the field. The sample handler must wash their hands before sampling and wear nitrile gloves while filling and sealing the sample bottles. PFAA contamination during sampling can occur from a number of common sources, such as food packaging and certain foods and beverages. Proper hand washing and wearing nitrile gloves will aid in minimizing this type of accidental contamination of the samples. Fill sample bottles, taking care not to flush out the sample preservation reagent. Samples do not need to be collected headspace free.

After collecting the sample, cap the bottle and agitate by hand until Trizma preservative is dissolved. Keep the sample sealed from time of collection until extraction. A laboratory-supplied field reagent blank and an empty sample bottle must accompany the sample containers. At the sampling site, the sampler must transfer the preserved reagent water into the empty shipped sample bottle, seal and label this bottle as the field reagent blank (FRB). The FRB must be shipped to the laboratory along with the samples and analyzed to ensure that PFAAs were not introduced into the sample during sample collection or handling. Samples must be chilled during shipment and must not exceed 10 °C during the first 48 hours after collection. Sample temperature must be confirmed to be at or below 10 °C when the samples are received at the laboratory.

### **5.2.11 Groundwater Sample Types**

Groundwater samples shall be collected from each monitoring well, and remediation system samples shall be collected as required by the NMED. Field duplicates, field blanks, equipment rinsate blanks, reagent blanks, if necessary, and trip blanks shall be obtained for quality assurance during groundwater and other water sampling activities. The samples shall be handled as described in Permit Section 5.3.6.

Field duplicate water samples shall be obtained at a minimum frequency of ten percent. At a minimum, one duplicate sample per sampling event shall always be obtained.

Field blanks shall be obtained at a minimum frequency of one per day per site or unit. Field blanks shall be generated by filling sample containers in the field with deionized water and submitting the samples, along with the groundwater or surface water samples, to the analytical laboratory for the appropriate analyses.

Equipment rinsate blanks shall be obtained for chemical analysis at the rate of ten percent or a minimum of one rinsate blank per sampling day. Equipment rinsate blanks shall be collected at a rate of one per sampling day if disposable sampling apparatus is used. Rinsate samples shall be generated by rinsing deionized water through unused or decontaminated sampling equipment. The rinsate sample shall then be placed in the appropriate sample container and submitted with the groundwater or surface water samples to the analytical laboratory for the appropriate analyses.

Reagent blanks shall be obtained at a frequency of 20 percent or a minimum of one per day per unit if chemical analyses requiring the use of chemical reagents are conducted in the field during water sampling activities.

Trip blanks shall accompany laboratory sample bottles and shipping and storage containers intended for VOC analyses. Trip blanks shall consist of a sample of analyte-free deionized water prepared by the laboratory and placed in an appropriate sample container. The trip blank shall be prepared by the analytical laboratory prior to the sampling event and shall be kept with the shipping containers and placed with other water samples obtained from the site each day. Trip blanks shall be analyzed at a frequency of one for each shipping container of samples.

### **5.2.12 Sample Handling**

At a minimum, the following procedures shall be used at all times when collecting samples during investigation, corrective action, and monitoring activities:

1. neoprene, nitrile, or other protective gloves shall be worn when collecting samples. New disposable gloves shall be used to collect each sample;
2. all samples collected from each medium for chemical analysis shall be transferred into clean sample containers supplied by the project analytical laboratory with the exception

of soil, rock, and sediment samples obtained in brass sleeves or in Encore® or equivalent samplers. Upon recovery of the sample collected using split barrel samplers with brass sleeves, the brass sleeves shall be removed from the split barrel sampler and the open ends of the sleeves shall be lined with Teflon tape or foil and sealed with plastic caps. The caps shall be fastened to the sleeve with tape for storage and shipment to the analytical laboratory. The sample depth and the top of the sample shall be clearly marked. Sample container volumes and preservation methods shall be in accordance with the most recent standard EPA SW 846 and established industry practices for use by accredited analytical laboratories. Sufficient sample volume shall be obtained for the laboratory to complete the method-specific QC analyses on a laboratory-batch basis; and

3. sample labels and documentation shall be completed for each sample following procedures approved by the NMED. Immediately after the samples are collected, they shall be stored in a cooler with ice or other appropriate storage method until they are delivered to the analytical laboratory. Standard chain-of-custody procedures, as described in Permit Section 5.4.1, shall be followed for all samples collected. All samples shall be submitted to the laboratory soon enough to allow the laboratory to conduct the analyses within the method holding times. At a minimum, all samples shall be submitted to the laboratory within 48 hours after their collection.

Shipment procedures shall include the following:

1. individual sample containers shall be packed to prevent breakage and transported in a sealed cooler with ice or other suitable coolant or other EPA or industry-wide accepted method. The drain hole at the bottom of the cooler shall be sealed and secured in case of sample container leakage. Temperature blanks shall be included with each shipping container;
2. each cooler or other container shall be delivered directly to the analytical laboratory;
3. glass bottles shall be separated in the shipping container by cushioning material to prevent breakage;
4. plastic containers shall be protected from possible puncture during shipping using cushioning material;
5. the chain-of-custody form and sample request form shall be shipped inside the sealed storage container to be delivered to the laboratory;
6. chain-of-custody seals shall be used to seal the sample-shipping container in conformance with EPA protocol; and

7. signed and dated chain-of-custody seals shall be applied to each cooler prior to transport of samples from the site.

All sample collection procedures shall follow the EPA and industry-accepted methods appropriate for the intended analyses.

### **5.2.13 In-situ Testing**

In-situ permeability tests, remediation system pilot tests, stream flow tests, and other tests conducted to evaluate site and subsurface conditions shall be designed to accommodate specific site conditions and to achieve the test objectives. The testing methods must be approved by the NMED prior to implementation. The tests shall be conducted in order to appropriately represent site conditions and in accordance with EPA, USGS, ASTM, or other methods generally accepted by the industry. Detailed logs of all relevant site conditions and measurements shall be maintained during the testing events. If required by the NMED, a summary of the general test results, including unexpected or unusual test results and equipment failures or testing limitations, shall be reported to the NMED within 30 days of completion of the test. The summary shall be presented in a format acceptable to the NMED and in general accordance with the report formats outlined in Permit Part 7. A formal report summarizing the results of each test shall be submitted to the NMED within 120 days of completion of each test or other time frame approved by the NMED.

### **5.2.14 Decontamination Procedures**

The objective of the decontamination procedures is to minimize the potential for cross-contamination. A designated decontamination area shall be established for decontamination of drilling equipment, reusable sampling equipment, and well materials. The drilling rig shall be decontaminated prior to entering the site or unit. Drilling equipment or other exploration equipment that may come in contact with the borehole shall be decontaminated by steam cleaning, hot-water pressure washing, or other methods approved by the NMED prior to drilling each new boring.

Sampling or measurement equipment, including but not limited to, stainless steel sampling tools, split-barrel or core samplers, well developing or purging equipment, groundwater quality measurement instruments, and water level measurement instruments, shall be decontaminated in accordance with the following procedures or other methods approved by the NMED before each sampling attempt or measurement:

1. brush equipment with a wire or other suitable brush, if necessary or practicable, to remove large particulate matter;
2. rinse with potable tap water;
3. wash with nonphosphate detergent or other detergent approved by the NMED (e.g., Liqui-Nox®) followed by a tap water rinse;
4. rinse with 0.1 M nitric acid (to remove trace metals, if necessary) followed by a tap water rinse;

5. rinse with methanol (to remove organic compounds, if necessary) followed by a tap water rinse,
6. rinse with potable tap water; and
7. double rinse with deionized water.

All decontamination solutions shall be collected and stored temporarily as described in Permit Section 5.3.16. Decontamination procedures and the cleaning agents used shall be documented in the daily field log.

### **5.2.15 Field Equipment Calibration Procedures**

Field equipment requiring calibration shall be calibrated to known standards, in accordance with the manufacturers' recommended schedules and procedures. At a minimum, calibration checks shall be conducted daily, or at other intervals approved by the NMED, and the instruments shall be recalibrated, if necessary. Calibration measurements shall be recorded in the daily field logs. If field equipment becomes inoperable, its use shall be discontinued until the necessary repairs are made. In the interim, a properly calibrated replacement instrument shall be used.

### **5.2.16 Collection and Management of Investigation Derived Waste**

Investigation derived waste (IDW) includes general refuse, drill cuttings, excess sample material, water (decontamination, development and purge), and disposable equipment generated during the course of investigation, corrective action, or monitoring activities. All IDW shall be properly characterized and disposed of in accordance with all federal, State, and local rules and regulations for storage, labeling, handling, transport, and disposal of waste. The Permittee shall submit an IDW management and disposal plan as part of all work plans submitted to the NMED for approval prior to disposal of any IDW produced during investigation, corrective action, or monitoring activities.

All water generated during sampling and decontamination activities shall either be temporarily stored at satellite accumulation areas or transfer stations in labeled 55-gallon drums or other containers approved by the NMED until proper characterization and disposal can be arranged. The IDW may be characterized for disposal based on the known or suspected contaminants potentially present in the waste. The methods for waste characterization and disposal of IDW must be approved by the NMED prior to disposal.

### **5.2.17 Documentation of Field Activities**

Daily field activities, including observations and field procedures, shall be recorded on appropriate forms. The original field forms shall be maintained at the Facility. Copies of the completed forms shall be maintained in a bound and sequentially numbered field file for reference during field activities. Indelible ink shall be used to record all field activities.

Photographic documentation of field activities shall be performed, as appropriate. The daily record of field activities shall include the following:

1. site or unit designation;
2. date;
3. time of arrival and departure;
4. field investigation team members including subcontractors and visitors;
5. weather conditions;
6. daily activities and times conducted;
7. observations;
8. record of samples collected with sample designations and locations specified;
9. photographic log;
10. field monitoring data, including health and safety monitoring;
11. equipment used and calibration records, if applicable;
12. list of additional data sheets and maps completed;
13. an inventory of the waste generated and the method of storage or disposal; and
14. signature of personnel completing the field record.

#### **5.2.18 Sample Custody**

All samples collected for analysis shall be recorded in the field report or data sheets. Chain-of-custody forms shall be completed at the end of each sampling day, prior to the transfer of samples off site, and shall accompany the samples during shipment to the laboratory. A signed and dated custody seal shall be affixed to the lid of the shipping container. Upon receipt of the samples at the laboratory, the custody seals will be broken, the chain-of-custody form shall be signed as received by the laboratory, and the conditions of the samples shall be recorded on the form. The original chain-of-custody form shall remain with the laboratory and copies shall be returned to the relinquishing party. The Permittee shall maintain copies of all chain-of-custody forms generated as part of sampling activities. Copies of the chain-of-custody records shall be included with all draft and final laboratory reports submitted to the NMED.

#### **5.3 Chemical Analyses**

The Permittee shall submit all samples for laboratory analysis to accredited contract laboratories. The laboratories shall use the most recent standard EPA and industry-accepted analytical methods for target analytes as the testing methods for each medium sampled. Chemical analyses shall be performed in accordance with the most recent EPA standard analytical methodologies and extraction methods.

The Permittee shall submit a list of analytes and analytical methods to the NMED for approval as part of each site-specific investigation, corrective measures, or monitoring work plan. The detection and reporting limits for each method shall be less than applicable background, screening, and regulatory cleanup levels. The preferred method reporting (practical quantitation) limits are a maximum of 20 percent of the cleanup, screening, or background levels. Analyses conducted with detection limits that are greater than applicable background, screening, and

regulatory cleanup levels shall be considered data quality exceptions and the reasons for the elevated detection limits shall be reported to the NMED. Sample analyses with detection limits greater than applicable background, screening, and regulatory cleanup levels shall not be used for risk assessment or compliance purposes.

### **5.3.1 Laboratory QA/QC Requirements**

The following requirements for laboratory QA/QC procedures shall be considered the minimum QA/QC standards for the laboratories employed by the Permittee that provide analytical services for environmental investigation, corrective action, and monitoring activities conducted at the Facility. The Permittee shall provide the names of the contract analytical laboratories and copies of the laboratory quality assurance manuals to the NMED, if requested, within 180 days of awarding a contract for analytical services to any contract laboratory.

### **5.3.2 Quality Assurance Procedures**

Contract analytical laboratories shall maintain internal quality assurance programs in accordance with EPA and industry accepted practices and procedures. At a minimum, the laboratories shall use a combination of standards, blanks, surrogates, duplicates, matrix spike/matrix spike duplicates (MS/MSD), blank spike/blank spike duplicates (BS/BSD), and laboratory control samples to demonstrate analytical QA/QC. The laboratories shall establish control limits for individual chemicals or groups of chemicals based on the long-term performance of the test methods. In addition, the laboratories shall establish internal QA/QC that meets EPA's laboratory certification requirements. The specific procedures to be completed are identified in the following sections.

### **5.3.3 Equipment Calibration Procedures and Frequency**

The laboratory's equipment calibration procedures, calibration frequency, and calibration standards shall be in accordance with the EPA test method requirements and documented in the laboratory's quality assurance and SOP manuals. All instruments and equipment used by the laboratory shall be operated, calibrated, and maintained according to manufacturers' guidelines and recommendations. Operation, calibration, and maintenance shall be performed by personnel who have been properly trained in these procedures. A routine schedule and record of instrument calibration and maintenance shall be kept on file at the laboratory.

### **5.3.4 Laboratory QA/QC Samples**

Analytical procedures shall be evaluated by analyzing reagent or method blanks, surrogates, MS/MSDs, BS/BSDs, and laboratory duplicates, as appropriate for each method. The laboratory QA/QC samples and frequency of analysis to be completed shall be documented in the cited EPA, ASTM or other test methods. At a minimum, the laboratory shall analyze laboratory blanks, MS/MSDs, BS/BSDs, and laboratory duplicates at a frequency of one in twenty for all batch runs requiring EPA test methods and at a frequency of one in ten for non-EPA test methods. Laboratory batch QA/QC samples shall be specific to the project.

### **5.3.5 Laboratory Deliverables**

The analytical data package submitted to the NMED shall be prepared in accordance with EPA-established Level II analytical support protocol. The laboratory analytical data package shall be prepared in accordance with EPA-established Level III or IV analytical support protocol, which must be kept on file by the contract laboratory and submitted to the Permittee upon request. Any or all of the following items also shall be made available to the NMED upon request:

1. transmittal letter, including information about the receipt of samples, the testing methodology performed, any deviations from the required procedures, any problems encountered in the analysis of the samples, any data quality exceptions, and any corrective actions taken by the laboratory relative to the quality of the data contained in the report;
2. sample analytical results, including sampling date; date of sample extraction or preparation; date of sample analysis; dilution factors and test method identification; soil, rock, or sediment sample results in consistent units (mg/kg) or micrograms per kilogram ( $\mu\text{g}/\text{kg}$ ) in dry-weight basis; water sample results in consistent units (milligrams per liter (mg/L) or micrograms per liter ( $\mu\text{g}/\text{L}$ )); vapor sample results in consistent units (ppmv or  $\mu\text{g}/\text{m}^3$ ); and detection limits for undetected analytes; results shall be reported for all field samples, including field duplicates and blanks, submitted for analysis;
3. method blank results, including detection limits for undetected analytes;
4. surrogate recovery results and corresponding control limits for samples and method blanks (organic analyses only);
5. MS/MSD and/or BS/BSD spike concentrations, percent recoveries, relative percent differences (RPDs), and corresponding control limits;
6. laboratory duplicate results for inorganic analyses, including relative percent differences and corresponding control limits;
7. sample chain-of-custody documentation;
8. holding times and conditions;
9. conformance with required analytical protocol(s);
10. instrument calibration;
11. blanks;

12. detection/quantitation limits;
13. recoveries of surrogates;
14. variability for duplicate analyses;
15. completeness;
16. data report formats;
17. the following data deliverables for organic compounds shall be required from the laboratory:
  - a. a cover letter referencing the procedure used and discussing any analytical problems, deviations, and/or modifications, including a signature from authority representative certifying to the quality and authenticity of data as reported;
  - b. report of sample collection, extraction, and analysis dates, including sample holding conditions;
  - c. tabulated results for samples in units as specified, including data qualification in conformance with EPA protocol, and definition of data descriptor codes;
  - d. reconstructed ion chromatograms for gas chromatograph/mass spectrometry (GC/MS) analyses for each sample and standard calibration;
  - e. selected ion chromatograms and mass spectra of detected target analytes (GC/MS) for each sample and calibration with associated library/reference spectra;
  - f. gas chromatograph/electron capture device (GC/ECD) and/or gas chromatograph/flame ionization detector (GC/FID) chromatograms for each sample and standard calibration;
  - g. raw data quantification reports for each sample and calibrations, including areas and retention times for analytes, surrogates, and internal standards;
  - h. a calibration data summary reporting calibration range used and a measure of linearity (include decafluorotriphenylphosphine (DFTPP) and p-bromofluorobenzene (BFB) spectra and compliance with tuning criteria for GC/MS);

- i. final extract volumes (and dilutions required), sample size, wet-to-dry weight ratios, and instrument practical detection/quantitation limit for each analyte;
  - j. analyte concentrations with reporting units identified, including data qualification in conformance with the CLP Statement of Work (SOW) (include definition of data descriptor codes);
  - k. quantification of analytes in all blank analyses, as well as identification of method blank associated with each sample;
  - l. recovery assessments and a replicate sample summary, including all surrogate spike recovery data with spike levels/concentrations for each sample and all MS/MSD results (recoveries and spike amounts); and
  - m. report of tentatively identified compounds with comparison of mass spectra to library/reference spectra; and
18. the following data deliverables for inorganic compounds shall be required from the laboratory:
- a. a cover letter referencing the procedure used and discussing any analytical problems, deviations, and modifications, including signature from authority representative certifying to the quality and authenticity of data as reported;
  - b. report of sample collection, digestion, and analysis dates, with sample holding conditions;
  - c. tabulated results for samples in units as specified, including data qualification in conformance with the CLP SOW (including definition of data descriptor codes);
  - d. results of all method QA/QC checks, including inductively coupled plasma (ICP) Interference Check Sample and ICP serial dilution results;
  - e. tabulation of instrument and method practical detection/quantitation limits;
  - f. raw data quantification report for each sample;
  - g. a calibration data summary reporting calibration range used and a measure of linearity, where appropriate;
  - h. final digestate volumes (and dilutions required), sample size, and wet-to-dry weight ratios;

- i. quantification of analytes in all blank analyses, as well as identification of method blank associated with each sample; and
- j. recovery assessments and a replicate sample summary, including post-digestate spike analysis; all MS data (including spike concentrations) for each sample, if accomplished; all MS results (recoveries and spike amounts); and laboratory control sample analytical results).

The Permittee shall present summary tables of these data in the general formats described in Permit Part 7. The raw analytical data, including calibration curves, instrument calibration data, data calculation work sheets, and other laboratory support data for samples from this project, shall be compiled and kept on file at either the contract laboratory or the Facility for reference. The Permittee shall make the data available to the NMED upon request.

### **5.3.6 Review of Field and Laboratory QA/QC Data**

The Permittee shall evaluate the sample data, field, and laboratory QA/QC results for acceptability with respect to the data quality objectives (DQOs). Each group of samples shall be compared with the DQOs and evaluated using data validation guidelines contained in EPA guidance documents and the most recent version of SW-846, and industry-accepted QA/QC methods and procedures.

The Permittee shall require the laboratory to notify the Facility project manager of data quality exceptions within one business day in order to allow for sample re-analysis, if possible. The Facility project manager shall contact the NMED within one business day of receipt of laboratory notification of data quality exceptions in order to discuss the implications and determine whether the data will still be considered acceptable or if sample re-analysis or resampling is necessary. The Facility project manager shall summarize the results of the discussion with the NMED project leader regarding the data quality exceptions in a memorandum. The Permittee shall submit the memorandum to the NMED by fax or electronic mail within two business days of the conclusion of the data quality discussion.

### **5.3.7 Blanks, Field Duplicates, Reporting Limits and Holding Times**

#### **5.3.7.1 Blanks**

The analytical results of field blanks and field rinsate blanks shall be reviewed to evaluate the adequacy of the equipment decontamination procedures and the possibility of cross-contamination caused by decontamination of sampling equipment. The analytical results of trip blanks shall be reviewed to evaluate the possibility for contamination resulting from the laboratory-prepared sample containers or the sample transport containers. The analytical results of laboratory blanks shall be reviewed to evaluate the possibility of contamination caused by the analytical procedures. If contaminants are detected in field or laboratory blanks, the sample data shall be qualified, as appropriate.

### **5.3.7.2 Field Duplicates**

Field duplicates shall consist of two samples either split from the same sample device or collected sequentially. Field duplicate samples shall be collected at a minimum frequency of 10 percent of the total number of samples submitted for analysis. Relative percent differences for field duplicates shall be calculated. A precision of no more than 20 percent for duplicates shall generally be considered acceptable for soil sampling conducted at the Facility. The analytical DQO for precision shall be used for water duplicates. The highest concentration(s) data results from duplicate/replicate sampling must be presented and discussed in reports.

### **5.3.7.3 Method Reporting Limits**

Method reporting limits for sample analyses for each medium shall be established at the lowest level practicable for the method and analyte concentrations and shall not exceed soil, groundwater, surface water, or vapor emissions background levels, cleanup standards, or screening levels. The preferred method detection limits are a maximum of 20 percent of the background, screening, or cleanup levels. Detection limits that exceed established soil, groundwater, surface water, or air emissions cleanup standards, screening levels, or background levels and are reported as “not detected” or “estimated” shall be considered data quality exceptions and an explanation for the exceedance and its acceptability for use shall be provided. Sample analyses with detection limits greater than applicable background, screening, and regulatory cleanup levels shall not be used for risk assessment or compliance purposes.

### **5.3.7.4 Holding Times**

The Permittee shall review the sampling, extraction, and analysis dates to confirm that extraction and analyses were completed within the recommended holding times as specified by EPA protocol. Appropriate data qualifiers shall be noted if holding times were exceeded.

## **5.3.8 Representativeness and Comparability**

### **5.3.8.1 Representativeness**

Representativeness is a qualitative parameter related to the degree to which the sample data represent the relevant specific characteristics of the media sampled. The Permittee shall implement procedures to assure representative samples are collected and analyzed, such as repeated measurements of the same parameter at the same location over several distinct sampling events. The Permittee shall note any procedures or variations that may affect the collection or analysis of representative samples and shall qualify the data.

### **5.3.8.2 Comparability**

Comparability is a qualitative parameter related to whether similar sample data can be compared. To assure comparability, the Permittee shall report analytical results in appropriate units for

comparison with other data (past studies, comparable sites, screening levels, and cleanup standards), and shall implement standard collection and analytical procedures. Any procedure or variation that may affect comparability shall be noted and the data shall be qualified.

### **5.3.9 Laboratory Reporting, Documentation, Data Reduction, and Corrective Action**

Upon receipt of each laboratory data package, data shall be evaluated against the criteria outlined in the sections above. Any deviation from the established criteria shall be noted and the data will be qualified. A full review and discussion of analytical data QA/QC and all data qualifiers shall be submitted as appendices or attachments to investigation and monitoring reports prepared in accordance with Permit Part 7. Data validation procedures for all samples shall include checking the following, when appropriate:

1. holding times;
2. detection limits;
3. field equipment rinsate blanks;
4. field blanks;
5. field duplicates;
6. trip blanks;
7. reagent blanks;
8. laboratory duplicates;
9. laboratory blanks;
10. laboratory matrix spikes;
11. laboratory matrix spike duplicates;
12. laboratory blank spikes;
13. laboratory blank spike duplicates; and
14. surrogate recoveries.

If significant quality assurance problems are encountered, appropriate corrective action shall be implemented. All corrective action shall be defensible, and the corrected data shall be qualified.

## **MONITORING WELL CONSTRUCTION REQUIREMENTS**

Vadose zone or groundwater monitoring wells required to be constructed at the Facility must be installed in accordance with this Permit Part. General drilling procedures are presented in Permit Section 5.1 and monitoring well construction requirements are presented in Permit Section 5.2.

### **6.1 Drilling Methods**

Vadose zone and groundwater monitoring wells and piezometers must be designed and constructed in a manner that will yield high quality samples, ensure the well will last the duration of the project, and ensure the well will not serve as a conduit for contaminants to migrate between different stratigraphic units or aquifers. The design and construction of monitoring wells shall comply with the guidelines established in various EPA RCRA guidance, including, but not limited to:

1. U.S. EPA, RCRA Groundwater Monitoring: Draft Technical Guidance, EPA/530-R-93-001, November 1992;
2. U.S. EPA, RCRA Groundwater Monitoring Technical Enforcement Guidance Document, OSWER-9950.1, September 1986; and
3. Aller, L., Bennett, T.W., Hackett, G., Petty, R.J., Lehr, J.H., Sedoris, H., Nielsen, D.M., and Denne, J.E., Handbook of Suggested Practices for the Design and Installation of Groundwater Monitoring Wells, EPA 600/4-89/034, 1989.

A variety of methods are available for drilling monitoring wells. While the selection of the drilling procedure is usually based on the site-specific geologic conditions, the following issues shall also be considered:

1. drilling shall be performed in a manner that minimizes impacts to the natural properties of the subsurface materials;
2. contamination and cross-contamination of groundwater and aquifer materials during drilling shall be avoided;
3. the drilling method shall allow for the collection of representative samples of rock, unconsolidated materials, and soil;
4. the drilling method shall allow the Permittee to determine when the appropriate location for the screened interval(s) has been encountered; and
5. the drilling method shall allow for the proper placement of the filter pack and annular sealants. The borehole diameter shall be at least four inches larger in diameter than the nominal diameter of the well casing and screen to allow adequate space for placement of the filter pack and annular sealants.

The drilling method shall allow for the collection of representative vadose zone and groundwater samples. Drilling fluids (including air) shall be used only when minimal impact to the surrounding formation and groundwater can be ensured.

A brief description of the different drilling methods that may be appropriate for the construction of monitoring wells at the Facility follows. Many of these methods may be used alone, or in combination, to install monitoring wells at the Facility. While the selection of the specific drilling procedure will usually depend on the site-specific geologic conditions, justification for the method selected must be provided to the NMED.

### **6.1.1 Hollow-Stem Auger**

The hollow-stem continuous flight auger consists of a hollow, steel shaft with a continuous, spiraled steel flight welded onto the exterior side of the stem. The stem is connected to an auger bit and, when rotated, transports cuttings to the surface. The hollow stem of the auger allows drill rods, split-spoon core barrels, Shelby tubes, and other samplers to be inserted through the center of the auger so that samples may be retrieved during the drilling operations. The hollow stem also acts to temporarily case the borehole, so that the well screen and casing (riser) may be inserted down through the center of the augers once the desired depth is reached, minimizing the risk of possible collapse of the borehole.

A bottom plug or pilot bit can be fastened onto the bottom of the augers to keep out most of the soils and/or water that have a tendency to clog the bottom of the augers during drilling. Drilling without a center plug is acceptable provided that the soil plug, formed in the bottom of the auger, is removed before sampling or installing well casings. The soil plug can be removed by washing out the plug using a side discharge rotary bit or auger advancement through the plug with a solid-stem auger bit sized to fit inside the hollow-stem auger. In situations where heaving sands are a problem, potable water may be poured into the augers to equalize the pressure so that the inflow of formation materials and water shall be held to a minimum when the bottom plug is removed. The hollow-stem auger method is best suited for drilling in relatively shallow soils and unconsolidated sediments.

### **6.1.2 Air Rotary/Air Down-The Hole Hammer/ODEX**

The air rotary method consists of a drill pipe or drill stem coupled to a drill bit that rotates and cuts through soils and rock. The cuttings produced from the rotation of the drilling bit are transported to the surface by compressed air, which is forced down the borehole through the drill pipe and returns to the surface through the annular space (between the drill pipe and the borehole wall). The circulation of the compressed air not only removes the cuttings from the borehole but also helps to cool the drill bit. The use of air rotary drilling is best suited for hard-rock formations. In soft unconsolidated formations, casing is driven to keep the formation from caving.

When using air rotary, the air compressor shall have an in-line filter system to filter the air coming from the compressor. The filter system shall be inspected regularly to ensure that the

system is functioning properly. In addition, a cyclone velocity dissipater or similar air containment/dust-suppression system shall be used to funnel the cuttings to one location instead of allowing the cuttings to discharge uncontrolled from the borehole. Air rotary that employs the dual-tube (reverse circulation) drilling system is acceptable because the cuttings are contained within the drill stem and are discharged through a cyclone velocity dissipater to the ground surface.

The injection of air into the borehole during air rotary drilling has the potential to alter the natural properties of the subsurface. This can occur through air-stripping of the VOCs in both soil and groundwater in the vicinity of the borehole, altering the groundwater geochemical parameters (e.g., pH and redox potential), and potentially increasing biodegradation of organic compounds in the aquifer near the borehole. These factors may prevent the well from yielding vadose zone or groundwater samples that are representative of in-situ conditions.

In hard, abrasive, consolidated rock, a down-the-hole hammer may be more appropriate than the air rotary method. In this method, compressed air is used to actuate and operate a pneumatic hammer as well as lift the cuttings to the surface and cool the hammer bit. One drawback of the down-the-hole hammer is that oil is required in the air stream to lubricate the hammer-actuating device, and this oil could potentially contaminate the soil in the vicinity of the borehole and the aquifer.

The ODEX method is a variation of the air rotary method in which a casing-driving technique is used in combination with air rotary drilling. With the ODEX system, the drill bit extends outward and reams a pilot hole large enough for a casing assembly to slide down behind the drill bit assembly. As a result, casing is advanced simultaneously while drilling the hole.

### **6.1.3 Resonant Sonic**

Resonant Sonic drilling is a method that uses a sonic drill head to produce high frequency, high-force vibrations in a steel drill pipe. The vibrations in the pipe create a cutting action at the bit face, which allows a continuous core of the formation to move into the core barrel. The method requires no drilling fluid, drills very fast (up to one ft/sec in certain formations), drills at any angle through all formations (rock, clay, sand, boulders, permafrost, glacial till), and yields virtually no cuttings in the drilling process. While there are numerous advantages to this process, the primary disadvantages are the generation of heat and the cost of the method. This drilling method has been used and proven at various facilities.

## **6.2 Well Construction/Completion Methods**

### **6.2.1 Well Construction Materials**

Well construction materials shall be selected based on the goals and objectives of the proposed monitoring program and the geologic conditions at the site. When selecting well construction materials, the primary concern shall be selecting materials that will not contribute foreign constituents or remove contaminants from the vadose zone or groundwater. Other factors to be

considered include the tensile strength, compressive strength, and collapse strength of the materials, length of time the monitoring well will be in service, and the material's resistance to chemical and microbiological corrosion. Generally, if the monitoring program requires the analysis of organic constituents, stainless steel materials should be used. However, if the monitoring program requires only inorganic constituent analyses, PVC materials may be used. PVC is less desirable for monitoring wells where organic constituents will be analyzed due to its potential for sorption and leaching of contaminants. If stainless steel is used for groundwater monitoring wells where low levels of metals may be present, the steel must be passivated to minimize sorption and leaching of metals.

Well screen and casing materials acceptable for the construction of RCRA monitoring wells include stainless steel (304 or 316) or rigid PVC (meeting American National Standards Institute/National Sanitation Foundation Standard 14). In addition, there are other materials available for the construction of monitoring wells including acrylonitrile butadiene styrene (ABS), fiberglass-reinforced plastic (FRP), black iron, carbon steel, and galvanized steel, but these materials are not recommended for use in long term monitoring wells due to their low resistance to chemical attack and potential contribution of contamination to the groundwater. However, these materials may be used in the construction of monitoring wells where they will not be in contact with the groundwater or vadose zone interval that will be sampled (e.g., carbon steel pipe used as surface casing).

## **6.2.2 Well Construction Techniques**

### **6.2.2.1 Single-Cased Wells**

The borehole shall be bored, drilled, or augered as close to vertical as possible, and checked with a plumb bob, level, or appropriate downhole logging tool. Angled boreholes shall not be acceptable unless specified in the design. The borehole shall be of sufficient diameter so that well construction can proceed without major difficulties. To assure an adequate size, a minimum two-inch annular space is required between the casing and the borehole wall (or the hollow-stem auger wall). The two-inch annular space around the casing will allow the filter pack, bentonite seal, and annular grout to be placed at an acceptable thickness. Also, the two-inch annular space will allow up to a 1.5-inch outer diameter tremie pipe to be used for placing the filter pack, bentonite seal, and grout at the specified intervals.

It may be necessary to overdrill the borehole so that any soils that have not been removed (or that have fallen into the borehole during augering or drill stem retrieval) will fall to the bottom of the borehole below the depth where the filter pack and well screen are to be placed. Normally, three to five feet is sufficient for overdrilling shallow wells. Deep wells may require deeper overdrilling. The borehole can also be overdrilled to allow for an extra space for a well sump to be installed. If the borehole is overdrilled deeper than desired, it can be backfilled to the designated depth with bentonite pellets or the filter pack.

Well casings (riser assembly) should be secured to the well screen by flush-jointed threads or other appropriate connections, placed into the borehole, and plumbed by the use of centralizers, a

plumb bob, or a level. Petroleum-based lubricating oils or grease shall not be used on casing threads. Teflon tape can be used to wrap the threads to ensure a tight fit and minimize leakage, if per-and poly-fluorinated alkyl substances are not a contaminant of concern. No glue of any type shall be used to secure casing joints. Teflon "O" rings can also be used to ensure a tight fit and minimize leakage. "O" rings made of materials other than Teflon are not acceptable if the well will be sampled for organic compound or per-and poly-fluorinated alkyl substances analyses. Before the well screen and casings are placed at the bottom of the borehole, at least six inches of filter material shall be placed at the bottom to serve as a firm footing. The string of well screen and casing should then be placed into the borehole and plumbed. If centralizers are used, they shall be placed below the well screens and above the bentonite annular seals so that the placement of the filter pack, overlying bentonite seal, and annular grout will not be hindered. Centralizers placed in the wrong locations can cause bridging during material placement.

If installing the well screen and casings through hollow-stem augers, the augers shall be slowly extracted as the filter pack, bentonite seal, and grout are tremied or poured into place. The gradual extraction of the augers will allow the materials being placed in the augers to flow out of the bottom of the augers into the borehole. If the augers are not gradually extracted, the materials will accumulate at the bottom of the augers causing potential bridging problems. After the string of well screen and casing is plumb, the filter material shall be placed around the well screen (preferably by the tremie pipe method) up to the designated depth.

After the filter pack has been installed, the bentonite seal shall be placed directly on top of the filter pack up to the designated depth or a minimum of two feet above the filter pack, whichever is greater. After the bentonite seal has hydrated for the specified time, the annular grout shall be pumped by the tremie method into the annular space around the casings (riser assembly) up to within two feet of the ground surface or below the frost line, whichever is greater. The grout shall be allowed to cure for a minimum of 24 hours before the surface pad and protective casing are installed. After the surface pad and protective casing are installed, bumper guards (guideposts) shall be installed (if necessary).

#### **6.2.2.2 Double-Cased Wells**

Double-cased wells should be constructed when there is reason to believe that interconnection of two aquifers by well construction may cause cross contamination, or when flowing sands make it impossible to install a monitoring well using conventional methods. A pilot borehole should be advanced through the overburden and the contaminated zone into a clay, confining layer, or bedrock. An outer casing (surface or pilot casing) shall be placed into the borehole and sealed with grout. The borehole and outer casing should extend into tight clay a minimum of two feet or into competent bedrock a minimum of one foot. The total depth into the clay or bedrock will vary depending upon the plasticity of the clay and the extent of weathering and fracturing of the bedrock. The size of the outer casing shall be of sufficient inside diameter to contain the inner casing and the two-inch annular space. In addition, the borehole shall be of sufficient size to contain the outer casing and the two-inch minimum outer annular space, if applicable.

The outer casing shall be grouted by the tremie method from the bottom of the borehole to within two feet of the ground surface. The grout shall be pumped into the annular space between the outer casing and the borehole wall. This can be accomplished by either placing the tremie pipe in the annular space and pumping the grout from the bottom of the borehole to the surface or placing a grout shoe or plug inside the casing at the bottom of the borehole and pumping the grout through the bottom grout plug and up the annular space on the outside of the casing. The grout shall consist of a Type I Portland cement and bentonite or other approved grout to provide a rigid seal. A minimum of 24 hours shall be allowed for the grout plug (seal) to cure before attempting to drill through it. When drilling through the seal, care shall be taken to avoid cracking, shattering, and washing out of the seal. If caving conditions exist so that the outer casing cannot be sufficiently sealed by grouting, the outer casing shall be driven into place and a grout seal placed in the bottom of the casing.

### **6.2.2.3 Bedrock Wells**

The installation of monitoring wells into bedrock can be accomplished in two ways. The first method is to drill or bore a pilot borehole through the soil overburden into the bedrock. An outer casing is installed into the borehole by setting it into the bedrock and grouting it into place. After the grout has set, the borehole can be advanced through the grout seal into the bedrock. The preferred method of advancing the borehole into the bedrock is rock coring. Rock coring makes a smooth, round hole through the seal and into the bedrock without cracking or shattering the seal. Roller cone bits are used in soft bedrock, but extreme caution should be taken when using a roller cone bit to advance through the grout seal in the bottom of the borehole because excessive water and bit pressure can cause cracking, eroding (washing), and/or shattering of the seal. Low volume air hammers may be used to advance the borehole, but they have a tendency to shatter the seal because of the hammering action. If the structural integrity of the grout seal is in question, a pressure test can be utilized to check for leaks. If the seal leaks, the seal is not acceptable. When the drilling is complete, the finished well will consist of an open borehole from the ground surface to the bottom of the well. The major limitation of open borehole bedrock wells is that the entire bedrock interval serves as the monitoring zone.

The second method is to install the outer surface casing and drill the borehole into bedrock and then install an inner casing and well screen with the filter pack, bentonite seal, and annular grout. The well is completed with a surface protective monument and concrete pad. This well installation method gives the flexibility of isolating the monitoring zone(s) and minimizing inter-aquifer flow. In addition, it provides structural integrity, especially in unstable areas (e.g., steeply dipping shales) where the bedrock may shift or move when disturbed.

### **6.2.3 Well Screen and Filter Pack Design**

Well screens and filter packs shall be designed to accurately sample the vadose zone interval or aquifer zone that the well is intended to target, minimize the passage of formation materials (turbidity) into the well, and ensure sufficient structural integrity to prevent the collapse of the intake structure. The selection of the well screen length depends upon the objective of the well.

Piezometers and wells where only a discrete flow path is monitored are generally completed with short screens (two feet or less). While monitoring wells are usually constructed with longer screens (usually five to twenty feet), they shall be kept to the minimum length appropriate for intercepting a contaminant plume. The screen slot size shall be selected to retain from 90 to 100 percent of the filter pack material in artificially filter packed wells, and from 50 to 100 percent of the formation material in naturally packed wells. All well screens shall be factory wire-wrapped or machine slotted.

A filter pack shall be used when: 1) the natural formation is poorly sorted; 2) a long screen interval is required or the screen spans highly stratified geologic materials of widely varying grain sizes; 3) the natural formation is uniform fine sand, silt, or clay; 4) the natural formation is thin-bedded; 5) the natural formation is poorly cemented sandstone; 6) the natural formation is highly fractured or characterized by relatively large solution channels; 7) the natural formation is shale or coal that will act as a constant source of turbidity to groundwater samples; or 8) the diameter of the borehole is significantly greater than the diameter of the screen. The use of natural formation material as a filter pack is only recommended when the natural formation materials are relatively coarse-grained, permeable, and uniform in grain size.

Filter pack materials shall consist of clean, rounded to well-rounded, hard, insoluble particles of siliceous composition (industrial grade quartz sand or glass beads). The required grain-size distribution or particle sizes of the filter pack materials shall be selected based upon a sieve analysis of the aquifer materials or the formation to be monitored, or the characteristics of the aquifer materials using information acquired during previous investigations.

Where sieve analyses are used to select the appropriate filter pack particle size, the results of a sieve analysis of the formation materials are plotted on a grain-size distribution graph, and a grain-size distribution curve is generated. The 70 percent retained grain size value should be multiplied by a factor between four and six (four for fine, uniform formations and six for coarse, non-uniform formations). A second grain-size distribution curve is then drawn on the graph for this new value, ensuring that the uniformity coefficient does not exceed 2.5. The filter pack that shall be used must fall within the area defined by these two curves.

Once the filter pack size is determined, the screen slot size shall be selected to retain at least 90 percent of the filter pack material. The Permittee may propose the use of a pre-determined well screen slot size and filter pack for monitoring wells in the site-specific work plans submitted to the NMED.

The filter pack shall be installed in a manner that prevents bridging and particle-size segregation. Filter packs placed below the water table shall be installed by the tremie pipe method. Filter pack materials shall not be poured into the annular space unless the well is shallow (e.g., less than 30 feet deep) and the filter pack material can be poured continuously into the well without stopping. At least two inches of filter pack material shall be installed between the well screen and the borehole wall, and two feet of material shall extend above the top of the well screen. A minimum of six-inches of filter pack material shall also be placed under the bottom of the well screen to provide a firm footing and an unrestricted flow under the screened area.

In deep wells (e.g., greater than 200 feet deep), the filter pack may not compress when initially installed. As a result, filter packs may need to be installed as high as five feet above the screened interval in these situations. The precise volume of filter pack material required shall be calculated and recorded before placement, and the actual volume used shall be determined and recorded during well construction. Any significant discrepancy between the calculated and actual volume shall be explained. Prior to installing the filter pack annular seal, a one to two-foot layer of chemically inert fine sand shall be placed over the filter pack to prevent the intrusion of annular sealants into the filter pack.

#### **6.2.4 Annular Sealant**

The annular space between the well casing and the borehole must be properly sealed to prevent cross-contamination of samples and the groundwater. The materials used for annular sealants shall be chemically inert with respect to the highest concentration of chemical constituents expected in the groundwater or vadose zone at the Facility. In general, the permeability of the sealing material shall be one to two orders of magnitude lower than the least permeable parts of the formation in contact with the well. The precise volume of annular sealants required shall be calculated and recorded before placement, and the actual volume shall be determined and recorded during well construction. Any significant discrepancy between the calculated volume and the actual volume shall be explained.

During well construction, an annular seal shall be placed on top of the filter pack. This seal shall consist of a high solids (10-30 percent) bentonite material in the form of bentonite pellets, granular bentonite, or bentonite chips. The bentonite seal shall be placed in the annulus through a tremie pipe if the well is deep (greater than 30 feet), or by pouring directly down the annulus in shallow wells (less than 30 feet). If the bentonite materials are poured directly down the annulus (which is an acceptable method only in wells less than 30 feet deep), a tamping device shall be used to ensure that the seal is emplaced at the proper depth and the bentonite has not bridged higher in the well casing. The bentonite seal shall be placed above the filter pack a minimum of two feet vertical thickness. The bentonite seal shall be allowed to completely hydrate in conformance with the manufacturer's specifications prior to installing the overlying annular grout seal. The time required for the bentonite seal to completely hydrate will differ with the materials used and the specific conditions encountered but is generally a minimum of four to twenty-four hours.

A grout seal shall be installed on top of the filter pack annular seal. The grout seal may consist of a high solids (30 percent) bentonite grout, a neat cement grout, or a cement/bentonite grout. The grout shall be pumped under pressure (not gravity fed) into the annular space by the tremie pipe method, from the top of the filter pack annular seal to within a few feet of the ground surface. The tremie pipe shall be equipped with a side discharge port (or bottom discharge for grouting at depths greater than 100 feet) to minimize damage to the filter pack or filter pack annular bentonite seal during grout placement. The grout seal shall be allowed to cure for a minimum of 24 hours before the concrete surface pad is installed. All grouts shall be prepared in accordance with the manufacturer's specifications. High solids (30 percent) bentonite grouts

shall have a minimum density of ten pounds per gallon (as measured by a mud balance) to ensure proper setup. Cement grouts shall be mixed using six and one-half to seven gallons of water per 94-pound bag of Type I Portland cement. Bentonite (five to ten percent) may be added to delay the setting time and reduce the shrinkage of the grout.

### **6.2.5 Groundwater Well Development**

All groundwater monitoring wells shall be developed to create an effective filter pack around the well screen, correct damage to the formation caused by drilling, remove fine particles from the formation near the borehole, and assist in restoring the natural water quality of the aquifer in the vicinity of the well. Development stresses the formation around the screen, as well as the filter pack, so that mobile fines, silts, and clays are pulled into the well and removed. Development is also used to remove any foreign materials (e.g., water, drilling mud) that may have been introduced into the borehole during the drilling and well installation activities, and to aid in the equilibration that will occur between the filter pack, well casing, and the formation water. The development of a well is extremely important to ensuring the collection of representative groundwater samples.

Newly installed groundwater monitoring wells shall not be developed for at least 48 hours after the surface pad and outer protective casing are installed. This will allow sufficient time for the well materials to cure before the development procedures are initiated. Newly installed groundwater monitoring wells shall be developed no later than 30 calendar days after installation is complete. A new monitoring well shall be developed until the column of water in the well is free of visible sediment, and the pH, temperature, turbidity, and specific conductivity have stabilized. In most cases, the above requirements can be satisfied. However, in some cases, the pH, temperature, and specific conductivity may stabilize but the water remains turbid. In this case, the well may still contain well construction materials, such as drilling mud in the form of a mud cake or formation soils that have not been washed out of the borehole. Thick drilling mud cannot be flushed out of a borehole with one or two well volumes of flushing. Instead, continuous flushing over a period of several days may be necessary to complete the well development. If the well is pumped dry, the water level shall be allowed to sufficiently recover before the next development period is initiated. The common methods used for developing wells include:

1. pumping and overpumping;
2. backwashing;
3. surging (with a surge block);
4. bailing;
5. jetting; and
6. airlift pumping.

These development procedures can be used, either individually or in combination, to achieve the most effective well development. However, the most favorable well development methods include pumping, overpumping, bailing, surging, or a combination of these methods. Well

development methods and equipment that alter the chemical composition of the groundwater shall not be used. Development methods that involve adding water or other fluids to the well or borehole, or that use air to accomplish well development, should be avoided if possible. Approval shall be obtained from the NMED prior to introducing air, water, or other fluids into the well for the purpose of well development. If water is introduced to a borehole during well drilling and completion, the same or greater volume of water shall be removed from the well during development. In addition, the volume of water withdrawn from a well during development shall be recorded.

### **6.2.6 Surface Completion**

Monitoring wells may be completed either as flush-mounted wells, or as above-ground completions. A surface seal shall be installed over the grout seal and extended vertically up the well annulus to the land surface. The lower end of the surface seal shall extend a minimum of one foot below the frost line to prevent damage from frost heaving. The composition of the surface seal shall be neat cement or concrete. In above-ground completions, a three-foot wide, four-inch thick concrete surface pad shall be installed around the well at the same time the protective monument is installed. The surface pad shall be sloped so that drainage will flow away from the protective monument and off the pad. In addition, a minimum of one inch of the finished pad shall be below grade or ground elevation to prevent washing and undermining by soil erosion.

A locking protective monument shall be installed around the well casing (riser) to prevent damage or unauthorized entry. The protective monument shall be anchored in the concrete surface pad below the frost line and extend several inches above the well riser stickup. A weep hole shall be drilled into the protective monument just above the top of the concrete surface pad to prevent water from accumulating and freezing inside the protective monument around the well riser. A cap shall be placed on the well riser to prevent tampering or the entry of foreign materials, and a lock shall be installed on the protective monument to provide security. If the wells are located in an area that receives traffic, a minimum of three bumper guards consisting of steel pipes three to four inches in diameter and a minimum of five-foot length should be installed. The bumper guards should be installed to a minimum depth of two feet below the ground surface in a concrete footing and extend a minimum of three feet above ground surface. The pipes should be filled with concrete to provide additional strength. The pipes should be painted a bright color to reduce the possibility of vehicular damage.

If flush-mounted completions are required (e.g., in active roadway areas), a protective structure such as a utility vault or meter box should be installed around the well casing. In addition, measures should be taken to prevent the accumulation of surface water in the protective structure and around the well intake. These measures should include outfitting the protective structure with a steel lid or manhole cover that has a rubber seal or gasket and ensuring that the bond between the cement surface seal and the protective structure is watertight.

### **6.2.7 Well Abandonment**

Wells deleted from the facility monitoring program or that have been damaged beyond repair shall be plugged and abandoned. Well plugging and abandonment methods and certification shall be conducted in accordance with Rules and Regulations Governing Well Driller Licensing; Construction, Repair and Plugging of Wells (19.27.4 NMAC). The Permittee shall notify the NMED and submit a well abandonment plan to the New Mexico State Engineers Office and to the NMED no less than 30 days prior to the date the wells are removed from the monitoring program.

The goal of well abandonment is to seal the borehole in such a manner that the well cannot act as a conduit for migration of contaminants from the ground surface to the aquifer or between aquifers. To properly abandon a well, the preferred method is to completely remove the well casing and screen from the borehole, clean out the borehole, and backfill with a cement or bentonite grout, neat cement, or concrete.

For wells with small diameter casing, abandonment shall be accomplished by overdrilling the well with a large diameter hollow-stem auger. After the well has been overdrilled, the well casing and grout can be lifted out of the ground with a drill rig, and the remaining filter pack can be drilled out. The open borehole can then be pressure grouted (via the tremie pipe method) from the bottom of the borehole to the ground surface. After the grout has cured, the top two feet of the borehole shall be filled with concrete to ensure a secure surface seal.

Several other well abandonment procedures are available for wells with larger diameter screens and casings. One method is to force a drill stem with a tapered wedge assembly or a solid-stem auger into the well casing and pull the casing out of the ground. However, if the casing breaks or the well cannot be pulled from the ground, the well will have to be grouted in place. To abandon a well in place, a tremie pipe shall be placed at the lowest point in the well (at the bottom of the screen or in the well sump). The entire well is then pressure grouted from the bottom of the well upward. The pressurized grout will be forced out through the well screen into the filter pack and up the inside of the well casing sealing off all breaks and holes in the casing. Once the well is grouted, the casing is cut off even with the ground surface and covered with concrete.

If a PVC well cannot be abandoned due to internal casing damage (e.g., the tremie pipe cannot be extended to the bottom of the screen), it may be necessary to drill out the casing with a roller cone or drag bit using the wet rotary drilling method or grind out the casing using a solid-stem auger equipped with a carbide tooth bit. Once the casing is removed, the open borehole can be cleaned out and pressure grouted from the bottom of the borehole upward.

### **6.3 Documentation**

All information on the design, construction, and development of each monitoring well shall be recorded and presented on a boring log, a well construction log, and well construction diagram. The well construction log and well construction diagram shall include the following information:

1. well name/number;

2. date/time of well construction;
3. borehole diameter and well casing diameter;
4. well depth;
5. casing length;
6. casing materials;
7. casing and screen joint type;
8. screened interval(s);
9. screen materials;
10. screen slot size and design;
11. filter pack material and size;
12. filter pack volume (calculated and actual);
13. filter pack placement method;
14. filter pack interval(s);
15. annular sealant composition;
16. annular sealant placement method;
17. annular sealant volume (calculated and actual);
18. annular sealant interval(s);
19. surface (grout) sealant composition;
20. surface (grout) seal placement method;
21. surface (grout) sealant volume (calculated and actual);
22. surface(grout) sealant interval;
23. surface completion and well apron design and construction;
24. well development procedure and turbidity measurements;
25. well development purge volume(s) and stabilization parameter measurements;
26. type and design and construction of protective casing;
27. well cap and lock;
28. ground surface elevation;
29. survey reference point elevation on well casing;
30. top of monitoring well casing elevation; and
31. top of protective steel casing elevation.

## REPORTING REQUIREMENTS

### 7.1 Highlights

The purpose of this Permit Part is to provide the general reporting requirements and report formats for corrective action activities required under this Permit. This Permit Part is not intended to provide reporting requirements for every potential corrective action conducted at the Facility. Therefore, the formats for all types of reports are not presented below. The formats described in this Permit Part (7) include the general reporting requirements and formats for site-specific investigation work plans, investigation reports, monitoring reports, risk assessment reports, and corrective measures evaluations. The Permittee shall generally consider the work plans and reports to be the equivalents of RFI work plans, RFI reports, periodic monitoring reports, risk assessments, and CMS reports, respectively, for the purposes of RCRA compliance. The Permittee shall include detailed, site-specific requirements in all interim status unit, SWMU, and AOC investigation work plans, investigation reports, monitoring reports, and corrective measures evaluations. All plans and reports shall be prepared with technical and regulatory input from the NMED. All work plans and reports shall be submitted to the NMED in the form of two paper copies and two electronic copies. The Permittee shall maintain an electronic laboratory analytical database that contains all historical laboratory data and is updated as new data are acquired. The most updated database shall be provided to NMED as an electronic file in each report and upon request. In addition, geospatial data shall be provided to NMED upon request.

The reporting requirements listed in this Part do not include all sections that may be necessary to complete each type of report listed. The Permittee or the NMED may determine that additional sections are required to address additional site-specific issues or information collected during corrective action or monitoring activities not listed below. However, The Permittee must submit variations of the general report format and the formats for reports not listed in this Permit Part in outline form to the NMED for approval prior to submittal of the reports. The NMED will approve or disapprove, in writing, the proposed outline after receipt of the outline. If the NMED disapproves the report outline, the NMED will notify the Permittee, in writing, of the outline's deficiencies and will specify a date for submittal of a revised report outline. All reports submitted by the Permittee shall follow the general approach and limitations for data presentation described in this Permit Part.

References to information in other documents cited in work plans and reports shall include specific page, table and figure numbers for the information referenced in the cited documents.

All documents required by this Permit shall include a statement on the signature page that meets the requirements of 40 CFR 270.11(d)(1).

## **7.2 Investigation Work Plan**

The Permittee shall fulfill the requirements acceptable to the NMED for preparation of work plan for unit-specific or corrective action activities at the Facility using the general outline below. The minimum requirements for describing proposed activities within each section are included. All research, locations, depths and methods of exploration, field procedures, analytical methods, data collection methods, and schedules shall be included in each work plan. In general, interpretation of data acquired during previous investigations shall be presented only in the background sections of the work plans. The other text sections of the work plans shall be reserved for presentation of anticipated site-specific activities and procedures relevant to the project. The general work plan outline is provided below.

### **7.2.1 Title Page**

The title page shall include the type of document, Facility name and the unit, SWMU, or AOC name(s) and the submittal date. A signature block providing spaces for the name, title, and organization of the preparer and the responsible representative of the Facility shall be provided on the title page in accordance with the signature requirements in 40 CFR 270.11(b).

### **7.2.2 Executive Summary (Abstract)**

The executive summary (or abstract) shall provide a brief summary of the purpose and scope of the investigation to be conducted at the subject site. The Facility, unit, SWMU, or AOC name, revision number, if applicable, and location shall be included in the executive summary.

### **7.2.3 Table of Contents**

The table of contents shall list all text sections and subsections, tables, figures, and appendices or attachments included in the work plan. The corresponding page numbers for the titles of each section of the work plan shall be included in the table of contents.

### **7.2.4 Introduction**

The introduction shall include the Facility name, unit name and location, and unit status (e.g., active operations, closed, corrective action). General information on the current site usage and status shall be included in this section. A brief description of the purpose of the investigation and the type of site investigation to be conducted shall be provided in this section.

### **7.2.5 Background**

The background section shall describe relevant background information. This section shall briefly summarize historical site uses including the locations of current and former site structures and features. A labeled figure shall be included in the document showing the locations of current and former site structures and features. The locations of pertinent subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures shall be included in the background summary and labeled on the site plan.

This section shall identify potential receptors, including groundwater, and include a brief summary of the type and characteristics of all waste and all contaminants, the known and possible sources of contamination, the history of releases or discharges of contamination, and the known extent of contamination. This section shall include brief summaries of results of previous investigations, including references to pertinent figures, data summary tables, and text in previous reports. At a minimum, detections of contaminants encountered during previous investigations shall be presented in table format, with an accompanying figure showing sample locations. References to previous reports shall include page, table, and figure numbers for referenced information. Summary data tables and site plans showing relevant investigation locations shall be included in the Tables and Figures sections of the document, respectively.

## **7.2.6 Site Conditions**

### **7.2.6.1 Surface Conditions**

A section on surface conditions shall provide a detailed description of current site topography, features, and structures including a description of drainages, vegetation, erosional features, and a detailed description of current site uses and operations at the site. In addition, descriptions of features located in surrounding sites that may have an impact on the subject site regarding sediment transport, surface water runoff, or contaminant fate and transport shall be included in this section.

### **7.2.6.2 Subsurface Conditions**

A section on subsurface conditions shall provide a brief, detailed description of the site conditions observed during previous subsurface investigations, including relevant soil horizons, stratigraphy, presence of vadose zone fluids and groundwater, and other relevant information. A site plan showing the locations of all borings and excavations advanced during previous investigations shall be included in the Figures section of the work plan. A brief description of the anticipated stratigraphic units that may be encountered during the investigation may be included in this section if no previous investigations have been conducted at the site.

## **7.2.7 Scope of Activities**

A section on the scope of activities shall briefly describe a list of all anticipated activities to be performed during the investigation, including background information research, health and safety requirements that may affect or limit the completion of tasks, drilling, test pit or other excavations, well construction, field data collection, survey data collection, chemical analytical testing, aquifer testing, and IDW storage, disposal, and reporting.

### **7.2.8 Investigation Methods**

A section on investigation methods shall provide a description of all anticipated locations and methods for conducting the activities to be performed during the investigation. This section shall include, but is not limited to, research methods, health and safety practices that may affect the completion of tasks, drilling methods, test pit or other excavation methods, sampling intervals and methods, well construction methods, field data collection methods, geophysical and land survey methods, field screening methods, chemical analytical testing, materials testing, aquifer testing, pilot testing, and other proposed investigation and testing methods. This information may also be summarized in table format, if appropriate.

### **7.2.9 Monitoring and Sampling Program**

A section on monitoring and sampling shall describe the anticipated monitoring and sampling program to be implemented after the initial investigation activities are completed. This section shall provide a description of the anticipated vadose zone fluids, groundwater, vadose zone vapor, vadose zone moisture, and other monitoring and sampling programs to be implemented at the unit.

### **7.2.10 Schedule**

A section shall provide the anticipated schedule for completion of field investigation, pilot testing, and monitoring and sampling activities. In addition, this section shall provide a schedule for submittal of reports and data to the NMED including a schedule for submitting status reports, preliminary data, and the final investigation report.

### **7.2.11 Tables**

The following summary tables may be included in the investigation work plans if previous investigations have been conducted at the unit. Data presented in the tables shall include information on dates of data collection, analytical methods, detection limits, and significant data quality exceptions. All data tables shall include only detected analytes and data quality exceptions that could potentially mask detections. The following tables shall be included in investigation work plans, as applicable:

1. summaries of regulatory criteria, background, and applicable cleanup levels (may be included in the analytical data tables instead of as separate tables);
2. summaries of historical field survey location data;
3. summaries of historical field screening and field parameter measurements of soil, rock, sediments, groundwater, surface water, and air quality;
4. summaries of historical soil, rock, or sediment laboratory analytical data shall include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data;

5. summaries of historical groundwater elevation and depth to groundwater data. The table shall include the monitoring well depths, the screened intervals in each well, and the dates and times measurements were taken;
6. summaries of historical groundwater laboratory analytical data. The analytical data tables shall include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data;
7. summary of historical surface water laboratory analytical data. The analytical data tables shall include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data;
8. summary of historical air sample screening and chemical analytical data. The data tables shall include the screening instruments used, laboratory analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data; and
9. summary of historical pilot test or other test data, if applicable, including units of measurement and types of instruments used to obtain measurements.

#### **7.2.12 Figures**

The following figures shall be included with each investigation work plan for each site, including presentation of data where previous investigations have been conducted. All figures must include an accurate bar scale and a north arrow. An explanation shall be included on each figure for all abbreviations, symbols, acronyms, and qualifiers. The following figures shall be included in investigation work plans, as applicable:

1. a vicinity map showing topography and the general location of the site relative to surrounding features and properties;
2. a unit site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and details; off-site well locations and other relevant features shall be included on the site plan, if appropriate; additional site plans may be required to present the locations of relevant off-site well locations, structures, and features;
3. figures showing historical and proposed soil boring locations, excavation locations, and sampling locations;
4. figures presenting historical soil sample field screening and laboratory analytical data;
5. figures presenting the locations of all existing and proposed borings and vapor monitoring point locations;

6. figures presenting historical vadose zone organic vapor data;
7. figures showing all existing and proposed monitoring wells and piezometers;
8. figures presenting historical groundwater and vadose zone fluid elevation data, and indicating groundwater and vadose zone fluid flow directions;
9. figures presenting historical groundwater and vadose zone fluid laboratory analytical data, if applicable; the chemical analytical data corresponding to each sampling location can be presented in tabular form on the figure or as an isoconcentration map;
10. figures presenting historical and proposed vadose zone fluid neutron probe access tube locations and field measurement data for soil moisture, if applicable;
11. figures presenting historical surface water laboratory analytical data, if applicable;
12. figures showing historical and proposed air sampling locations and presenting historical air quality data, if applicable;
13. figures presenting historical pilot testing locations and data, where applicable, including site plans and graphic data presentation; and
14. figures presenting geologic cross-sections based on outcrop and borehole data acquired during previous investigations, if applicable.

### **7.2.13 Appendices**

An IDW management plan shall be included as an appendix to the investigation work plan. Additional appendices may be necessary to present additional data or documentation not listed above.

## **7.3 Investigation Report**

The Permittee shall prepare investigation reports at the Facility using the general outline below. The Investigation Report shall be the reporting mechanism for presenting the results of completed Investigation Work Plans. This Section (6.3) describes the minimum requirements for reporting on site investigations. All data collected during each site investigation event in the reporting period shall be included in the reports. In general, interpretation of data shall be presented only in the background, conclusions, and recommendations sections of the reports. The other text sections of the reports shall be reserved for presentation of facts and data without interpretation or qualifications. The general report outline is provided below.

### **7.3.1 Title Page**

The title page shall include the type of document and version number, Facility name, the unit, SWMU, or AOC, and the submittal date. A signature block providing spaces for the name, title, and organization of

the preparer and the responsible Facility representative shall be provided on the title page in accordance with the signature requirements in 40 CFR 270.11(b).

### **7.3.2 Executive Summary**

The executive summary shall provide a brief summary of the purpose, scope, and results of the investigation conducted at the subject site during the reporting period. In addition, this section shall include a brief summary of conclusions based on the investigation data collected and recommendations for future investigation, monitoring, remedial action, or site closure.

### **7.3.3 Table of Contents**

The table of contents shall list all text sections, subsections, tables, figures, and appendices or attachments included in the report. The corresponding page numbers for the titles of each section of the report shall be included in the table of contents.

### **7.3.4 Introduction**

The introduction section shall include the Facility name, unit name and location, and unit status (e.g., active operations, closed, corrective action). General information on the site usage and status shall be included in this section. A brief description of the purpose of the investigation, the type of site investigation conducted, and the type of results presented in the report also shall be provided in this section.

### **7.3.5 Background**

The background section shall describe relevant background information. This section shall briefly summarize historical site uses including the locations of current and former site structures and features. A labeled figure shall be included in the document showing the locations of current and former site structures and features. The locations of subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures shall be included in the background summary and labeled on the figure. In addition, this section shall include a brief summary of the possible sources of contamination, the history of releases or discharges of contamination, the known extent of contamination, and the results of previous investigations including references to previous reports. The references to previous reports shall include page, table, and figure numbers for referenced information. A site plan showing relevant investigation locations and summary data tables shall be included in the Figures and Tables sections of the document, respectively.

### **7.3.6 Scope of Activities**

This section on the scope of activities shall briefly describe all activities performed during the investigation event including background information research, implemented health and safety measures that affected or limited the completion of tasks, drilling, test pit or other excavation methods, well construction methods, field data collection, survey data collection, chemical analytical testing, aquifer testing, remediation system pilot testing, and IDW storage or disposal.

### **7.3.7 Field Investigation Results**

A section shall provide a summary of the procedures used and the results of all field investigation activities conducted at the site including, but not limited to, the dates that investigation activities were conducted, the type and purpose of field investigation activities performed, field screening measurements, logging and sampling results, pilot test results, construction details, and conditions observed. Field observations or conditions that altered the planned work or may have influenced the results of sampling, testing, and logging shall be reported in this section. At a minimum, the following subsections shall be included, where appropriate.

### **7.3.8 Surface Conditions**

A section on surface conditions shall describe current site topography, features, and structures including topographic drainages, man-made drainages, vegetation, and erosional features. It shall also include a description of current site uses and any operations at the site. In addition, descriptions of features located in surrounding sites that may have an impact on the subject site regarding sediment transport, surface water runoff, or contaminant transport shall be included in this section.

### **7.3.9 Exploratory Drilling or Excavation Investigations**

A section shall describe the locations, methods, and depths of subsurface explorations. The description shall include the types of equipment used, the logging procedures, exploration equipment, decontamination procedures, and conditions encountered that may have affected or limited the investigation.

A description of the site conditions observed during subsurface investigation activities shall be included in this section, including soil and rock descriptions and classifications, soil horizon and stratigraphic information. Site plans showing the locations of all borings and excavations shall be included in the Figures section of the report. Boring and test pit logs for all exploratory borings and test pits shall be presented in an appendix or attachment to the report.

#### **7.3.9.1 Subsurface Conditions**

A section on subsurface conditions shall describe known subsurface lithology and structures based on observations made during the current and previous subsurface investigations, including interpretation of geophysical logs and as-built drawings of man-made structures. A description of the known locations of pipelines, utility lines, and observed geologic structures shall also be included in this section. A site plan showing boring and excavation locations and the locations of the site's above- and below-ground structures shall be included in the Figures section of the report. In addition, cross-sections shall be constructed, if appropriate, to provide additional visual presentation of site or regional subsurface conditions.

#### **7.3.9.2 Monitoring Well Construction, Boring, or Excavation Abandonment**

A section shall describe the methods and details of monitoring well construction and the methods used to abandon or backfill exploratory borings and excavations. The description shall include the dates of well construction, boring abandonment, or excavation backfilling. In addition, boring logs, test pit logs, and well construction diagrams shall be included in an attachment or appendix. Well construction diagrams shall be included with the associated boring logs for borings that are converted to monitoring wells.

#### **7.3.10 Groundwater Conditions**

A section shall describe groundwater conditions observed beneath the subject site and relate local groundwater conditions to regional groundwater conditions. A description of the depths to water, aquifer thickness, and groundwater flow directions shall be included in this section for alluvial groundwater, shallow perched groundwater, intermediate perched groundwater, and regional groundwater, as appropriate to the investigation. Figures showing well locations, surrounding area, groundwater elevations, and flow directions for each hydrologic zone shall be included in the Figures section of the report.

#### **7.3.11 Surface Water Conditions**

A section shall describe surface water conditions and include a description of surface water runoff, surface water drainage, surface water sediment transport, and contaminant transport in surface water as suspended load and as a dissolved phase in surface water via natural and man-made drainages, if applicable. A description of contaminant fate and transport shall be included, if appropriate.

#### **7.3.12 Subsurface Air and Soil Moisture Conditions**

A section shall describe subsurface air monitoring and sampling methods used during the site investigation. It shall also describe observations made during the site investigation regarding subsurface flow pathways and the subsurface air-flow regime.

#### **7.3.13 Materials Testing Results**

A section shall discuss the materials testing results, such as core permeability testing, grain size analysis, or other materials testing results. Sample collection methods, locations, and depths shall also be included. Corresponding summary tables shall be included in the Tables section of the report.

#### **7.3.14 Pilot Testing Results**

A section shall discuss the results of any pilot testing. Pilot testing is typically conducted after initial subsurface investigations are completed and the need for additional investigation or remediation has been evaluated. Pilot testing, including aquifer testing and remediation system pilot testing, shall be addressed through separate pilot test work plans and reports. The format for pilot test work plans and reports shall be approved by the NMED prior to submittal.

#### **7.3.15 Regulatory Criteria**

A section shall set forth the applicable cleanup standards, screening levels, and risk-based cleanup goals for each pertinent medium at the subject site. The appropriate cleanup levels for each site shall be included if site-specific levels have been established at separate Facility sites or units. A table summarizing the applicable cleanup standards shall be included as part of the document. Alternately, the report may include applicable cleanup standards as a column in the data tables. Risk-based evaluation procedures, if used to calculate cleanup levels, shall be presented in a separate document or in an appendix to this report. If cleanup levels calculated in a risk evaluation are employed, the risk evaluation document shall be referenced and shall include pertinent page numbers for referenced information.

### **7.3.16 Site Contamination**

A section shall provide a description of sampling intervals and methods for detection of surface and subsurface contamination in soils, rock, sediments, groundwater, surface water, and as vapor-phase contamination. Only factual information shall be included in this section. Interpretation of the data shall be reserved for the summary and conclusions sections of the report. Tables summarizing all sampling, testing, and screening results for detected contaminants shall be prepared in a format approved by the NMED. The tables shall be presented in the Tables section of the report.

### **7.3.17 Soil, Rock, and Sediment Sampling**

A section shall describe the sampling of soil, rock and sediment. It shall include the dates, locations, and methods of sample collection, sampling intervals, sample logging methods, screening sample selection methods, and laboratory sample selection methods including the collection depths for samples submitted for laboratory analyses. A site plan showing the sample locations shall be included in the Figures section of the report.

### **7.3.18 Sample Field Screening Results**

A section shall describe the field screening methods used during the investigation and the field screening results. Field screening results also shall be presented in summary tables in the Tables section of the document. The limitations of field screening instrumentation and any conditions that influenced the results of field screening shall be discussed in this subsection.

### **7.3.19 Soil, Rock, and Sediment Sampling Chemical Analytical Results**

A section shall briefly summarize the laboratory analyses conducted, the analytical methods and results and provide a comparison of the data to cleanup standards or established cleanup levels for the site. The laboratory results also shall be presented in summary tables in the Tables section of the document. Field conditions and sample collection methods that could potentially affect the analytical results shall be described in this section. If appropriate, soil analytical data shall be presented with sample locations on a site plan and included in the Figures section of the report.

### **7.3.20 Subsurface Vapor Sampling**

A section shall describe the air and subsurface vapor sampling. It shall describe the dates, locations, methods of sample collection, methods for sample logging, and methods for laboratory sample selection. A site plan showing all air and subsurface vapor sampling locations shall be provided in the Figures section of the report.

#### **7.3.20.1 Subsurface Vapor Field Screening Results**

A section shall describe the subsurface vapor field screening results. It shall describe the field screening methods used for ambient air and subsurface vapors during the investigation and the field screening results. Field screening results shall also be presented in summary tables in the Tables section of the report. The locations of ambient air and subsurface vapor screening sample collection shall be presented on a site plan included in the Figures section of the report. The limitations of field screening instrumentation and any conditions that influenced the results of field screening shall be discussed in this section.

#### **7.3.20.2 Air and Subsurface Vapor Laboratory Analytical Results**

This section shall describe the results of air and subsurface vapor laboratory analyses. It shall describe the air sampling laboratory analytical methods and analytical results and provide a comparison of the data to applicable cleanup levels for the site. The rationale or purpose for altering or modifying the subsurface vapor sampling program outlined in the site investigation work plan also shall be provided in this section. Field conditions that may have affected the analytical results during sample collection shall be described in this section. Tables summarizing the air sample laboratory, field, and analytical QA/QC data; applicable cleanup levels; and modifications to the air sampling program shall be provided in the Tables section of the report. Contaminant concentrations shall be presented as data tables or as isoconcentration contours on a map included in the Figures section of the report.

#### **7.3.21 Conclusions**

A conclusions section shall provide a brief summary of the investigation activities and a discussion of the conclusions of the investigation conducted at the site. In addition, this section shall provide a comparison of the results to applicable cleanup levels, and to relevant historical investigation results and analytical data. Potential receptors, including groundwater, shall be identified and discussed. An explanation shall be provided with regard to data gaps and data quality exceptions. A risk assessment may be included as an appendix to the investigation report; however, the risk analysis shall be presented in the Risk Assessment format described in Permit Section 7.5. References to the risk analysis shall be presented only in the summary and conclusions sections of the Investigation Report.

#### **7.3.22 Recommendations**

A section shall discuss the need for further investigation, corrective measures, risk assessment and monitoring, or recommendations for corrective action completed based on the conclusions provided in the

Conclusions section. It shall include explanations regarding additional sampling, monitoring, and site closure. A corresponding schedule for further action regarding the site shall also be provided.

### **7.3.23 Tables**

This section shall provide the following summary tables. Data presented in the tables shall include the current data, dates of data collection, analytical methods, detection limits, and significant data quality exceptions. All summary data tables shall include only detected analytes and data quality exceptions that could potentially mask detections. Laboratory data analytical summary tables shall contain a specific reference for each sample to its associated laboratory report. The following tables shall be included in investigation reports, as applicable:

1. tables summarizing regulatory criteria, background levels, and applicable cleanup levels; this information may be included in the analytical data tables instead of as separate tables;
2. tables summarizing field survey location data; separate tables shall be prepared for well locations and individual medium sampling locations except where the locations are the same for more than one medium;
3. tables summarizing field screening and field parameter measurements of soil, sediment, vadose zone fluid, vadose zone vapor, vadose zone moisture, and groundwater, surface water, and air quality;
4. a table summarizing soil laboratory analytical data; it shall include the analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
5. a table summarizing the groundwater elevations and depth-to-water data; the table shall include the monitoring well depths and the screened intervals in each well;
6. a table summarizing the groundwater laboratory analytical data; the analytical data tables shall include the analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
7. a table summarizing the surface water laboratory analytical data; the analytical data tables shall include the analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
8. a table summarizing the air sample screening and laboratory analytical data; the data tables shall include the screening instruments used, laboratory analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
9. tables summarizing the pilot testing data, if applicable, including units of measurement and types of instruments used to obtain measurements; and

10. a table summarizing the materials testing data, if applicable.

### **7.3.24 Figures**

All figures shall be included with each investigation report, as appropriate. All figures must include a scale and a north arrow. An explanation shall be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. All maps shall have a date. A section shall provide the following figures:

1. a vicinity map showing topography and the general location of the site relative to surrounding features and properties;
2. a site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and details; off-site well locations and other relevant features shall be included on the site plan; additional site plans may be required to present the locations of relevant off-site well locations, structures and features;
3. figures showing boring, excavation, and sampling locations;
4. figures presenting soil sample field screening and laboratory analytical data;
5. figures displaying the locations of all newly installed and existing wells and borings;
6. figures presenting monitoring well locations, groundwater elevation data, and groundwater flow directions;
7. figures presenting groundwater laboratory analytical data, including any past data requested by the NMED; the chemical analytical data corresponding to each sampling location may be presented in table form on the figure or as an isoconcentration map;
8. figures presenting surface water sample locations and field measurement data including any past data requested by the NMED;
9. figures presenting surface water laboratory analytical data including any past data, if applicable; the laboratory analytical data corresponding to each sampling location may be presented in tabular form on the figure;
10. figures showing air and subsurface vapor sampling locations and presenting air and subsurface vapor quality data; the field screening or laboratory analytical data corresponding to each sampling location may be presented in tabular form on the figure or as an isoconcentration map;
11. figures presenting geologic cross-sections based on outcrop and borehole data; and

12. figures presenting pilot testing locations and data, where applicable, including site plans or graphic data presentation.

### **7.3.25 Appendices**

Each investigation report shall include the following appendices. Additional appendices may be necessary to present data or documentation not listed below.

#### **7.3.25.1 Field Methods**

An appendix shall provide detailed descriptions of the methods used to acquire field measurements of each media that was surveyed or tested during the investigation. Methods shall include, but are not limited to, exploratory drilling or excavation methods, the methods and types of instruments used to obtain field screening, field analytical or field parameter measurements, instrument calibration procedures, sampling methods for each medium investigated, decontamination procedures, sample handling procedures, documentation procedures, and a description of field conditions that affected procedural or sample testing results. Methods of measuring and sampling during pilot testing shall be reported in this appendix, if applicable. References to SOPs shall not substitute for such investigation methods descriptions. Copies of IDW disposal documentation shall be provided in a separate appendix.

#### **7.3.25.2 Boring/Test Pit Logs and Well Construction Diagrams**

An appendix shall provide boring logs, test pit or other excavation logs, and well construction details. In addition, a key to symbols and a soil or rock classification system shall be included in this appendix. Geophysical logs shall be provided in a separate section of this appendix.

#### **7.3.25.3 Chemical Analytical Program**

Chemical analytical methods, a summary of data quality objectives, and a summary of data quality review procedures shall be reported in an appendix. A summary of data quality exceptions and their effect on the acceptability of the field and laboratory analytical data with regard to the investigation and the site status shall be included in this appendix, along with references to case narratives provided in the laboratory reports.

#### **7.3.25.4 Chemical Analytical Reports**

A section shall include all laboratory chemical analytical data generated for the reporting period. The reports must include all chain-of-custody records and Level II QA/QC results provided by the laboratory. The laboratory reports may be provided electronically in a format approved by the NMED and shall be in the form of a final laboratory report. Laboratory report data tables may be submitted in Microsoft Excel format. Hard (paper) copies of the chain-of-custody forms shall be submitted with the reports regardless of whether the final laboratory report is submitted electronically or in hard copy.

### **7.3.25.5 Other Appendices**

Other appendices containing additional information shall be included as required by the NMED or as otherwise appropriate.

## **7.4 Periodic Monitoring Report**

The Permittee shall use the following guidance for preparing periodic monitoring reports. The reports shall present the results of periodic groundwater, surface water, vapor, and remediation system monitoring at the Facility. The following sections provide a general outline for monitoring reports and the minimum requirements for reporting of periodic monitoring conducted at the Facility. All data collected during each monitoring or sampling event in the reporting period shall be included in the reports. In general, interpretation of data shall be presented only in the background, conclusions, and recommendations sections of the reports. The other text sections of the reports shall be reserved for presentation of facts and data without interpretation or qualifications.

### **7.4.1 Title Page**

The title page shall include the type of document, revision number if applicable, the facility name, the unit, SWMU, or AOC name(s), and the submittal date. A signature block providing spaces for the name, title, and organization of the preparer and the responsible representative of the Facility shall be provided on the title page in accordance with the signature requirements in 40 CFR 270.11(b).

### **7.4.2 Executive Summary**

The executive summary shall provide a brief summary of the purpose, scope, and results of the monitoring conducted at the subject site during the reporting period. The facility, unit, SWMU, and AOC name(s) and location(s) shall be included in the executive summary. In addition, this section shall include a brief summary of conclusions based on the monitoring data collected.

### **7.4.3 Table of Contents**

The table of contents shall list all text sections, subsections, tables, figures, and appendices or attachments included in the report. The corresponding page numbers for the titles of each section of the report shall be included in the table of contents.

### **7.4.4 Introduction**

The introduction section shall include the Facility name and the unit name(s), location(s), and status (e.g. active operations, closed, corrective action). General information on the site usage and status shall be included in this section. A brief description of the purpose of the monitoring, type of monitoring conducted, and the type of results presented in the report also shall be provided in this section.

### **7.4.5 Scope of Activities**

A section on the scope of activities shall briefly describe all activities performed during the monitoring event or reporting period including field data collection, analytical testing, and purge/decontamination water storage and disposal, as applicable.

#### **7.4.6 Regulatory Criteria**

A section on regulatory criteria shall provide information regarding applicable cleanup standards, risk-based screening levels, and risk-based cleanup goals for the site. A table summarizing the applicable cleanup standards, or inclusion of applicable cleanup standards as a column in the data tables, can be substituted for this section. The appropriate cleanup levels for each site shall be included if site-specific levels have been established at separate sites. Risk-based evaluation procedures, if used to calculate cleanup levels, must either be included as an attachment or submitted as a separate document and referenced. The specific document and page numbers must be included for all referenced materials.

### **7.4.7 Monitoring Results**

A section shall provide a summary of the results of monitoring conducted at the site. This section shall include the dates and times that monitoring was conducted, the measured depths to groundwater, directions of groundwater and vadose zone fluids flow, field air and water quality measurements, static pressures, field measurements, and a comparison to previous monitoring results. Field observations or conditions that may influence the results of monitoring shall be reported in this section. Tables summarizing leachate and vapor-monitoring parameters, groundwater and vadose zone fluid elevations, depth-to-water measurements, and other field measurements may be substituted for this section. The tables shall include all information required in Permit Section 7.4.11.

### **7.4.8 Chemical Analytical Data Results**

A section shall discuss the results of the chemical analyses. It shall provide the dates of sampling and the analytical results. It shall also provide a comparison of the data to previous results and to any cleanup standards or established cleanup levels for the site. The rationale or purpose for altering or modifying the sampling program shall be provided in this section. A table summarizing the laboratory analytical data, QA/QC data, applicable cleanup levels, and modifications to the sampling program may be substituted for this section. The tables shall include all information required in Permit Section 7.4.11.

### **7.4.9 Remediation System Monitoring**

A section shall discuss remediation system monitoring. It shall summarize the remediation system's capabilities and performance. It shall also provide monitoring data, treatment system discharge sampling requirements, and system influent and effluent sample analytical results. The dates of operation, system failures, and modifications made to the remediation system during the reporting period shall also be included in this section. A summary table may be substituted for this section. The tables shall include all information required in Permit Section 7.4.11.

### **7.4.10 Summary**

A summary section shall provide a discussion and conclusions of the monitoring conducted at the site. In addition, this section shall provide a comparison of the results to applicable cleanup levels and to relevant historical monitoring and chemical analytical data. An explanation shall be provided with regard to data gaps. A discussion of remediation system performance, monitoring results, modifications if applicable, and compliance with discharge requirements shall be provided in this section. Recommendations and explanations regarding future monitoring, remedial actions, or site closure shall also be included in this section.

### **7.4.11 Tables**

A section shall provide the following summary tables for the media sampled. With prior approval from the NMED, the Permittee may combine one or more of the tables. Data presented in the tables shall include the current sampling and monitoring data, as well as data from the three previous monitoring

events or, if data from less than three monitoring events is available, data acquired during previous investigations. Remediation system monitoring data also shall be presented. The dates of data collection shall be included in the tables. Summary tables may be substituted for portions of the text. The analytical data tables shall include only detected analytes and data quality exceptions that could potentially mask detections. Laboratory data analytical summary tables shall contain a specific reference for each sample to its associated laboratory report. The following tables shall be included, as applicable:

1. a table summarizing the regulatory criteria (a regulatory criteria text section may be substituted for this table or the applicable cleanup levels may be included in the analytical data tables);
2. a table summarizing groundwater and vadose zone fluid elevations, and depths to water data; the table shall include the monitoring well depths, casing elevations, the screened intervals in each well, and the dates and times of measurements;
3. a table summarizing field measurements of surface water quality data, if applicable;
4. a table summarizing field measurements of subsurface vapor monitoring and soil moisture data (including historical vapor monitoring data as described above);
5. a table summarizing field measurements of groundwater and vadose zone fluid quality data (including historical water quality data as described above);
6. a table summarizing subsurface vapors chemical analytical data, if applicable (including historical analytical data as described above);
7. a table summarizing surface water chemical analytical data, if applicable (including historical surface water analytical data as described above);
8. a table summarizing groundwater and vadose zone fluid chemical analytical data (including historical groundwater analytical data as described above); and
9. a table summarizing remediation system monitoring data, if applicable (including historical remediation system monitoring data as described above).

#### **7.4.12 Figures**

A section shall include the following figures. All figures shall include a scale and north arrow. An explanation shall be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. All figures shall have a date. The following figures must be included, as applicable:

1. a vicinity map showing topography and the general location of the site relative to surrounding features or properties;

2. a facility site plan that presents pertinent site features and structures, well and piezometer locations and remediation system location(s) and features; off-site well locations and pertinent features shall be included on the site plan, if practical; additional site plans may be required to present the locations of relevant off-site well locations, structures, and features;
3. figures presenting the locations of monitoring and other well locations, groundwater and vadose zone fluid elevation data, and groundwater and vadose zone fluid flow directions;
4. figures presenting groundwater and vadose zone fluid analytical data for the current monitoring event; the analytical data corresponding to each sampling location may be presented in tabular form on the figure or as an isoconcentration map;
5. figures presenting surface water sampling locations and analytical data for the current monitoring period;
6. figures presenting subsurface vapor sampling locations and analytical data for the current monitoring event; the analytical data corresponding to each sampling location may be presented in table form on the figure or as an isoconcentration map; and
7. figures presenting geologic cross-sections based on outcrop and borehole data, if applicable.

#### **7.4.13 Appendices**

Each monitoring report shall include the following appendices. Additional appendices may be necessary to present data or documentation not listed below.

##### **7.4.13.1 Field Methods**

The report shall include a section that describes the methods used to acquire field measurements of groundwater and vadose zone fluid elevations, subsurface vapor, soil moisture, water quality data, subsurface vapor samples, vadose zone fluid samples, and groundwater samples. It shall include the methods and types of instruments used to measure depths to water, air, headspace, or subsurface vapor parameters, soil moisture information, and water quality parameters. In addition, decontamination, well purging techniques, well sampling techniques, and sample handling procedures shall be provided in this appendix. Methods of measuring and sampling remediation systems shall be reported in this section, if applicable. Purge and decontamination water storage and disposal methods shall also be presented in this appendix. References to SOPs shall not substitute for such descriptions. Copies of purge and decontamination water disposal documentation shall be provided in a separate appendix.

##### **7.4.13.2 Chemical Analytical Program**

An appendix shall discuss the analytical program. It shall include the analytical methods, a summary of data quality objectives, and data quality review procedures. A summary of data quality exceptions and their effect on the acceptability of the analytical data with regard to the monitoring event and the site

status shall be included in this appendix along with references to case narratives provided in the laboratory reports.

### **7.4.13.3 Chemical Analytical Reports**

An appendix shall include all laboratory chemical analytical data generated for the reporting period. The data may be submitted electronically on a compact disc in Microsoft Excel or other format acceptable to the NMED. The reports shall include all chain-of-custody records and QA/QC results provided by the laboratory. Hard (paper) copies of all chain-of-custody records shall be submitted as part of this appendix.

## **7.5 Risk Assessment Report**

The Permittee shall prepare risk assessment reports for sites requiring corrective action at the Facility using the format described below. This Section provides a general outline for risk assessments and also sets forth the minimum requirements for describing risk assessment elements. In general, interpretation of data shall be presented only in the background, conceptual site model, and conclusions and recommendations sections of the reports. The other text sections of the Risk Assessment report shall be reserved for presentation of sampling results from all investigations, conceptual and mathematical elements of the risk assessment, and presentations of toxicity information and screening values used in the risk assessment. Permit Section 6.5.8 and subsequent sections should be presented in separate sections for the human health and ecological risk assessments, but the general risk assessment outline applicable to both sections is provided below.

### **7.5.1 Title Page**

The title page shall include the type of document, revision number if applicable, the facility name, the unit, SWMU, or AOC name(s), and the submittal date. A signature block providing spaces for the name, title, and organization of the preparer and the responsible representative of the Facility shall be provided on the title page in accordance with the signature requirements in 40 CFR 270.11(b).

### **7.5.2 Executive Summary**

The executive summary section shall provide a brief summary of the purpose and scope of the risk assessment of the subject site. The executive summary shall also briefly summarize the conclusions of the risk assessment. The Facility, unit, SWMU, or AOC name(s) and location(s) shall be included in the executive summary.

### **7.5.3 Table of Contents**

The table of contents shall list all text sections, subsections, tables, figures, and appendices or attachments included in the risk assessment. The corresponding page numbers for the titles of each unit of the report shall be included in the table of contents.

### **7.5.4 Introduction**

The introduction section shall include the Facility name, unit name(s) and location(s), and unit status (e.g., active operations, closed, corrective action). General information on the current site usage and status shall be included in this section.

### **7.5.5 Background**

The background section shall describe relevant background information. This section shall briefly summarize historical site uses including the locations of current and former site structures and features. A labeled figure shall be included in the document showing the locations of current and former site structures and features.

### **7.5.6 Site Description**

A section shall provide a description of current site topography, features, and structures including a description of drainages, erosional features, current site uses, and other data relevant to assessing risk at the site. Depth to groundwater, vadose zone fluids, and directions of groundwater and vadose zone fluids flow shall be included in this section. The presence and location of surface water bodies such as springs or wetlands shall be noted in this section. Photos of the site may be incorporated into this section, if desired. Ecological features of the site should be described here, including type and amount of vegetative cover, observed and expected wildlife receptors, and level of disturbance of the site. A topographical map of the site and general vicinity of the site showing habitat types, boundaries of each habitat, and any surface water features shall be included in the Figures section of the document.

### **7.5.7 Sampling Results**

A section shall include a summary of the history of releases of contaminants, known and possible sources of contamination, and the vertical and lateral extent of contamination present in each media. This section shall include summaries of sampling results of all investigations, including site plans (included in the Figures section of the document), showing locations of detected contaminants. This section shall reference pertinent figures, data summary tables, and citations for references to previous reports. References to previous reports shall include page, table, and figure numbers for referenced information. Summaries of sampling data for each constituent shall include the maximum value detected, the detection limit, the 95% UCL of the mean value detected (if applicable to the data set) and whether that 95% UCL of the mean was calculated based on a normal or lognormal distribution. Background values used for comparison to inorganic constituents at the site shall be presented in this subsection. The table of background values should appear in the Tables section of the document and include actual values used as well as the origin of the values (facility-wide, site-specific, UCL, UTL). This section shall also include a discussion of how “non-detect” sample results were handled in the averaging of data.

### **7.5.8 Conceptual Site Model**

A section shall present the conceptual site model. It shall include information on the expected fate and transport of contaminants detected at the site. This section shall provide a list of all sources of contamination at the site. Sources that are no longer considered to be ongoing but represent the point of

origination for contaminants transported to other locations shall be included. The discussion of fate and transport shall address potential migration of each contaminant in each medium, potential breakdown products and their migration, and anticipated pathways of exposure for human or ecological receptors. Diagrammatic representations of the conceptual site model shall appear in the Figures section of the document.

For human health risk assessments, the conceptual site model shall include residential land use as the future land use for all risk assessments. In addition, site-specific future land use may be included, provided that written approval to consider a site-specific future land use has been obtained from the NMED prior to inclusion in the risk assessment. If a site-specific future land use scenario appears in the risk assessment, all values for exposure parameters and the source of those values shall be included in table format and presented in the Tables section of the document.

Conceptual site models presented for ecological risk assessments shall identify assessment endpoints and measurement receptors for the site. The discussion of the model shall explain how the measurement receptors for the site are protective of the wildlife receptors identified by the Permittee in the site description, Permit Section 7.5.5.1.

#### **7.5.9 Risk Screening Levels**

A section shall present the actual screening values used for each contaminant for comparison to all human health and ecological risk screening levels. A discussion of the methods used to calculate screening levels in accordance with Permit Section 3.6 and any variances from those procedures shall be included in this Section. If no valid toxicological studies exist for the receptor or contaminant, the contaminant and receptor combination shall be addressed using qualitative methods. If an approved site-specific risk scenario is used for the human health risk assessment, this section shall include all toxicity information and exposure assessment equations used for the site-specific scenario, as well as the sources for that information. Other regulatory levels applicable to screening the site, such as drinking water MCLs, shall also be included in this section.

### **7.5.10 Risk Assessment Results**

This section shall present all risk values, Hazard Quotients (HQs), and Hazard Indices (HIs) for human health under projected future residential scenario and any site-specific scenarios. This section shall also present the HQ and HI for each contaminant for each ecological receptor.

### **7.5.11 Uncertainty Analysis**

This section shall include discussion of qualitative, semi-quantitative, and quantitative uncertainty in the risk assessment and estimate the potential impact of the various uncertainties.

### **7.5.12 Conclusions and Recommendations**

This section shall include an interpretation of the results of the risk assessment and any recommendations for future disposition of the site. This section may include additional information and considerations that the Permittee believes are relevant to the analysis of the site.

### **7.5.13 Tables**

Data presented in the summary tables shall include information on detection limits and significant data quality exceptions. All data tables shall include only detected analytes and data quality exceptions that could potentially mask detections. A section shall provide the following summary tables, as appropriate. With prior approval from the NMED, the Permittee may combine one or more of the tables:

1. a table presenting background values used for comparison to inorganic constituents at the site; the table shall include actual values used as well as the origin of the values (Facility-wide, site-specific, UCL, UTL, or maximum);
2. a table summarizing sampling data shall include, for each constituent, all detected values above background, the maximum value detected, the 95 percent UCL of the mean value detected (if applicable to the data set), and whether that 95 percent UCL of the mean was calculated based on a normal or lognormal distribution;
3. a table of all screening values used and the sources of those values;
4. a table presenting all risk values, HQs, and HIs under projected future residential scenario;
5. a table presenting all risk values, HQs, and HIs under approved additional site-specific future land use scenario; and
6. a table presenting the HQ and HI for each contaminant for each ecological receptor.

### **7.5.14 Figures**

This section shall present the following figures for each site, as appropriate. With prior approval from the NMED, the Permittee may combine one or more of the figures. All figures shall include a scale and a north arrow. An explanation shall be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. The following figures shall be included, as applicable:

1. a vicinity map showing topography and the general location of the site relative to surrounding features or properties;
2. for human health risk assessments, a site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and its details; off-site well locations and other relevant features shall be included on the site plan if practical; additional site plans may be required to present the locations of relevant off-site wells, structures, and features;
3. for ecological risk assessments, a topographical map of the site and general vicinity of the site showing habitat types, boundaries of each habitat, and any surface water features; and
4. conceptual site model diagrams for both human health and ecological risk assessments.

#### **7.5.15 Appendices**

Appendices may be included to present additional relevant information for the risk analysis such as the results of statistical analyses of data sets and comparisons of data, ecological checklists for the site, full sets of results of all sampling investigations at the site, or other data as appropriate.

### **7.6 Corrective Measures Evaluation**

The Permittee shall prepare corrective measures evaluations for sites requiring corrective measures using the format described below. This Permit Section (7.6) provides a general outline for corrective measures evaluations and sets forth the minimum requirements for describing corrective measures when preparing these documents. All investigation summaries, site condition descriptions, corrective action goals, corrective action options, remedial options selection criteria, and schedules shall be included in the corrective measures evaluations. In general, interpretation of historical investigation data shall be presented only in the background sections of the corrective measures evaluations. At a minimum, detections of contaminants encountered during previous site investigations shall be presented in the corrective measures evaluations in table format with an accompanying site plan depicting sample locations. The other text sections of the corrective measures evaluations shall be reserved for presentation of corrective action-related information regarding anticipated or potential site-specific corrective action options and methods relevant to the project. The general corrective measures evaluation outline is provided below.

#### **7.6.1 Title Page**

The title page shall include the type of document, revision number if applicable, the Facility name, the unit, SWMU, or AOC name(s), and the submittal date. A signature block providing spaces for the name,

title, and organization of the preparer and the responsible Facility representative shall be provided on the title page in accordance with the signature requirements in 40 CFR 270.11(b).

### **7.6.2 Executive Summary**

The executive summary shall provide a brief summary of the purpose and scope of the corrective measures evaluation to be conducted at the site. The executive summary or abstract shall also briefly summarize the conclusions of the evaluation. The Facility, unit, SWMU, or AOC name(s) and location(s) shall be included in the executive summary.

### **7.6.3 Table of Contents**

The table of contents shall list all text sections, subsections, tables, figures, and appendices or attachments included in the corrective measures evaluation. The corresponding page numbers for the titles of each section of the report shall be included in the table of contents.

### **7.6.4 Introduction**

The introduction section shall include the Facility name, unit name(s) and location(s) and unit status (e.g., active operations, closed, corrective action). General information on the current site usage and status shall be included in this section. A brief description of the purpose of the corrective measures evaluation and the corrective action objectives for the project also shall be provided in this section.

### **7.6.5 Background**

The background section shall describe the relevant background information. This section shall briefly summarize historical site activities including the locations of current and former site structures and features. A labeled figure shall be included in the document showing the locations of current and former site structures and features. The locations of subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures shall be included in the background section and labeled on the site plan.

This section shall include contaminant and waste characteristics, a brief summary of the history of contaminant releases, known and possible sources of contamination, and the vertical and lateral extent of contamination present in each medium. This section shall include brief summaries of results of previous investigations, including references to pertinent figures, data summary tables, and text in previous reports. References to previous reports shall include page, table, and figure numbers for referenced information. Summary tables and site plans showing relevant investigation locations shall be referenced and included in the Tables and Figures sections of the document, respectively.

### **7.6.6 Site Conditions**

#### **7.6.6.1 Surface Conditions**

A section on surface conditions shall describe current and historic site topography, features, and structures, including a description of topographic drainages, man-made drainages, vegetation, and

erosional features. It shall also include a description of current uses of the site and any current operations at the site. This section shall also include a description of those features that could potentially influence corrective action option selection or implementation such as archeological sites, wetlands, or other features that may affect remedial activities. In addition, descriptions of features located in surrounding sites that may have an effect on the subject site regarding sediment transport, surface water runoff, or contaminant transport shall be included in this section. A site plan displaying the locations of all pertinent surface features and structures shall be included in the Figures section of the corrective measures evaluation.

#### **7.6.6.2 Subsurface Conditions**

A section on subsurface conditions shall describe the site conditions observed during previous subsurface investigations. It shall include relevant soil horizon and stratigraphic information, groundwater and vadose zone fluid conditions, fracture data, and subsurface vapor information. A site plan displaying the locations of all borings and excavations advanced during previous investigations shall be included in the Figures section of the corrective measures evaluation.

### **7.6.7 Potential Receptors**

#### **7.6.7.1 Sources**

A section shall provide a list of all sources of contamination at the site where corrective measures are to be considered or are required. Sources that are no longer considered to be releasing contaminants at the site but may be the point of origination for contaminants transported to other locations, shall be included in this section.

#### **7.6.7.2 Pathways**

A section shall describe potential migration pathways that could result in either acute or chronic exposures to contaminants. It shall include such pathways as utility trenches, paleochannels, surface exposures, surface drainages, stratigraphic units, fractures, structures, and other features. The migration pathways for each contaminant and each medium should be tied to the potential receptors for each pathway. A discussion of contaminant characteristics relating to fate and transport of contaminants through each pathway shall also be included in this section.

#### **7.6.7.3 Receptors**

A section shall provide a listing and description of all anticipated potential receptors that could possibly be affected by the contamination present at the site. Potential receptors shall include human and ecological receptors, groundwater, and other potential receptors. This section shall identify relevant pathways, such as pathways that could divert or accelerate the transport of contamination to human receptors, ecological receptors, and/or groundwater.

### **7.6.8 Regulatory Criteria**

A section shall set forth the applicable cleanup standards, risk-based screening levels, and risk-based cleanup goals for each medium at the site. The appropriate cleanup levels for each site shall be included, if site-specific levels have been established. A table summarizing the applicable cleanup standards shall be included as part of the document. Alternately, the report may include applicable cleanup standards as a column in the data tables. If cleanup levels calculated in a risk evaluation are employed, the risk evaluation document shall be referenced including pertinent page numbers for referenced information.

### **7.6.9 Identification of Corrective Measures Options**

A section shall identify and describe potential corrective measures for source, pathway, and receptor controls. Corrective measures options shall include the range of available options including, but not limited to, a no action alternative, institutional controls, engineering controls, in-situ and onsite remediation alternatives, complete removal, and any combination of alternatives that would potentially achieve cleanup goals.

### **7.6.10 Evaluation of Corrective Measures Options**

A section shall provide an evaluation of the corrective measures options identified in Section 6.6.9 above. The evaluation shall be based on the applicability, technical feasibility, effectiveness, implementability, impacts to human health and the environment, and cost of each option. A table summarizing the corrective measures alternatives and the criteria listed below shall be included in the Tables section of this document. The general basis for evaluation of corrective measures options is described below.

#### **7.6.10.1 Applicability**

Applicability addresses the overall suitability for the corrective action option for containment or remediation of the contaminants in the relevant media with regard to protection of human health and the environment.

#### **7.6.10.2 Technical Feasibility**

Technical feasibility describes the uncertainty in designing, constructing, and operating a specific remedial alternative. The description shall include an evaluation of historical applications of the remedial alternative including performance, reliability, and minimization of hazards.

#### **7.6.10.3 Effectiveness**

Effectiveness assesses the ability of the corrective measure to mitigate the measured or potential impact of contamination in a medium under the current and projected site conditions. The assessment also shall include the anticipated duration for the technology to attain regulatory compliance. In general, all corrective measures described above will have the ability to mitigate the impacts of contamination at the site, but not all remedial options will be equally effective at achieving the desired cleanup goals to the degree and within the same time frame as other options. Each remedy shall be evaluated for both short-term and long-term effectiveness.

#### **7.6.10.4 Implementability**

Implementability characterizes the degree of difficulty involved during the installation, construction, and operation of the corrective measure. Operation and maintenance of the alternative shall be addressed in this section.

#### **7.6.10.5 Human Health and Ecological Protectiveness**

This category evaluates the short-term (remedy installation-related) and long-term (remedy operation-related) hazards to human health and the environment of implementing the corrective measure. The assessment shall include whether the technology will create a hazard or increase existing hazards and the possible methods of hazard reduction.

#### **7.6.10.6 Cost**

A section shall discuss the anticipated cost of implementing the corrective measure. The costs shall be divided into: 1) capital costs associated with construction, installation, pilot testing, evaluation, permitting, and reporting of the effectiveness of the alternative; and 2) continuing costs associated with operating, maintaining, monitoring, testing, and reporting on the use and effectiveness of the technology.

#### **7.6.11 Selection of Preferred Corrective Measure**

The Permittee shall propose the preferred corrective measures at the site and provide a justification for the selection in this section. The proposal shall be based upon the ability of the remedial alternative to: 1) achieve cleanup standard objectives in a timely manner; 2) protect human and ecological receptors; 3) control or eliminate the sources of contamination; 4) control migration of released contaminants; and 5) manage remediation waste in accordance with State and Federal regulations. The justification shall include the supporting rationale for the remedy selection, based on the factors listed in Permit Section 7.6.10, and a discussion of short- and long-term objectives for the site. The benefits and possible hazards of each potential corrective measure alternative shall be included in this section.

#### **7.6.12 Design Criteria to Meet Cleanup Objectives**

The Permittee shall present descriptions of the preliminary design for the selected corrective measures in this section. The description shall include appropriate preliminary plans and specifications to effectively illustrate the technology and the anticipated implementation of the remedial option at the site. The preliminary design shall discuss the design life of the alternative and provide engineering calculations for proposed remediation systems.

#### **7.6.13 Schedule**

A section shall set forth a proposed schedule for completion of remedy-related activities such as bench testing, pilot testing, construction, installation, remedial excavation, cap construction, installation of monitoring points, and other remedial actions. The anticipated duration of corrective action operations and the schedule for conducting monitoring and sampling activities shall also be presented. In addition,

this section shall provide a schedule for submittal of reports and data to the NMED, including a schedule for submitting all status reports and preliminary data.

#### **7.6.14 Tables**

A section shall present the following summary tables, as appropriate. Data presented in the summary tables shall include information on dates of sample collection, analytical methods, detection limits, and significant data quality exceptions. All data tables shall include only detected analytes and data quality exceptions that could potentially mask detections. The following summary tables shall be included in the corrective measures evaluations, as appropriate:

1. a table summarizing regulatory criteria, background, and the applicable cleanup standards;
2. a table summarizing historical field survey location data;
3. tables summarizing historical field screening and field parameter measurements for each media;
4. tables summarizing historical soil, rock, or sediment laboratory analytical data; the summary tables shall include the analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
5. a table summarizing historical groundwater elevation and depth to water data; the table shall include the monitoring well depths and the screened intervals in each well;
6. tables summarizing historical groundwater and vadose zone laboratory analytical data; the analytical data tables shall include the analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
7. tables summarizing historical surface water laboratory analytical data; the analytical data tables shall include the analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
8. tables summarizing historical air sample screening and analytical data; the data tables shall include the screening instruments used, laboratory analytical methods, detection limits, and significant data quality exceptions that would influence interpretation of the data;
9. tables summarizing historical pilot or other testing data, if applicable, including units of measurement and types of instruments used to obtain measurements;
10. a table summarizing the corrective measures alternatives and evaluation criteria; and
11. a table presenting the schedule for installation, construction, implementation, and reporting of selected corrective measures.

## 7.6.15 Figures

This section shall present the following figures for each site, as appropriate. All figures shall include a scale. All plan view figures shall include a north arrow. An explanation shall be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. All figures shall contain a date. The following figures shall be included, as applicable:

1. a vicinity map showing topography and the general location of the subject site relative to surrounding features or properties;
2. a unit site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and details; off-site well locations and other relevant features shall be included on the site plan if practical; additional site plans may be required to present the locations of relevant off-site well locations, structures, and features;
3. figures showing historical soil boring locations, excavation locations, and sampling locations;
4. figures presenting historical soil sample field screening and laboratory analytical data, if appropriate;
5. figures showing all existing wells including vapor monitoring wells and piezometers; the figures shall present historical groundwater elevation data and indicate groundwater flow directions;
6. figures presenting historical groundwater laboratory analytical data including past data, if applicable; the analytical data corresponding to each sampling location may be presented as individual concentrations, in table form on the figure, or as an isoconcentration map;
7. figures presenting historical surface water sample locations and analytical data including past data, if applicable; the laboratory analytical data corresponding to each sampling location may be presented as individual concentrations or in table form on the figure;
8. figures presenting historical air sampling locations and presenting air quality data; the field screening or laboratory analytical data corresponding to each sampling location may be presented as individual concentrations, in table form on the figure or as an isoconcentration map;
9. figures presenting historical pilot or other test locations and data, where applicable, including site plans or graphic data presentation;
10. figures presenting geologic cross-sections based on outcrop and borehole data, if applicable;
11. figures presenting the locations of existing and proposed remediation systems;
12. figures presenting existing remedial system design and construction details; and

13. figures presenting preliminary design and construction details for preferred corrective measures.

#### **7.6.16 Appendices**

Each corrective measures evaluation shall include, as appropriate, as an appendix, the management plan for waste, including investigation derived waste, generated as a result of construction, installation, or operation of remedial systems, monitoring, or other activities conducted. Each corrective measures evaluation shall include additional appendices presenting relevant additional data, such as pilot or other test or investigation data, remediation system design specifications, system performance data, or cost analyses as necessary.

# ATTACHMENTS

## **PERMIT ATTACHMENT A      FACILITY DESCRIPTION**

### **A.1      INTRODUCTION**

Sparton Technologies, Inc. operated an electronics manufacturing plant at the 9621 Coors Boulevard in Albuquerque, New Mexico from 1961 to 1999. When the plant was opened, manufactured products included commercial, industrial, and military electronics, which included printed circuit board assemblies, transducers, sensors, and pressure measurement systems. The Facility also manufactured telecommunications monitoring and alarm systems and associated components, solid state modules, and high reliability switches.

The printed circuit manufacturing process employed the generation of wastewater sludges from electroplating operations and the use of metal plating, which generated aqueous plating wastes, characterized as hazardous due to their heavy metals content and their characteristic of corrosivity. The electronics assembly employed cleaning solvents, which generated spent halogenated and non-halogenated hazardous wastes.

### **A.2      SITE DESCRIPTION**

The Sparton Technologies, 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 at Latitude 35° 11' 05" North, and Longitude 106° 39' 38" West. The Facility lies within Bernalillo County and the City of Albuquerque zoning jurisdictions. It occupies a 12-acre tract about one-half of a mile northwest of the Rio Grande floodplain. The regional location of the permitted Facility is shown on Figure 1, Permit Attachment L (Figures). Figure 2 in the same Attachment shows the Site Plan of the Facility. Figure 3 is a geologic cross-section of the shallow deposits at the Facility. The former hazardous waste management area is capped, vacant and is surrounded by a security fence. Figure 4 (Topographic Map), Permit Attachment L (Figures) shows the location of the Facility, its surface topographic features, delineates the 100-year floodplain, indicates the locations of the post-closure onsite and off-site groundwater monitoring wells, and a wind rose diagram for the Albuquerque area. Figure 5 (Land Use Map) in Permit Attachment L (Figures) illustrates current zoning designations and delineates land uses at and around the Facility. The land uses include residential, commercial, agricultural, recreational, and other uses. Adjacent land north of the Facility is zoned for manufacturing. To the west and south of the Facility, zoning is for commercial development. Lands to the east of the facility are zoned for residential use and agriculture. These current designations for land use adjacent to the Facility are supported and recommended to be maintained in the future by the Coors Corridor Plan (a written Plan, developed by the communities along Coors Road, that outlines how to protect and enhance the byway's intrinsic qualities and character). Figure 6 in Permit Attachment L (Plume Hydrology) shows the groundwater flow direction and rate, the water table contours, and the 2019 extent of the plume of contamination. Figure 7 presents the location of the existing wells at the Facility.

Locally, the Facility area is hilly and slopes in several wide terraces toward the Rio Grande. The site is approximately 60 feet above the river elevation, and about 60 feet lower than the lowest end of the Paradise Hills residential area, which is located about three-quarters of a mile to the west of the site. Elevations within the property boundaries range from 5,040 to 5,055 feet above mean sea level, but the elevations within the hazardous waste management area (Impoundment and Sump Area) do not vary from each other

by more than two feet. About 200 feet southeast of the facility across Coors Road, is the Corrales Canal, an irrigation waterway. The Calabacillas Arroyo is located about one quarter mile north of the site. The depth to the groundwater table is approximately 65 feet below the ground surface at the Facility, and regionally it is moving in a west southwesterly direction. Figure 7 in Permit Attachment L (Figures) shows the locations of on-site or source containment wells and off-site or observation monitoring wells. In the permitted unit area, the groundwater is moving in a northwesterly direction.

### **A.3. WASTE MANAGEMENT HISTORY**

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 removing the remaining wastes and filling it with sand. After that date, the Facility began to accumulate the waste solvents in drums prior to transport off site for disposal.

The plating wastes were stored in an unlined surface impoundment, and wastewater that accumulated in the impoundment was periodically removed by a vacuum truck for off-site disposal at a permitted facility. Closure of the former impoundment and sump area occurred in December 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.

### **A.4 HYDROGEOLOGIC SETTING**

The Sparton Technologies Post-Closure Care Facility lies in the northern part of the Albuquerque Basin, one of the largest sedimentary basins of the Rio Grande rift, a chain of linked basins that extend south from central Colorado into northern Mexico. Fill deposits in the basin are as much as 15,000 feet thick.

The fill deposits in the upper 1,500 feet of the subsurface consist primarily of sand and gravel with lesser amounts of silt and clay. The near-surface deposits consist of less than 200 feet of Quaternary alluvium associated with terrace, arroyo fan, and channel and floodplain deposits. These deposits are saturated beneath the facility and to the east of the Facility towards the Rio Grande but are unsaturated to the west of the site. Figure 3 in Permit Attachment L is a geologic cross-section illustrating the stratigraphy at and around the Facility.

The water table beneath the Facility and between the Facility and the Rio Grande lies within the Quaternary deposits; however, to the west and downgradient from the site, the water table is within the Upper Santa Fe Formation. Water-level data indicate that the general direction of groundwater flow is to the northwest with gradients that generally range from 0.0025 to 0.006 ft/ft; however, within the deposits that lie above the 4970-foot silt/clay unit at the Facility, the direction of groundwater flow is to the west-southwest and the water table has a steeper gradient ranging from 0.010 to 0.016 ft/ft.

### **A.5. GROUNDWATER CONTAMINATION**

Investigations that the Permittee conducted between 1983 and 1987 at and around the permitted Facility revealed that on-site soils and groundwater were contaminated by plating waste solvents, which consisted

mainly of the volatile organic compounds (VOCs), primarily trichloroethene (TCE), 1,1,1-trichloroethane (TCA), lesser amounts of methylene chloride, acetone, and 1,1-dichloroethene (DCE), and by chromium, and that contaminated groundwater had migrated beyond the boundaries of the Facility to downgradient, off-site areas. The stabilizer, 1,4, dioxane is also present in in groundwater beneath the Facility. The predominant contaminants at the off-site areas are VOCs, TCE, DCE, TCA and 1,4 dioxane.

In 1998 and 1999, during settlement negotiations associated with lawsuits brought by the USEPA, the State of New Mexico, the County of Bernalillo, and the City of Albuquerque, the Permittee was required, and agreed, to implement the following actions:

- (1) The installation, testing, and continuous operation of an off-site extraction well designed to contain the contaminant plume;
- (2) the replacement of the on-site groundwater recovery system by a source containment well designed to address the release of contaminants from potential on-site source areas;
- (3) the operation of a 400 cubic feet per minute (cfm) capacity on-site soil vapor extraction (SVE) system for a total operating time of eighteen months;
- (4) the implementation of a groundwater monitoring plan;
- (5) the assessment of aquifer restoration; and
- (6) the implementation of a public involvement plan.

Work Plans for the implementation of the measures and actions agreed upon by the parties were developed and included in a Consent Decree entered into by the parties on March 3, 2000. The Consent Decree set the terms for addressing the soil and groundwater contamination.

Under the terms of the March 2003 Decree, the Permittee is currently operating an off-site and source containment pump and treat systems to address the groundwater contamination. Under the terms of the same Consent Decree, the Permittee also previously operated a Soil Vapor Extraction (SVE) system to address on-site soil contamination. This system was operated for a total of about 372 days between April 10, 2000 and June 15, 2001 and was dismantled in May of 2002 after analytical data indicated that the requirements and performance goals of the Consent Decree had been met.

## **A.6. FACILITY GROUNDWATER REMEDIATION SYSTEMS**

### **A.6.1. On-Site or Source Containment Pump and Treat System**

The On-Site or Source Containment Pump and Treat System comprises a containment well CW-2 located immediately downgradient from the site, an on-site pump and treat system, two on-site infiltration ponds (ponds 2 and 3), and associated conveyance and monitoring components. Water from the extraction well is metered, treated with AquaMag (a high-grade magnesium hydroxide slurry), goes through the air stripper to remove chlorinated solvents, and then is discharged to one of two infiltration ponds.

The containment well CW-2 has a 15-foot screen across the upper part of the sand unit, an on-site treatment building with an air stripper and chromium removal unit to pump and treat the pumped water, and associated pipelines to two on-site ponds 2 and 3 shown in Figure 8 for returning the treated water to the aquifer. The ponds are rotated monthly so that a different one is dry each month.

The original treatment system consisted only of the air stripper. A chromium removal unit was installed at the on-site area in 2014 to address increased chromium concentrations in the effluent. The original design consisted of six infiltration ponds. Based on performance data from the six ponds, two ponds were backfilled in late 2005 and another two in early 2014.

#### **A.6.2. Off-Site Containment Pump and Treat System**

The off-site containment well was installed and tested in late 1998. The main objective of the off-site pump and treat system is to contain and capture contaminated groundwater migrating from the Facility, treat the captured water, and return it to the aquifer. Water from one extraction well is metered, treated with AquaMag, goes through the air stripper to remove chlorinated solvents and an ion exchange unit to remove chromium, and then is discharged to the infiltration gallery located beneath the Calabacillas Arroyo.

The off-site pump and treat system consists of a containment well CW-1, which fully penetrates the saturated portion of the sand unit above a clay confining layer, a treatment building with an air stripper to treat the pumped water, and a pipeline to the nearby Arroyo de las Calabacillas, and an infiltration gallery in the arroyo for returning the treated water to the aquifer. The system operating on December 31, 1998. An air stripper for treating the pumped water and an infiltration gallery for returning the treated water to the aquifer were constructed in the spring of 1999. The pump and treat well was connected to these facilities in late April 1999.

## **PERMIT ATTACHMENT B**

## **AUTHORIZED WASTES**

### **B.1 AUTHORIZED WASTES**

The hazardous waste process codes and estimated annual quantities that the Permittee was authorized to manage, treat and store at the facility are no longer required since the Facility is undergoing post-closure care. The Facility was approved for closure in December 2001. However, NMED has included Part A Permit Application in this Attachment (B), irrespective of the fact that the Facility is not actively managing hazardous waste. This is because the Part A still contains relevant information on Site Identification, Facility Contact person(s), and additional information on the Hazardous Waste Permit Information Forms.

United States Environmental Protection Agency <b>HAZARDOUS WASTE PERMIT PART A FORM</b>	
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**1. Facility Permit Contact**

First Name <b>Joseph</b>	MI <b>S</b>	Last Name <b>Lerczak</b>
Title <b>Consultant</b>		
Email <b>Joe.Lerczak@sparton.com</b>		
Phone <b>517.917.4667</b>	Ext	Fax

**2. Facility Permit Contact Mailing Address**

Street Address <b>5612 Johnson Lake Rd</b>		
City, Town, or Village <b>De Leon Springs</b>		
State <b>Florida</b>	Country <b>USA</b>	Zip Code <b>32130-3657</b>

**3. Facility Existence Date (mm/dd/yyyy)**

<b>1/1/1961</b>
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**4. Other Environmental Permits**

A. Permit Type	B. Permit Number										C. Description	
N	N	M	R	0	0	A	4	5	3			NPDES Storm Water Permit
E	1	2	0	3								City of Albuquerque Authority-to-Construct
E	0	0	4	4	2							City of Albuquerque Air Quality Source
E	D	P	1	1	8	4						New Mexico Environment Department Dis

**5. Nature of Business**

When the surface impoundment was in operation, the facility was a printed circuit electronic assembly manufacturing facility (NAICS-334418). Currently, corrective action is being performed under a Consent Decree dated March 3, 2000.

**6. Process Codes and Design Capacities**

Line Number	A. Process Code	B. Process Design Capacity		C. Process Total Number of Units	D. Unit Name
		(1) Amount	(2) Unit of Measure		
		N/A			

**7. Description of Hazardous Wastes** (Enter codes for Items 7.A, 7.C and 7.D(1))

Line No.	A. EPA Hazardous Waste No.	B. Estimated Annual Qty of Waste	C. Unit of Measure	D. Processes	
				(1) Process Codes	(2) Process Description (if code is not entered in 7.D1)
		N/A			

**8. Map**

Attach to this application a topographical map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all spring, rivers, and other surface water bodies in this map area. See instructions for precise requirements.

**9. Facility Drawing**

All existing facilities must include a scale drawing of the facility. See instructions for more detail.

**10. Photographs**

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment, and disposal areas; and sites of future storage, treatment, or disposal areas. See instructions for more detail.

**11. Comments**

United States Environmental Protection Agency <b>RCRA SUBTITLE C SITE IDENTIFICATION FORM</b>	
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**1. Reason for Submittal** (Select only one.)

<input type="checkbox"/>	Obtaining or updating an EPA ID number for an on-going regulated activity that will continue for a period of time. (Includes HSM activity)
<input type="checkbox"/>	Submitting as a component of the Hazardous Waste Report for _____ (Reporting Year)
<input type="checkbox"/>	Site was a TSD facility and/or generator of $\geq 1,000$ kg of non-acute hazardous waste, $> 1$ kg of acute hazardous waste, or $> 100$ kg of acute hazardous waste spill cleanup in <b>one or more months of the reporting year</b> (or State equivalent LQG regulations)
<input type="checkbox"/>	Notifying that regulated activity is no longer occurring at this Site
<input type="checkbox"/>	Obtaining or updating an EPA ID number for conducting Electronic Manifest Broker activities
<input checked="" type="checkbox"/>	Submitting a new or revised Part A Form

**2. Site EPA ID Number**

N	M	D	0	8	3	2	1	2	3	3	2
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**3. Site Name**

<b>Sparton Technology, Inc.</b>
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**4. Site Location Address**

Street Address	<b>9621 Coors Road NW</b>		
City, Town, or Village	<b>Albuquerque</b>	County	<b>Bernalillo</b>
State	<b>New Mexico</b>	Country	<b>USA</b>
		Zip Code	<b>87114</b>

**5. Site Mailing Address**

Same as Location Address

Street Address	<b>5612 Johnson Lake Rd</b>		
City, Town, or Village	<b>De Leon Springs</b>		
State	<b>Florida</b>	Country	<b>USA</b>
		Zip Code	<b>32130-3657</b>

**6. Site Land Type**

<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Tribal	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other
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**7. North American Industry Classification System (NAICS) Code(s) for the Site (at least 5-digit codes)**

A. (Primary) <b>see 18</b>	C.
B.	D.

## 8. Site Contact Information

 Same as Location Address

First Name	<b>Joseph</b>	MI	<b>S</b>	Last Name	<b>Lerczak</b>
Title	<b>Consultant</b>				
Street Address	<b>5612 Johnson Lake Rd</b>				
City, Town, or Village	<b>De Leon Springs</b>				
State	<b>Florida</b>	Country	<b>USA</b>	Zip Code	<b>32130-3657</b>
Email	<b>Joe.Lerczak@sparton.com</b>				
Phone	<b>517.917.4667</b>	Ext		Fax	

## 9. Legal Owner and Operator of the Site

## A. Name of Site's Legal Owner

 Same as Location Address

Full Name	<b>Sparton Technology, Inc</b>	Date Became Owner (mm/dd/yyyy)	<b>2/2/1961</b>
Owner Type	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
Street Address	<b>5612 Johnson Lake Rd</b>		
City, Town, or Village	<b>De Leon Springs</b>		
State	<b>Florida</b>	Country	<b>USA</b>
Zip Code	<b>32130-3657</b>		
Email			
Phone		Ext	
Fax			
Comments	<b>This is the mailing address of Sparton Technology, Inc., who remains the site's legal owner.</b>		

## B. Name of Site's Legal Operator

 Same as Location Address

Full Name	<b>Same as 9 (A)</b>	Date Became Operator (mm/dd/yyyy)	
Operator Type	<input type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
Street Address			
City, Town, or Village			
State		Country	
Zip Code			
Email			
Phone		Ext	
Fax			
Comments			

**10. Type of Regulated Waste Activity (at your site)**

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Generator of Hazardous Waste—If "Yes", mark only one of the following—a, b, c	
<input type="checkbox"/>	a. LQG	-Generates, in any calendar month (includes quantities imported by importer site) 1,000 kg/mo (2,200 lb/mo) or more of non-acute hazardous waste; or - Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lb/mo) of acute hazardous waste; or - Generates, in any calendar month or accumulates at any time, more than 100 kg/mo (220 lb/mo) of acute hazardous spill cleanup material.
<input type="checkbox"/>	b. SQG	100 to 1,000 kg/mo (220-2,200 lb/mo) of non-acute hazardous waste and no more than 1 kg (2.2 lb) of acute hazardous waste and no more than 100 kg (220 lb) of any acute hazardous spill cleanup material.
<input type="checkbox"/>	c. VSQG	Less than or equal to 100 kg/mo (220 lb/mo) of non-acute hazardous waste.
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section. <i>Note: If "Yes", you MUST indicate that you are a Generator of Hazardous Waste in Item 10.A.1 above.</i>	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	3. Treater, Storer or Disposer of Hazardous Waste—Note: Part B of a hazardous waste permit is required for these activities.	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	4. Receives Hazardous Waste from Off-site	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	5 Recycler of Hazardous Waste	
<input type="checkbox"/>	a. Recycler who stores prior to recycling	
<input type="checkbox"/>	b. Recycler who does not store prior to recycling	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	6. Exempt Boiler and/or Industrial Furnace—If "Yes", mark all that apply.	
<input type="checkbox"/>	a. Small Quantity On-site Burner Exemption	
<input type="checkbox"/>	b. Smelting, Melting, and Refining Furnace Exemption	

**B. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more spaces are needed.


**C. Waste Codes for State Regulated (non-Federal) Hazardous Wastes.** Please list the waste codes of the State hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.


**11. Additional Regulated Waste Activities (NOTE: Refer to your State regulations to determine if a separate permit is required.)**

**A. Other Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Transporter of Hazardous Waste—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Underground Injection Control
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	3. United States Importer of Hazardous Waste
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	4. Recognized Trader—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	5. Importer/Exporter of Spent Lead-Acid Batteries (SLABs) under 40 CFR 266 Subpart G—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter

**B. Universal Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Large Quantity Handler of Universal Waste (you accumulate 5,000 kg or more) - If “Yes” mark all that apply. Note: Refer to your State regulations to determine what is regulated.
<input type="checkbox"/>	a. Batteries
<input type="checkbox"/>	b. Pesticides
<input type="checkbox"/>	c. Mercury containing equipment
<input type="checkbox"/>	d. Lamps
<input type="checkbox"/>	e. Other (specify) _____
<input type="checkbox"/>	f. Other (specify) _____
<input type="checkbox"/>	g. Other (specify) _____
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Destination Facility for Universal Waste Note: A hazardous waste permit may be required for this activity.

**C. Used Oil Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Used Oil Transporter—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Used Oil Processor and/or Re-refiner—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Processor
<input type="checkbox"/>	b. Re-refiner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	3. Off-Specification Used Oil Burner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	4. Used Oil Fuel Marketer—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
<input type="checkbox"/>	b. Marketer Who First Claims the Used Oil Meets the Specifications

**D. Pharmaceutical Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals—if “Yes”, mark only one. Note: See the Item-by-Item instructions for definitions of healthcare facility and reverse distributor.
<input type="checkbox"/>	a. Healthcare Facility
<input type="checkbox"/>	b. Reverse Distributor
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Withdrawing from operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals. Note: You may only withdraw if you are a healthcare facility that is no longer an LQG or SQG.

**12. Eligible Academic Entities with Laboratories**—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR 262 Subpart K.

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Opting into or currently operating under 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories— If “Yes”, mark all that apply. Note: See the item-by-item instructions for definitions of types of eligible academic entities.
<input type="checkbox"/>	1. College or University
<input type="checkbox"/>	2. Teaching Hospital that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/>	3. Non-profit Institute that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	B. Withdrawing from 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories.

**13. Episodic Generation**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category. If “Yes”, you must fill out the Addendum for Episodic Generator?
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**14. LQG Consolidation of VSQG Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If “Yes”, you must fill out the Addendum for LQG Consolidation of VSQGs hazardous waste.
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**15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.
A. <input type="checkbox"/> Central Accumulation Area (CAA) or <input type="checkbox"/> Entire Facility	
B. Expected closure date: _____ mm/dd/yyyy	
C. Requesting new closure date: _____ mm/dd/yyyy	
D. Date closed : _____ mm/dd/yyyy	
<input type="checkbox"/>	1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
<input type="checkbox"/>	2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)

## 16. Notification of Hazardous Secondary Material (HSM) Activity

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), (25), or (27)? If "Yes", you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material.
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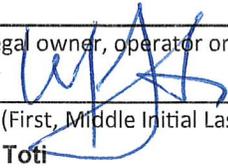
## 17. Electronic Manifest Broker

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying as a person, as defined in 40 CFR 260.10, electing to use the EPA electronic manifest system to obtain, complete, and transmit an electronic manifest under a contractual relationship with a hazardous waste generator?
--	--

## 18. Comments (include item number for each comment)

**Section 7 - It is unclear what code to enter. The current activity at the facility is a car dealership (NAICS 441110). The immediate preceding activity was a machine shop (NAICS 332710). When the surface impoundment was in operation, the facility was a printed circuit electronic assembly manufacturing facility (NAICS 334418).**

**19. Certification** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. **Note: For the RCRA Hazardous Waste Part A permit Application, all owners and operators must sign (see 40 CFR 270.10(b) and 270.11).**

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) 4/2/2021
Printed Name (First, Middle Initial Last) William J. Toti	Title President
Email Bill.Toti@sparton.com	
Signature of legal owner, operator or authorized representative	Date (mm/dd/yyyy)
Printed Name (First, Middle Initial Last)	Title
Email	

## **PERMIT ATTACHMENT C**

## **WASTE ANALYSIS PLAN**

### **C.1 WASTE ANALYSIS PLAN**

Sparton Technology, Inc. is currently conducting data acquisition, analysis and groundwater monitoring under the Consent Decree of March 3, 2000 (a.k.a. Consent Order). 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 CONTINGENCY PLAN

### D.1. CONTINGENCY PLAN

It is anticipated that the capped surface impoundment will not present a current or future threat to human health or the environment due to the design of the cap. If deterioration of the cap, monitoring wells, or security fence is found by the Facility personnel during inspection, then the repair of the damaged equipment or material shall be initiated in a timely manner.

The Permittee is currently conducting groundwater detection monitoring in accordance with the program that has been established for this site. Under the March 3, 2000 Consent Decree, this facility is designed to detect any change in groundwater quality or extent of the plume.

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

**TABLE D  
EMERGENCY COORDINATOR LIST**

<b>Emergency Coordinator</b>	<b>Name &amp; Title</b>	<b>Office Address</b>	<b>Telephone Number</b>
Primary	Joseph Lerczak: Project Coordinator	8500 Bluewater Road, NW, Albuquerque, NM 87121	Office: (517) 917-4667 Home: (517) 262-8195
Alternate	Robert Marley: Senior Hydrogeologist	320 Gold Avenue SW, Albuquerque, NM 87102	Office: (505) 224-9013 Home: (505) 715-5154

## **PERMIT ATTACHMENT E**

## **INSPECTION PLAN**

### **E.1. Inspection Plan**

The Permittee shall inspect the general condition of the Facility on a semi-annual basis. To facilitate this inspection, vehicular access to the area shall be restricted for a length of time sufficient to complete a thorough inspection. This inspection will include the drainage swale on the north and west sides of the cap to ensure that it is clear of debris and that the sides are intact. A visual inspection of the entire 3-inch-thick asphalt wearing surface shall also be performed. The location of any gouges, cracks, surface-movement, and/or pavement deterioration (chemical or natural) shall be noted. Any breaches of the wearing surfaces which expose (however slightly) the asphalt base shall be repaired, and the repair will commence immediately. Undisturbed wearing surface material shall be removed for a distance of 6 inches in all directions around the breach, and this area shall be resurfaced as specified for the initial paving in the Post-Closure Care Plan (Permit Attachment H). If, at any time between inspections, any sort of breach of the wearing surface is reported, there shall be an immediate inspection to determine if repair is necessary.

The Permittee shall conduct inspection of the ground-water monitoring wells at MW-16 and MW-25, which penetrate the cap, to confirm the integrity of the cap. This will include the working order of the security caps and physical damage to the protective casing or surface grouting. If one or both wells are no longer needed as part of corrective action, they will be plugged and abandoned as necessary to ensure the integrity of the cap. The Permittee shall also inspect the pump-and-treat system components, building, infiltration gallery, and infiltration ponds.

### **E.2. Inspection Schedule**

The Permittee shall conduct a semi-annual inspection of the permitted Facility for maintenance, inspection of the monitoring wells, subsidence, and for security to prevent the unknowing, and to minimize the possibility for the unauthorized, entry of persons or vehicles into the active portion of the Facility monitoring sites. In addition to the inspection requirements specified in this Attachment (E), an inspection checklist component for monitoring wells and the items to be inspected are listed below in Table E-1 of this Attachment.

The schedule of each semi-annual inspection shall be kept at the Facility's Albuquerque office for a minimum of three years from the date of each inspection.

**TABLE E-1**  
**Post-Closure Semi-Annual Inspection Checklist for the Sparton Technologies, Inc. Facility**

Date of Inspection: \_\_\_\_\_

Name of Inspector: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_

<b>Item</b>	<b>Description of What to Inspect for</b>	<b>Problem (Y/N)</b>	<b>Remarks</b>	<b>Action Taken</b>	<b>Date</b>
<b>Maintenance</b>	Wearing surface				
	Gouges				
	Deterioration				
	Subsidence				
<b>General</b>	Ponding on Cap				
	Rainfall Run-on				
<b>Subsidence</b>	Benchmark Survey				
<b>Monitor Wells M-16 &amp; M-25</b>	Surface Leakage to wells				
	Rusting or broken well covers				
	Integrity of locks				
<b>Security</b>	Integrity of fences and gates				
	Integrity of locks				
	Integrity and status of signs				
	Evidence of vandalism				
	Integrity of benchmarks				

Inspector's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner/Operator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **PERMIT ATTACHMENT F**

## **PERSONNEL TRAINING PLAN**

### **F.1. INTRODUCTION**

Although personnel training is no longer required for post-closure permits there is still the need for minimal personnel training with regards to the day-to-day operation and maintenance of both the off-site and on-site containment systems for protection of human health and the environment.

### **F.2. PERSONNEL TRAINING PLAN FOR THE FACILITY**

Personnel training shall be part of the post-closure plan for the facility. The program shall ensure that the personnel involved in the post-closure activities are properly trained to inspect the security measures, condition of the former surface impoundment pond closure covers, and groundwater monitoring wells. Such personnel will have received training in environmental field procedures through a combination of academic training and work experience and may be a combination of Facility permanent staff and environmental consultant staff. A fully qualified engineer, geologist, hydrologist or environmental scientist shall supervise field sampling efforts, review results of groundwater sampling, and shall assess the significance of the ground water monitoring data. .

## **PERMIT ATTACHMENT G      CLOSURE OF THE FORMER HAZARDOUS WASTE MANAGEMENT UNIT**

### **G.1    INTRODUCTION**

The following section provides a brief chronology of the life of the Facility from its inception in 1961 to its closure in December 2001.

### **G.2    CLOSURE OF THE HAZARDOUS WASTE MANAGEMENT UNIT**

Sparton Technology, Inc. operated an electronics manufacturing plant at the 9621 Coors Boulevard NW, Albuquerque, New Mexico, from 1961 through 1999. The by-products of those activities were spent solvents and plating wastes. Prior to the effective date of the Federal Resource Conservation and Recovery Act (RCRA), the Facility stored spent solvents in an unlined 5-foot x 5-foot concrete sump approximately two feet deep made of concrete blocks, awaiting off site shipment. However, it is unclear exactly when this sump was constructed or how spent solvents were handled before construction of the sump. The Facility stopped using the sump for storage of hazardous waste spent solvents in October of 1980. After October of 1980, spent solvents were placed in drums that were accumulated in the "old drum area". After May of 1981 the spent solvents were placed in drums and accumulated in a "new drum area" (HLA, December 19, 1985; Martinez, January 16, 1981).

The plating wastes were put into an unlined surface impoundment for accumulation and then shipped offsite for disposal during the manufacturing process. Available records suggest that the now closed surface impoundment was initially constructed in 1975 and expanded in 1977 (HDR, May 1, 1992). There are unconfirmed reports that before the closed surface impoundment was built, an earlier pond existed in the area that is capped. The now closed surface impoundment received waste until August of 1983, when it was taken out of service (HLA, May 7, 1985 and December 17, 1985). After that date, plating wastes were drummed and accumulated on-site for less than 90 days.

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 was certified on December 18, 1986 (Mico, December 18, 1986). The new drum storage area was certified clean closed on October 15, 1986. The old drum storage area was certified clean closed on December 31, 2001.

### **G.3 REFERENCES**

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METRIC Corporation. May 2000. Sparton Technology, Inc. Final Off-Site Containment System Operation and Maintenance Manual

METRIC Corporation. May 2000. Design Plans and Specifications and Permits for the Source Containment System at the Sparton Coors Road Plant

Mico, Richard D. July 21, 1983. Letter to Regional Administrator, USEPA Region VI, Dallas, Texas.

Mico, Richard D. December 18, 1986. Letter to Peter Pache, State of New Mexico Environmental Improvement Division, Hazardous Waste Section, Santa Fe, New Mexico.

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## **PERMIT ATTACHMENT H POST-CLOSURE CARE PLAN**

### **H.1. INTRODUCTION**

The Sparton Technology, Inc. Facility was closed in 2001, and is currently undergoing post-closure care, which includes maintaining the integrity of the concrete slab that covers the sump that was once used for storage of hazardous waste. Post-closure care also involves maintenance of security the fences around the facility, inspection of the condition of the facility, and ground water monitoring under the Consent Decree. The following sections present a description of the security measures that the Permittee must take during the post-closure care period. Also described are the inspection plan, the groundwater monitoring plan, and the maintenance plan.

### **H.2 SECURITY PLAN**

The closed former hazardous waste management unit is bounded by a car dealership building on the south side and an 8-foot-high chain link fence on the other three sides. Access to the area is via a locking personnel gate on the northwest side of the fence and a locking vehicular gate on the southeast side. Warning Signs are posted at all gates reading "DANGER, Unauthorized Personnel Keep Out" in both English and Spanish. The signs have black letters on a yellow background and are visible from at least 25 feet in all approaching directions. Security inspections of the fences, gates, locks, and signs shall continue to take place on quarterly basis to assure equipment integrity and to look for evidence of vandalism and/or tampering. Should any security problem be found during inspection, or by notification to the facility security office, appropriate personnel shall be informed immediately, and repairs and/or replacement shall commence as soon as possible and be completed prior to the next inspection. A security checklist component is included in the overall post-closure care inspection checklist provided in Permit Attachment E (Inspection Plan).

### **H.3 INSPECTION PLAN**

The general post-closure care inspection of the Facility shall be conducted semi-annually as described in Permit Attachment E (Inspection Plan).

### **H.4 GROUNDWATER MONITORING PLAN**

Facility monitoring will concentrate on the possibility of subsidence of the cap area. There are six survey benchmarks in the wearing surface. These benchmarks are tied in horizontally and vertically to the plant grid. At least semi-annually, or after notice of suspected subsidence has been given, a registered surveyor shall verify the elevations of these benchmarks. Access to the cap by vehicles shall be totally restricted while the survey is taking place.

Prior to the survey, water shall be introduced, preferably from a fire hose on the up-slope sides of the cap and allowed to run down-slope. This will confirm that the grade is sufficient to allow drainage and may indicate areas of pavement subsidence, by the ponding of water, on what is supposed to be a slope. Any suspected areas of subsidence shall be surveyed to determine the extent of the problem. If subsidence is

indicated on the cap, the NMED shall be notified immediately, and a determination shall be made as to the cause of the subsidence and the subsequent plan of action.

#### **H.4.1 Summary of Groundwater Monitoring Data**

A summary of the groundwater monitoring data is provided in Attachment A to the Consent Decree (Groundwater Monitoring Program Plan), and in annual reports submitted to NMED/the Department as stipulated by Attachment D of the Consent Decree.

#### **H.4.2 Aquifer Identification**

The aquifer identification data is contained in Attachment A of the Consent Decree and in annual reports submitted to the Department, as specified in Attachment D of the Consent Decree.

#### **H.4.3 Topographic Map Delineations**

This information is related to corrective action which is addressed in the Consent Decree.

#### **H.4.5 Description of the Plume of Contamination**

The Description of the Plume of Contamination information is contained in Attachment A of the Consent Decree and in annual reports that the Permittee submits to the Department, as required by Attachment D of the Consent Decree. Figure 6 of Permit Attachment L (Figures) illustrates the general plume hydrology of the Facility.

#### **H.4.6 Groundwater Monitoring Program**

The Groundwater Monitoring Program is governed by the Consent Decree. Information concerning this program is contained in Attachment A of the Consent Decree and in annual reports submitted to the NMED, as specified in Attachment D of the Consent Decree.

#### **H.4.7 Detection Monitoring Program**

The Detection Monitoring Program is governed by the Consent Decree. Information concerning this program is contained in Attachment A of that document and in the annual reports submitted to the Department, as stipulated by Attachment D of the Consent Decree.

#### **H.4.8 Compliance Monitoring Program and Corrective Action Program**

The Compliance Monitoring and the Corrective Action Programs are governed by the Consent Decree. Information concerning these programs is contained in Attachments A, C, E, F, and G of the Consent Decree and in annual reports submitted to the Department.

The Corrective Action Program is governed by the Consent Decree entered March 3, 2000. Information concerning this program is contained in Attachments A, B, C, E, F, and G of the Consent Decree and in the annual reports submitted to the Department.

#### **H.4.9            Semi-Annual Reporting**

The Annual reporting of groundwater monitoring data is required under Attachment A of the Consent Decree. The semi-annual reporting of groundwater data previously required was discontinued in 2016 with the approval of both the EPA and the Department.

#### **H.5        MAINTENANCE PLAN**

The Maintenance Plan will be implemented when inspection of the Facility area covered by post-closure activities indicates the need. Maintenance shall include repair of the drainage swale southwest of the cap, the chain link fence, gates, locks, signs, the asphalt wearing surface of the cap and the ground water monitoring wells. The drainage swale shall be kept clear of debris and its structural integrity assured. All security devices shall be maintained to a level which assures their integrity, visibility and proper working order. The asphalt wearing surface shall be maintained at a thickness of 3 inches, and any repair or repaving shall be done in accordance with the specifications in the post-closure care inspection described in Permit Attachment E (Inspection Plan).

All maintenance activities shall be carried out by personnel familiar with the tasks at hand. Any repair and/or replacement of the wearing surface pavement shall be contracted to professionals in that field.

**PERMIT ATTACHMENT I**

**COMPLIANCE SCHEDULE**

**(Reserved)**

**PERMIT ATTACHMENT J HAZARDOUS WASTE MANAGEMENT UNITS**

**J.1 Unit Description**

The Hazardous Waste Management Units subject to post-closure care under this Permit are listed in Table J-1. The post-closure care, which is limited to the capped surface impoundment is regulated under a Post-Closure Care Permit and the Consent Order. Under the Consent Order, the Permittee is implementing post-closure care requirements for soil contamination left in place because the Permittee could not achieve clean closure of the permitted capped surface impoundment.

The Old Drum Storage Area was used for the storage of spent solvent from 1980 to 1981. This unit was clean closed in December 2001.

The New Drum Storage Area was where spent solvents were stored from May 1981 until 1986. This unit was clean closed in 1986.

**TABLE J-1: Permitted Units Undergoing Post-Closure Care (Process Code S04)**

<i>Unit Identifier</i>	<i>Regulatory Status</i>	<i>Operating Capacity</i>	<i>General Information</i>
Capped Surface Impoundment.	Post-Closure Care Permitted Unit.	Since the facility is not operating but undergoing post-closure care the requirements of this capacity are not applicable.	The capped Surface Impoundment, where plating wastes and spent volatile organic compounds remain in place is undergoing Post-Closure Care because the Permittee could not achieve clean closure of the Unit.

The following closed units that are listed below in Table J-2 do not require post-closure care and are not subject to the requirements of this Permit. Therefore, Table J-2 is for informational purposes only.

<b>TABLE J-2: Closed Units not requiring Post-Closure Care</b>				
<b>Unit Identifier</b>	<b>Process Codes</b>	<b>Regulatory Status</b>	<b>Operating Capacity</b>	<b>General Information</b>
Old Drum Container Storage Area	S01	Clean Closed	Between 1981 and 1986 a total of approximately 37,085 gallons of hazardous waste were stored at both the Old Drum Storage Area and the New Drum Container Storage Areas.	The Old Drum Container Storage Unit was clean closed in 2001.
New Drum Container Storage Area	S01	Clean Closed	These include about 30,120 gallons of F001(spent halogenated solvents), 900 gallons of F003 (spent non-halogenated solvents), 4,215 gallons of F004, and 9035 gallons of F005, which are also spent non-halogenated solvents; 12,050 gallons of ignitable wastes, and about 600 gallons of reactive wastes were stored at the Old and New Container Storage Units from 1981 to 1986.	The New Drum Container Storage Unit was clean closed in 1986.

## **PERMIT ATTACHMENT K      SOLID WASTE MANAGEMENT UNITS/AREAS OF CONCERN**

### **K.1      Solid Waste Management Unit**

The Solid Waste Management Unit (SWMU) is a concrete sump that was used for storage of hazardous waste that comprised plating waste and volatile organic compounds. The concrete sump was located immediately north of the existing Facility and consisted of a five-feet by five-feet by two-feet sump that received spent solvent waste. The waste mainly consisted of trichloroethylene (TCE), 1,1,1 – trichloroethane (TCA), lesser amounts of methylene chloride, acetone, 1,1 –dichloroethylene (DCE), and 1,4,dioxane. The concrete sump was constructed sometimes between 1960 and 1969 and was in operation until October 1983. It was removed in 1986.

### **K.2      Hazardous Waste Management Unit**

The hazardous waste management unit that was previously operational is the capped surface impoundment that was constructed in 1975. It operated until August 1980 and was closed in 1986. The surface impoundment accepted plating waste for storage and for off-site shipment.

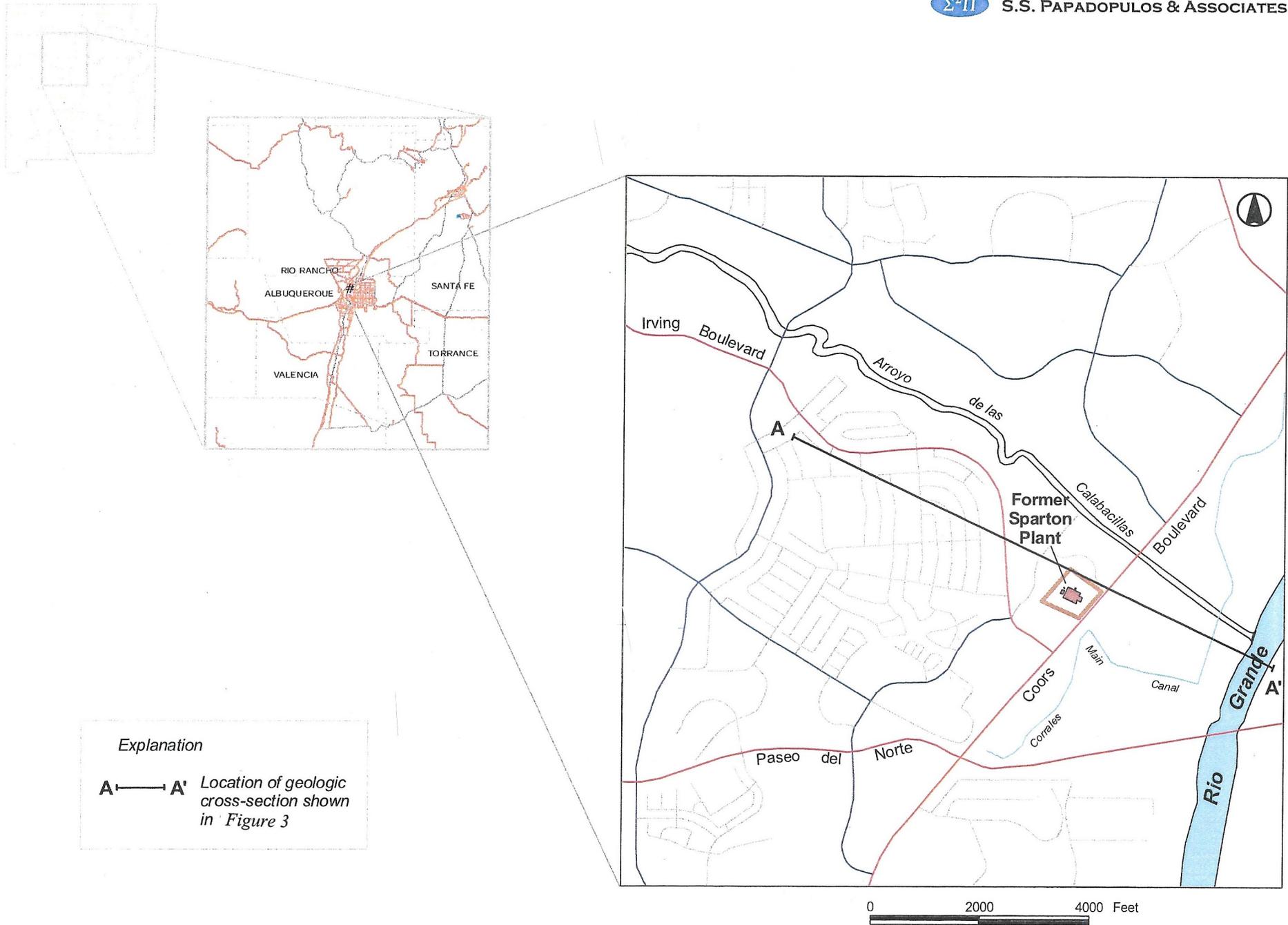
There are currently no other SWMUs or AOCs at the Facility.

## PERMIT ATTACHMENT L

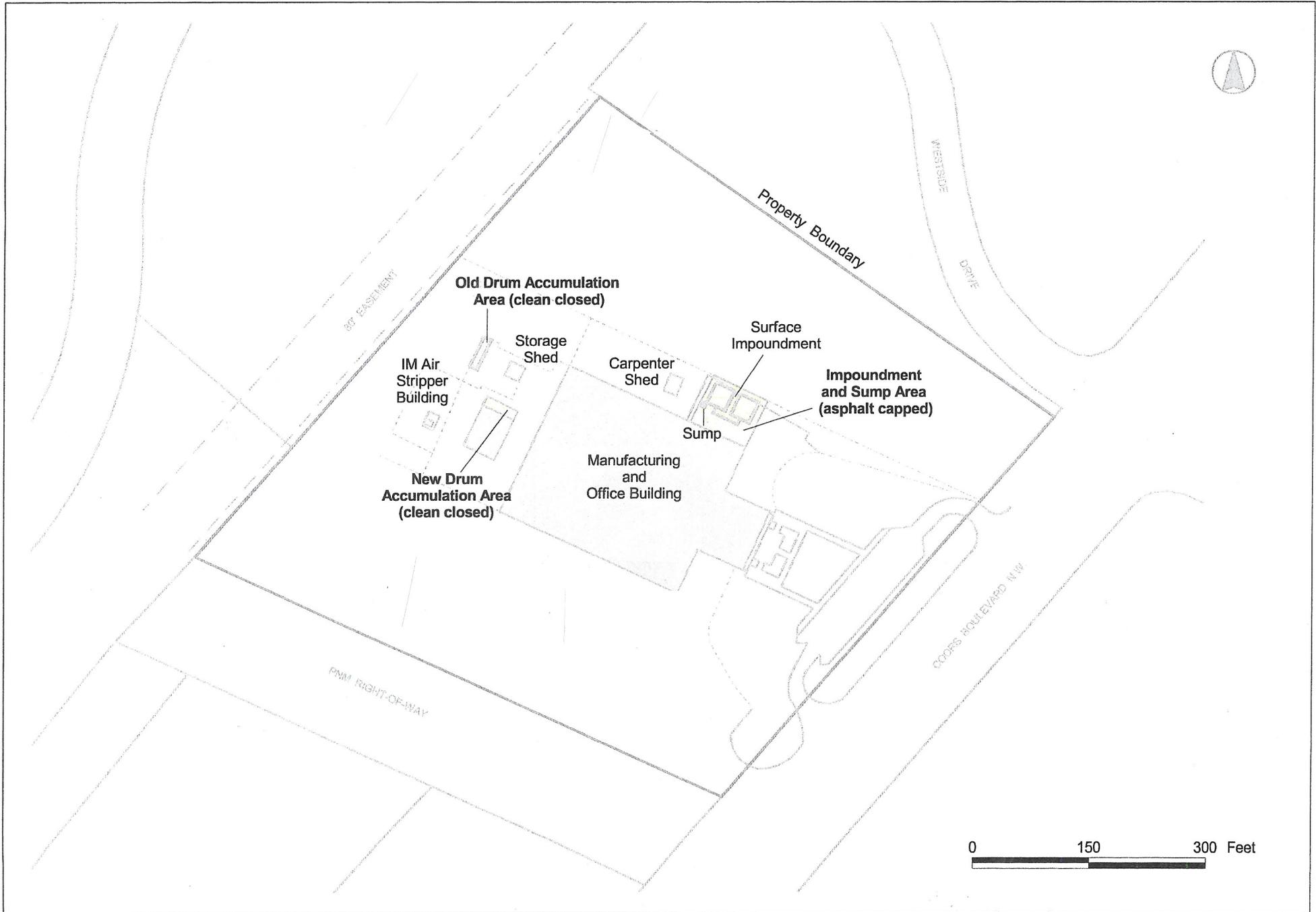
## FIGURES

### L.1 LIST OF FIGURES

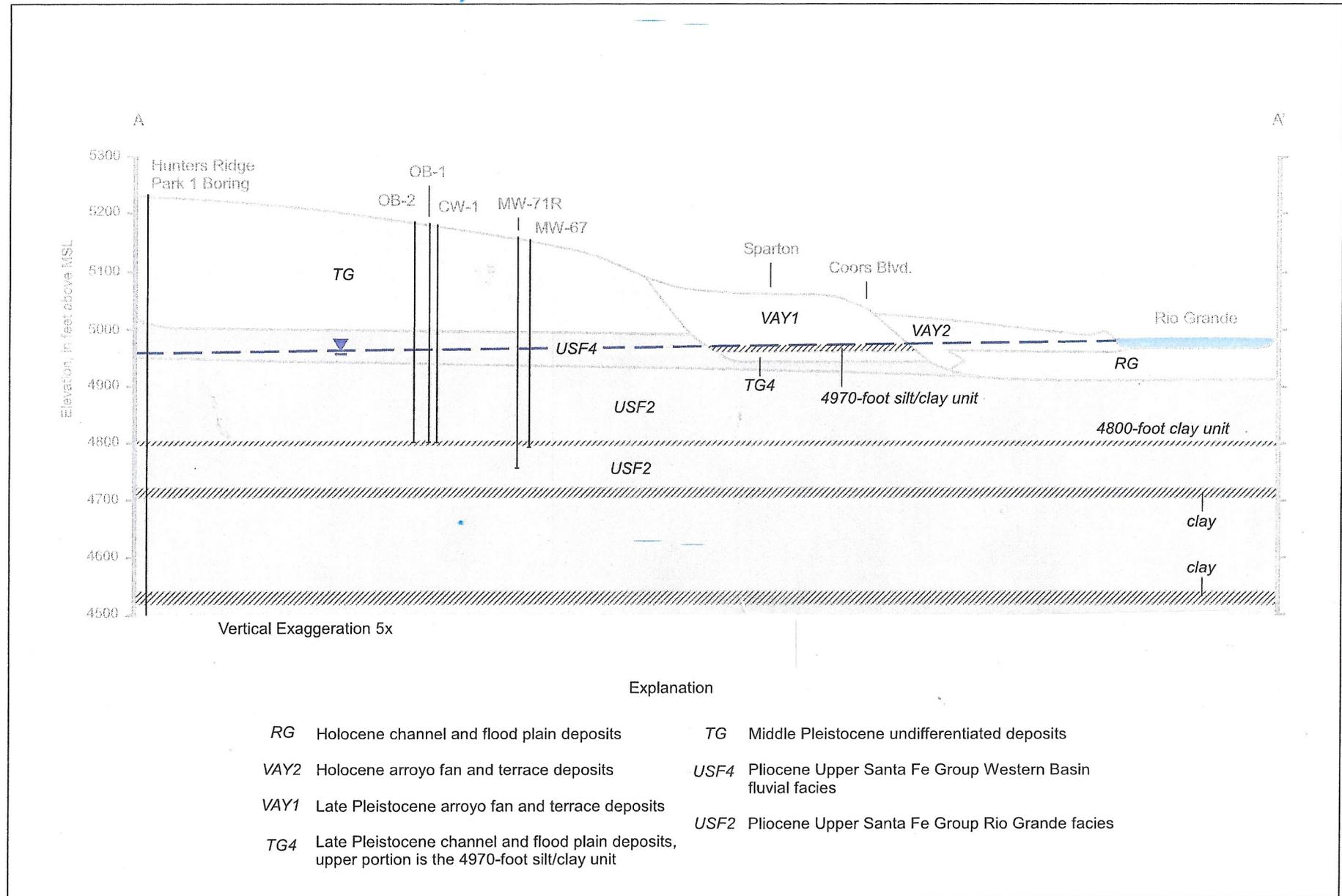
- Figure 1:** Regional Location of the Sparton Technology, Inc. Facility.
- Figure 2:** Site Plan of the Sparton Technology, Inc. Facility.
- Figure 3:** Geologic Cross-Section showing shallow Deposits at the Facility.
- Figure 4:** Topographic Map of the Facility.
- Figure 5:** Land Use Map of the Facility and its Surroundings.
- Figure 6:** Plume Hydrology Map of the Facility and its Surroundings.
- Figure 7:** Map of the Facility showing Existing Monitoring Wells.
- Figure 8:** Layout of the Source Containment System Components.
- Figure 9:** Layout of the Off-Site Containment System Components.



**Figure 1:** Regional Location of the Sparton Technology, Inc. Facility.



**Figure 2:** Site Plan of the Sparton Technology, Inc. Facility.

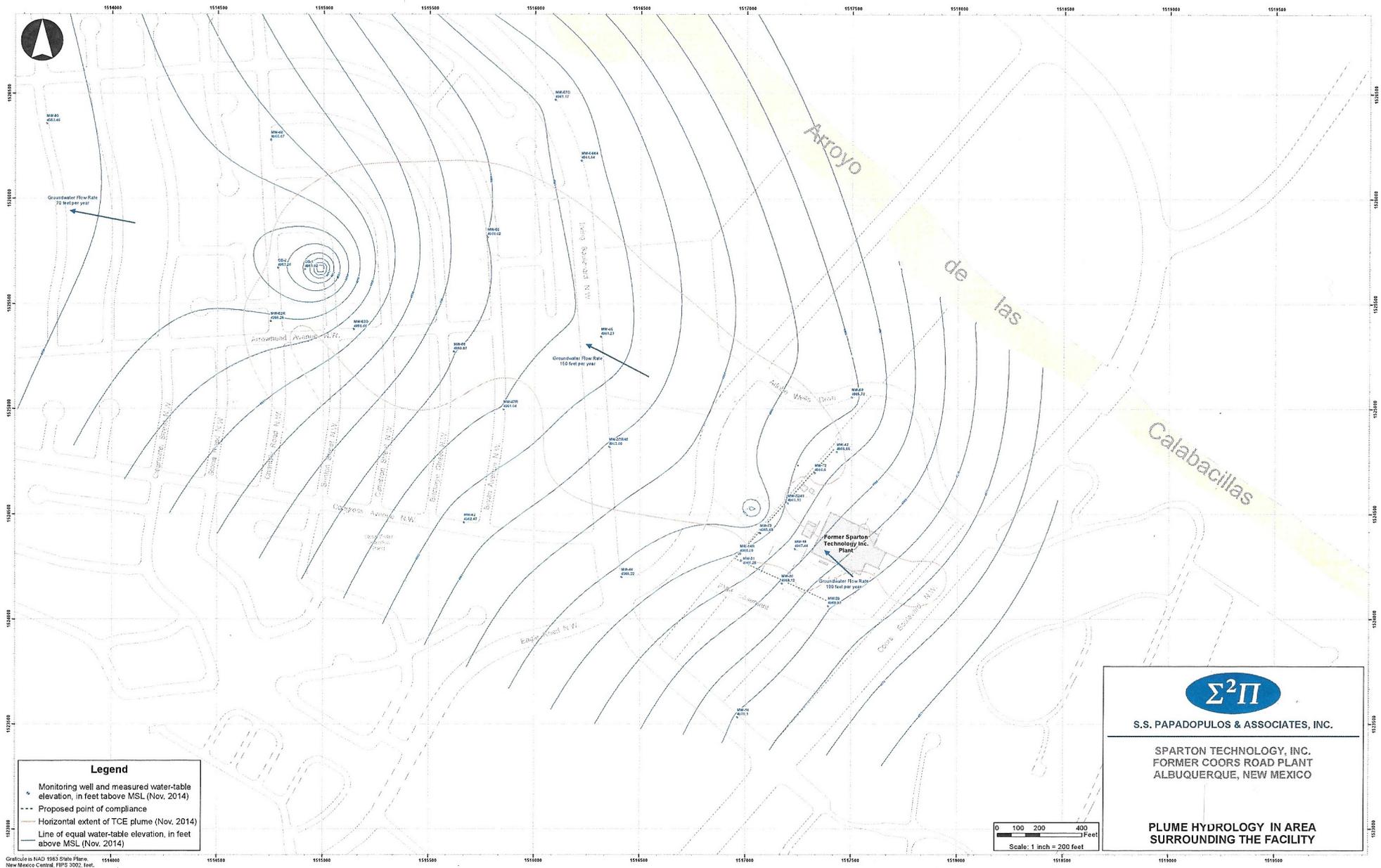


**Figure 3:** Geologic Cross-Section showing shallow Deposits at the Facility

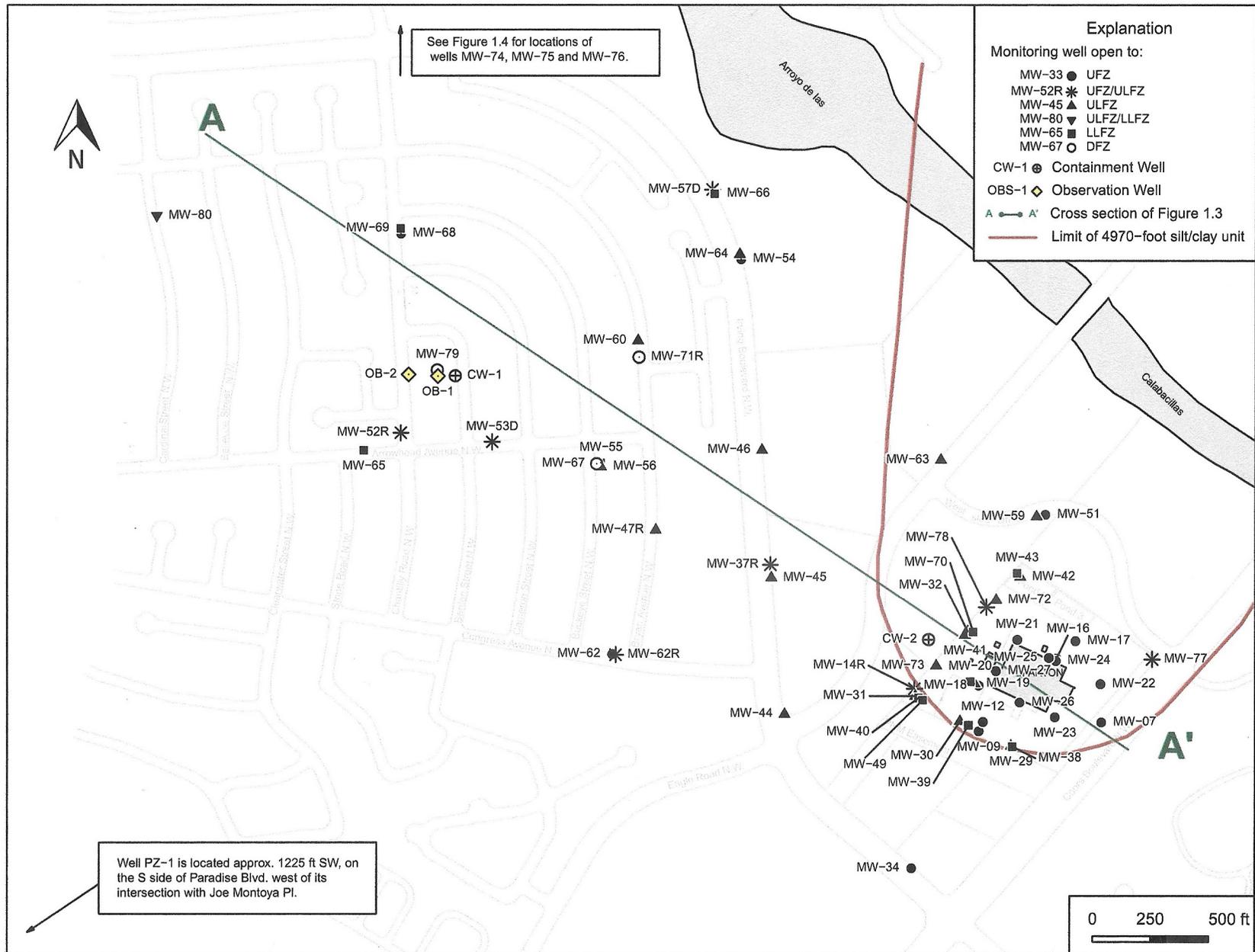




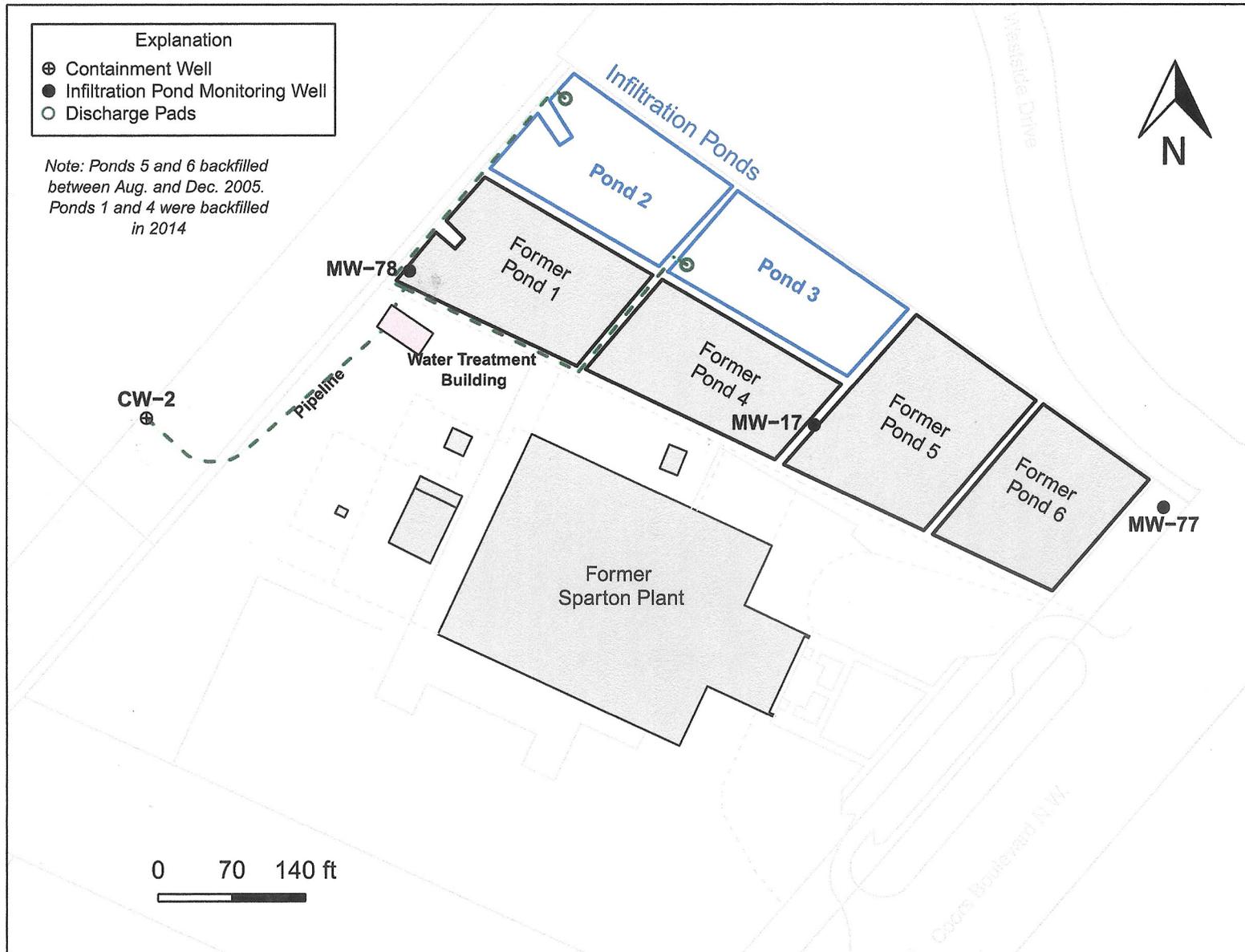
**Figure 5:** Land Use Map of the Facility and its Surroundings.



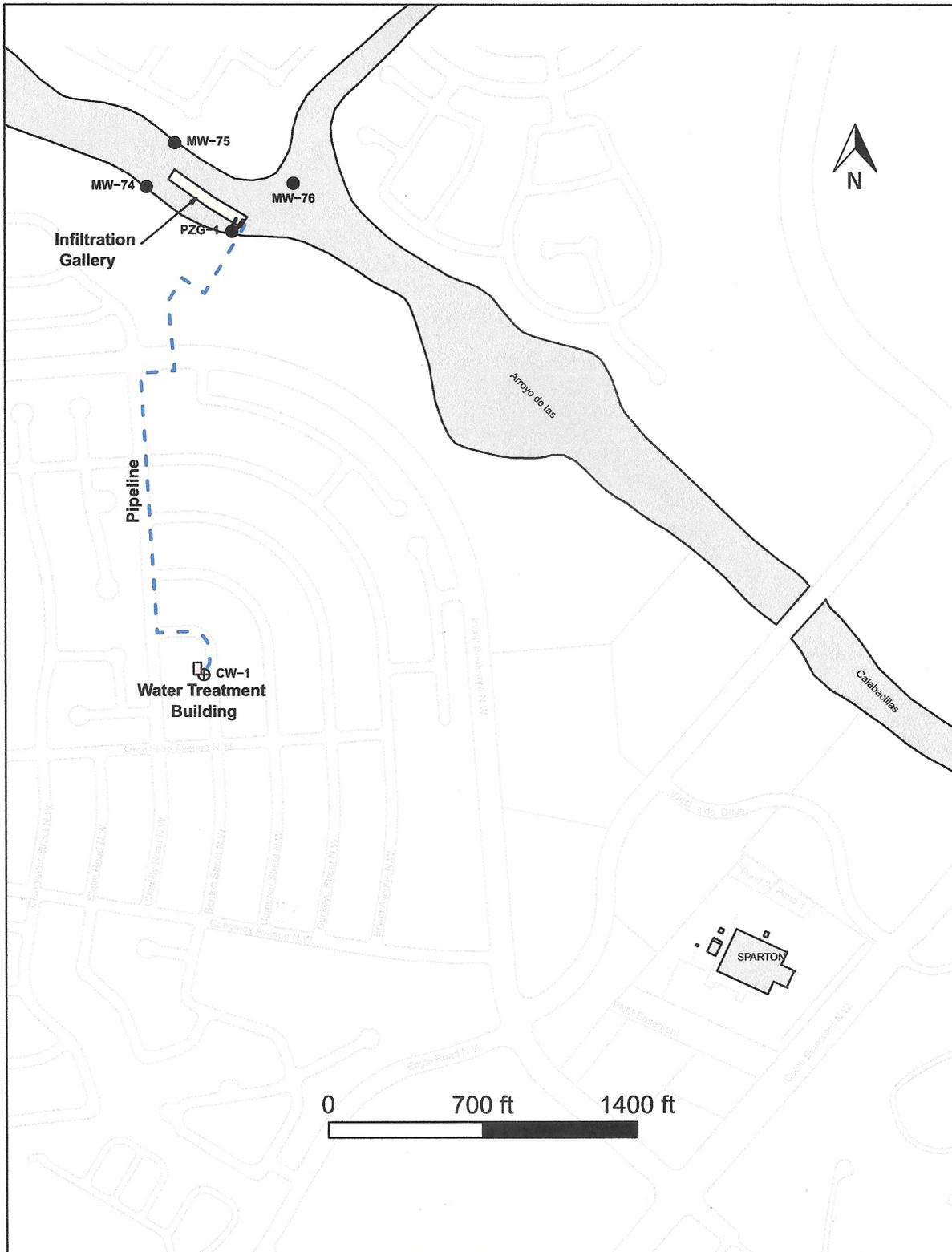
**Figure 6:** Plume Hydrology Map of the Facility and its Surroundings.



**Figure 7:** Map of the Facility showing Monitoring Wells within 1 Mile of the Facility.



**Figure 8:** Layout of the Source Containment System Components.



**Figure 9:** Layout of the Off-Site Containment System Components.