



Post-It® Fax Note /671	Date 5/6	# of pages 4
To Ana Marie Ortiz	From Debra Kane	
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Robert M. White, City Attorney

May 6, 1996

**ALL CORRESPONDENCE VIA FACSIMILE**

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Post Office Box 271  
Albuquerque, New Mexico 87103


Ms. Ana Marie Ortiz  
New Mexico Environment Dept.  
Post Office Box 26110  
Santa Fe, New Mexico 87502

Re: **Sparton Technology**

Dear Counsel:

Enclosed is a copy of Resolution No. 57. This Resolution will be introduced at the City Council meeting this evening.

Sincerely,

  
Debra T. Kane,  
Legal Document Specialist

Enclosure

Good for You, Albuquerque!



# CITY of ALBUQUERQUE TWELFTH COUNCIL

COUNCIL BILL NO. \_\_\_\_\_ ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:

1 **RESOLUTION**

2 **RECOGNIZING AN IMMINENT AND SUBSTANTIAL ENDANGERMENT RELATED TO**  
3 **CONTAMINATION IN THE VICINITY OF THE SPARTON TECHNOLOGY SITE AT 9621**  
4 **COORS ROAD NW, ALBUQUERQUE; DECLARING THE CITY'S COMPELLING**  
5 **INTEREST IN PROTECTING THE CITY'S WATER RESOURCES; CALLING UPON STATE**  
6 **AND FEDERAL AUTHORITIES TO ACT IMMEDIATELY TO REQUIRE RESPONSIBLE**  
7 **PARTIES TO CHARACTERIZE AND ABATE THE IMMINENT AND SUBSTANTIAL**  
8 **ENDANGERMENT; AND, CALLING FOR INDEPENDENT PROGRAMMATIC AND LEGAL**  
9 **ACTION BY THE CITY OF ALBUQUERQUE.**

10 **WHEREAS, hazardous industrial solvent wastes and hazardous metal plating**  
11 **wastes were disposed of at the property and facility owned and operated by Sparton**  
12 **Technology located at 9621 Coors Road N.W., Albuquerque, New Mexico; and**

13 **WHEREAS, investigations at the Sparton Technology site demonstrate that the**  
14 **hazardous wastes, including the constituents trichloroethylene (TCE) and chromium,**  
15 **are present in the soil and continue to be released into groundwater; and**

16 **WHEREAS, the demonstrated concentrations of hazardous wastes present in soil**  
17 **and groundwater at the Sparton site greatly exceed safe levels established by the State**  
18 **of New Mexico and the United States government; and**

19 **WHEREAS, investigations at the Sparton site demonstrate that the release of**  
20 **contamination from the Sparton site is continuous, has migrated off the Sparton**  
21 **property, has migrated beyond the farthest and deepest monitoring wells, and that the**  
22 **contamination is uncontrolled and continues to spread; and**

23 **WHEREAS, the hazardous wastes emanating from the Sparton site threaten to**  
24 **contaminate a unique hydrogeological structure known as a "recharge window"; and**

25 **WHEREAS, the aquifer impacted and endangered by the Sparton contamination**  
26 **is master planned as the location of the Corrales Trunk Primary Well Field and as such**

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GWB-00609-SPARTON

1 is a critical resource for the City of Albuquerque; and

2 WHEREAS, the Groundwater Protection Policy and Action Plan adopted by the  
3 City designates the area impacted and endangered by the Sparton contamination as  
4 a crucial area for groundwater quality protection; and

5 WHEREAS, the mission of the Groundwater Protection Policy and Action Plan  
6 adopted by the City is to ensure the quality of our groundwater resources so that the  
7 public health, quality of life, and economic vitality of this and future generations are  
8 not diminished; and

9 WHEREAS, the goals and policies of the Groundwater Protection Policy and  
10 Action Plan call for the City to identify responsible parties, to seek expeditious cleanup  
11 remedies, and to promote the vigorous enforcement of groundwater laws and  
12 regulations; and

13 WHEREAS, the City's interests and rights in the development and use of the  
14 aquifer and recharge window are damaged by the contamination released and  
15 emanating from the Sparton site; and

16 WHEREAS, protracted negotiations between Sparton Technology and the  
17 United States Environmental Protection Agency have not resulted in adequate  
18 characterization and abatement of the imminent and substantial endangerment.

19 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
20 ALBUQUERQUE:

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21 Section 1. The City finds:

22 A. That the contamination emanating from the Sparton facility  
23 presents an imminent and substantial endangerment to health or the environment.

24 B. That the City has a compelling interest in protecting the health,  
25 safety, and welfare of its citizens, including vigorous protection of the City's limited  
26 groundwater resources.

27 C. That the groundwater and recharge window in the vicinity of the  
28 Sparton facility comprises a valuable resource for the City, which the City intends to  
29 develop and utilize.

30 Section 2. The City calls upon the appropriate State and Federal authorities  
31 to act immediately to require the responsible parties to characterize and abate the  
32 imminent and substantial endangerment at the Sparton site.

33 Section 3. The Public Works Department and Environmental Health

OGC-000548

GWB-00608-SPARTON

1 Department of the City shall take programmatic action to determine the best uses of  
2 the aquifer and recharge window in the vicinity of the Sparton facility.

3 Section 4. The City Attorney's Office shall take available legal action to  
4 establish independent standing to require responsible parties to characterize and abate  
5 the imminent and substantial endangerment at the Sparton facility, and to seek  
6 recovery of damages and costs to the City caused by the contamination.

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