



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733



February 27, 1996

Certified Mail - Return Receipt Requested Z 698 454 976

Mr. Richard D. Mico  
Vice President and General Manager  
Sparton Technology, Inc.  
4901 Rockaway Boulevard, SE  
Albuquerque, New Mexico 87124-4469

Re: Request for Information Pursuant to Section 3007 of RCRA,  
42 U.S.C. § 6927

Dear Mr. Mico:

As you know, the U.S. Environmental Protection Agency (EPA), Region 6, is overseeing corrective action at the Sparton Technology facility in Albuquerque, New Mexico. Additional information is necessary to conduct this oversight responsibility. Accordingly, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, EPA is hereby requesting additional information regarding sampling activities at the facility.

I would direct your attention to Section IV of Enclosure A to this letter. Your facility must provide the requested information within fifteen (15) calendar days of receipt of this letter. Please refer to the "Instructions" and the "Definitions" portions of Enclosure A for guidance in the preparation of your response.

Your response and the signed affidavit (Enclosure B) shall be mailed to the following address:

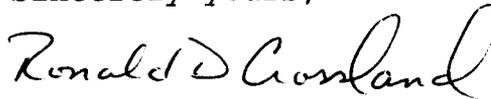
Ronald D. Crossland, Chief  
Technical Section (6EN-HX)  
Hazardous Waste Enforcement Branch  
Compliance Assurance and Enforcement Division  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

OGC-000353

GWB-00439-SPARTON

If you need additional clarification regarding this request for information, you may contact Evan Pearson, Senior Enforcement Counsel, at (214) 665-8074, or Vincent Malott at (214) 665-8313. Thank you for your cooperation in this matter.

Sincerely yours,



for Desi A. Crouther, Chief  
Hazardous Waste Enforcement Branch

Enclosures

cc (w/ enclosures):

Mr. Ron Kern, HRMB, New Mexico Environment Department  
Mr. Dennis McQuillan, GWPRB, New Mexico Environment Department  
Mr. Steve Cary, New Mexico Office of Natural Resources Trustee  
Mr. Norman Gaume, Albuquerque Public Works Department  
Mr. Kurt Montman, Albuquerque Environmental Health Department  
Mr. Jan Appel, Sparton Corporation  
Mr. James Harris, Thomposon & Knight

## ENCLOSURE A

### INFORMATION REQUEST LETTER

#### I. STATUTORY AUTHORITY AND CLAIMS OF CONFIDENTIALITY

Pursuant to Section 3007 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. § 6297, any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous waste shall, upon request of any authorized officer or employee of EPA, furnish information relating to such wastes. The term "hazardous waste" is defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and includes those substances listed in 40 C.F.R. Part 261.

Please be advised that compliance with this request is mandatory. Failure to comply with this request may result in the issuance of an administrative order requiring compliance and/or the payment of civil penalties, or in the initiation of a civil judicial action for appropriate relief. Furthermore, if you knowingly omit information or make false material statements or representations in the information submitted, you or Sparton Technology, Inc. could be subject to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

The information requested herein must be submitted even though you may contend that it includes confidential business information or trade secrets. You may, if you desire, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential material will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B [originally published in the Federal Register at 41 Fed. Reg. 36902 (September 1, 1976), and amended at 43 Fed. Reg. 40000 (September 8, 1978), and 50 Fed. Reg. 51661 (December 18, 1985)]. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you wish to assert a business confidentiality claim, you must clearly mark each page of each document included in your claim with a legend such as "trade secret", "proprietary", or "company confidential".

If you claim information submitted in response to this request as confidential, you must also provide a redacted version of the information with all confidential business information deleted.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

## II. INSTRUCTIONS

1. The enclosed Affidavit must be filled out and submitted along with your responses to this Information Request Letter.
2. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

## III. DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

2. The term "facility" means the Sparton Technology, Inc. facility located at 9621 Coors Road N.W., Albuquerque, New Mexico, EPA I.D. No. NMD083212332.
3. The term "Sparton Technologies, Inc." includes any officer, director, agent, or employee of Sparton Technology, Inc., and any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
4. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in RCRA, or 40 C.F.R. Parts 260 - 280, in which case the statutory or regulatory definitions shall apply.
5. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request Letter, any information which might otherwise be construed to be outside its scope.
6. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

#### **IV. INFORMATION REQUESTED**

1. Provide all analytical results, QA/QC information, reports, chain of custody forms, and any other documents associated with samples that were collected from all ground water monitoring wells from July 1991 to the present, excluding the following:
  - A) the information contained in the ATI laboratory reports numbered 312307, 312322, 311382, 311384, 312317, and 312302 previously submitted by Sparton Technology, Inc. to EPA for the November 29, 1993, to December 2, 1993, sampling at the facility; and
  - B) the information contained in the ATI laboratory reports numbered 410440 and 410449 previously submitted by Sparton Technology, Inc. to EPA for the October 24-25, 1994, sampling at the facility.



listed in paragraph 1 above. The records are relied upon by me and others for the purpose of conducting every-day affairs.

4. I have made a diligent search and inquiry for all records which are reasonably described in the request to which this affidavit responds. I have not found or located, and I have not been told about, and I have no knowledge of, any records coming within the descriptions set forth in the said request which have not been copied and submitted along with this affidavit.

5. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of EPA, and that any material false statement of fact herein may be a crime under 18 U.S.C. § 1001 or 42 U.S.C. § 6928(d).

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

TYPED NAME: \_\_\_\_\_

OFFICE OR TITLE: \_\_\_\_\_

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
\_\_\_\_\_ residing at \_\_\_\_\_

My commission expires \_\_\_\_\_.