



GARY E. JOHNSON
GOVERNOR

*file
Sparton*

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
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*Ron K X
↳ file to
Sparton*

MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

December 1, 1995

Dr. William M. Turner
Natural Resource Damage Trustee
P.O. Box 26110
Santa Fe, New Mexico 87502

*Barbara
FILE*

Re: Hazardous Waste Emergency Fund

Dear Dr. Turner:

I have received and considered your memorandum dated November 20, 1995 concerning the use of Hazardous Waste Emergency Fund money for water resource restoration at the Sparton Coors Road facility.

NMSA 1978, 74-4-8 explains the uses for the Fund: cleanup of hazardous substance incidents, disposal of hazardous substances and necessary repairs to or replacement of state property used in a response. Your request for use of the Fund here is to cleanup ongoing pollution of hazardous substances. I have looked at the definition of hazardous substance incident, NMSA 1978 74-4-3.H to determine whether the Sparton matter would meet this definition. According to the definition, the hazardous substance incident must be an emergency. It does not appear that there is an emergency at the Sparton facility.

We have recently met with Sparton and are working to secure a plan that will lead to timely cleanup of the site.

Sincerely,

MARK E. WEIDLER
Secretary

cc: Ed Kelley
Marcy Leavitt
Benito Garcia ✓