



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

MAR 07 1996



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

Re: Sparton Technologies, Inc.
Administrative Order on Consent
U.S. EPA Docket No. VI-004(h)-87-H

Dear Jim:

This letter is in response to your February 8, 1996, letter to EPA in which you raised three concerns: (1) contacts between EPA, the City of Albuquerque, and the State of New Mexico allegedly not being reflected in the administrative record; (2) the process EPA will follow to evaluate potential remedies for the facility; and (3) Sparton's disagreements with the City of Albuquerque regarding certain issues.

As to your first concern, you specifically referenced Sparton's late receipt of a copy of a letter from Mr. Norman Gaume of the City of Albuquerque to EPA dated December 5, 1995. However, this letter was included in the Administrative Record and is listed on the accompanying index which has been available for public review at separate locations in Albuquerque and Santa Fe, New Mexico, as well as the EPA Region 6 library, since the start of the public comment period on December 8, 1995. The availability of the Administrative Record was also discussed in the RCRA Statement of Basis for Sparton Technology Coors Road facility. Apparently, no one from Sparton reviewed the Administrative Record and accompanying index where you would have seen the letter from Mr. Norman Gaume well before the public hearing on February 1, 1996. With regard to you not receiving a personal copy of the letter, as I informed you at the public meeting, this was nothing more than an oversight.

As to your concerns regarding certain contacts that EPA has that allegedly haven't been placed in the administrative record, EPA will follow its "Guidance on Administrative Records for RCRA § 3008(h) Actions" in complying the administrative record for this case. I have enclosed a copy of this document for your convenience.

Second, regarding the remedy selection process, EPA will complete its review of the comments received during the public comment period; transmit final technical review comments to

OGC-000351

GWB-00441-SPARTO

Sparton on the draft corrective measures study (CMS) Report, incorporating comments received during the public comment period; Sparton will submit a Final CMS Report incorporating EPA's comments on the draft CMS Report; and EPA will then select a final remedy and issue a Response to Comments.

Finally, as to your discussion concerning the City of Albuquerque's position regarding certain issues, EPA has discussed these items in our letter to Sparton dated February 20, 1996, and there is no need to reiterate those arguments here. A copy of the February 20, 1996, letter is enclosed.

I hope this letter addresses your concerns. In the future, please address all correspondence related to this case to me. If you have any questions, please feel free to call me at (214) 665-8074.

Sincerely,



Evan L. Pearson
Senior Enforcement Counsel

Enclosures

cc (w/o enclosures):

Ron Kern, HRMB, New Mexico Environment Department
Dennis McQuillan, GWPRB, New Mexico Environment Department
Steve Cary, New Mexico Office of Natural Resource Trustee
Norman Gaume, Albuquerque Public Works Department
Kurt Montman, Albuquerque Environmental Health Department
Jan Appel, Sparton Corporation

Enclosure
not
Found

GWB-00440-SPARTON