

 **ENTERED**

Kenton

**TONY ANAYA
GOVERNOR**

**DENISE D. FORT
DIRECTOR**



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION

P.O. Box 868, Santa Fe, New Mexico 87504-0868
(505) 984-9028

April 3, 1985

NOTICE OF VIOLATION

CERTIFIED MAIL-RETURN RECEIPT REQUESTED



Mr. R. D. Mico
Sparton Technology, Inc.
P.O. Box 1784
Albuquerque, New Mexico 87103

Re: Sparton Technology, Inc.
EPA ID #NMD 083212332

Dear Mr. Mico:

On March 12, 1985, the New Mexico Environmental Improvement Division (EID) conducted a hazardous waste compliance inspection of Sparton Technology. This letter is EID's notice that, based on our recently completed review of the information obtained during the inspection, EID has determined that Sparton Technology has violated several provisions of the New Mexico Hazardous Waste Management Regulations (HWMR-2). At the termination of our on-site inspection, EID orally notified Sparton Technology about many of these violations. The purpose of this letter is to delineate in writing the violations and to require Sparton Technology to comply with the New Mexico Hazardous Waste Act and HWMR-2 (a copy of which has been previously supplied to Sparton Technology).

The inspection indicated that Sparton Technology is in violation of HWMR-2 as follows:

1. Section 206.C.2.c.(1) requires the closure plan to identify the steps to partially and completely close the facility. The closure plan dated September 28, 1983 does not address the old container storage area identified in the Part A dated 11/17/80. The new container storage area presently in use is inadequately addressed.

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2. Section 206.B.3.c. requires that facilities which receive wastes from off-site identify in the waste analysis plan specific procedures to be followed in handling such waste. The waste analysis plan did not address the wastes received from Sparton subsidiaries in Rio Rancho and Deming, New Mexico.
3. Section 206.B.5.e. requires that facility inspection records include the time of inspection and inspector's name. This information was not included in the inspection record.

In accordance with Section 74-4-10 NMSA, you have thirty (30) calendar days from receipt of this notice to provide documentation that the aforementioned violations have been corrected. Within this thirty (30) day period you may request a hearing at which Sparton Technology may negotiate a legally binding compliance schedule. A request for a hearing on the part of Sparton Technology will not stop the thirty (30) day clock. This documentation must include the submittal of:

- (1) A coherent closure plan that adequately addresses all steps to partially and completely close the facility.
- (2) A waste analysis plan that adequately addresses all hazardous waste unknowns and hazardous waste received from off-site sources of generation.
- (3) An amended inspection plan which includes all the requirements of HWMR-2 Section 206.B.5.

If you fail to submit the documentation requested herein within the specified time frame or do not arrange for a legally binding compliance schedule within the required time frame, you shall be subject to one or more of the following:

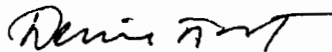
- 1) an order requiring compliance within a specified period, pursuant to 74-4-10 NMSA 1978;
- 2) a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to 74-4-10 NMSA 1978;
- 3) the assessment of civil penalties up to \$10,000 per violation for each day of continued non-compliance, pursuant to 74-4-12 NMSA 1978.

Compliance with the requirements of this notice does not relieve Sparton Technology, Inc. of its obligation to comply with HWMR-2 in other activities which it carries on nor does it relieve Sparton Technology, Inc. of its obligation to comply with any other applicable laws and regulations. Compliance by Sparton Technology, Inc. with the provisions of HWMR-2 Section 206.C.1., Ground Water Monitoring, will be addressed by separate correspondence.

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If you have any questions regarding this notice, please contact Mr. C. Kelley Crossman, Environmental Scientist, New Mexico Environmental Improvement Division, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87504, or call (505) 984-0020, ext. 340. Please also address to Mr. Crossman's attention the information you provide in response to this letter.

Sincerely,



Denise Fort
Director
Environmental Improvement Division

DF/JE/mp

cc: Guanita Reiter, EPA, Region VI
Duff Westbrook, EID, Legal
Richard Mitzelfelt, EID, District I
