



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Box 26110  
Santa Fe, New Mexico 87502

OFFICE OF GENERAL COUNSEL

PHONE: 505-827-2990  
FAX: 505-827-1628

MARK E. WEIDLER  
SECRETARY

EDGAR T. THORNTON, III  
DEPUTY SECRETARY

*Sta 114*  
*Jerry B -*

April 22, 1997

VIA FACSIMILE

James B. Harris  
Thompson & Knight  
1700 Pacific Avenue  
Suite 3300  
Dallas, Texas 75201-4693

RE: Posting of Notices

This letter serves to respond to your letter of April 4, 1997.

The New Mexico Environment Department ("NMED") understands that Sparton is not in agreement with NMED's determination that an "imminent and substantial endangerment" to health or the environment may exist at or near the Sparton facility. However, as expressed in our letter of March 25, 1997, Sparton has the appropriate forum to argue against an "imminent and substantial endangerment" determination. As previously pointed out to you, the posting is a separate matter and is required under the New Mexico Hazardous Waste Act as well as under the federal Resource and Conservation Recovery Act.

Previously, NMED understood it could enter the Sparton facility without providing prior notice to Sparton if for a reasonable purpose and time under New Mexico statutory authority. NMED also understood that Sparton was aware of our understanding. In your letter you suggest that this was not Sparton's understanding. Obviously, as it now appears, Sparton and NMED apparently had different understandings regarding the requirement of providing prior notice of entry to Sparton's.

Nonetheless, NMED is of the opinion that prior notice is not required under the law, however, as a courtesy to Sparton, NMED in the future will provide advance notice, when feasible, to Mr. Wakefield of its intended entry to the Sparton site, as previously stated in NMED's letter of March 25, 1997.

NMED also attaches a copy of the notice it plans to repost on the chain link fence outside the facility. We plan to post the enclosed sign within the next week or two. The notice needs to be laminated to protect against the elements of the weather. If I do

not hear from you by April 30, 1997, NMED will assume Sparton will not again interfere with our statutory duty of posting.

Very truly yours,



ANA MARIE ORTIZ  
Assistant General Counsel

Enclosure(s)

cc: Ed Kelley  
Benito Garcia  
Gloria Moran  
Marcy Levitt



# **WARNING !!!**

**BY AUTHORITY OF 42 USC 6973 SECTION 7003(C) OF THE RESOURCE CONSERVATION AND RECOVERY ACT AND SECTION 74-4-13 OF THE NEW MEXICO HAZARDOUS WASTE ACT, NOTICE IS HEREBY GIVEN THAT THESE PREMISES PREVIOUSLY STORED OR DISPOSED OF HAZARDOUS WASTE AND MAY PRESENT AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO HUMAN HEALTH OR THE ENVIRONMENT. THE KNOWN ENDANGERMENT CONSISTS OF SOIL AND GROUNDWATER CONTAMINATION THAT THREATEN THE AQUIFER USED BY THE ALBUQUERQUE URBAN AREA.**

For information please contact Benito Garcia at (505) 827-1557.