



Legal Department  
P.O. Box 2248 • Albuquerque, NM 87103  
(505) 768-4500 • FAX (505) 768-4525

Martin J. Chávez, Mayor

Robert M. White, City Attorney

November 26, 1996

Post-it® Fax Note	7671	DATE	11/26	# of pages	3
To	Ana Herrera		From	P.O. Dea	
Co./Dept.	Socilla		Co.		
Phone #			Phone #		
Fax #	827-1678		Fax #		

Via Facsimile and Mail

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

Re: Sparton Technology Site: Disposal of Water Through Public Storm Drains

Dear Mr. Harris:

This letter outlines the City of Albuquerque's requirements for discharge of groundwater cleanup flows into public storm drains. The City's understanding is that Sparton is interested in seeking approvals necessary to dispose of pumped water from the Sparton Technology site into the Calabacillas Arroyo. Sparton is interested in utilizing existing public storm drains to convey the water from the pumping and treatment sites to the arroyo. In addition, Sparton is interested in whether the City's sanitary sewer system may serve as an alternate means of disposal for the groundwater cleanup flows from the site.

With regards to the sanitary sewer, the City does not allow groundwater cleanup flows to be discharged into the sanitary sewer system. If alternate discharge means are required, Sparton should consider other alternatives besides the City's sanitary sewer.

The City of Albuquerque Drainage Control Ordinance, 14-5-2-1 to 14-5-2-99 (ROA 1994), and its implementing regulations, address requirements for discharge of groundwater cleanup flows into public storm drains. As an initial matter, you should be aware that access to public storms drains for disposal of groundwater cleanup flows is generally disfavored. Such discharges are allowed only by means of a special agreement between the City and the discharger.

Good for You, Albuquerque!



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The Drainage Control Ordinance states that all groundwater cleanup discharges under special agreement must comply with applicable federal, state, and local water quality requirements. The rules developed under the Ordinance are more specific. Listed below are the more pertinent requirements:

- The discharger must provide the City with copies of all state Discharge Plans and federal NPDES permits required for the discharge, or any administrative orders which govern the discharge. The City's understands that a federal NPDES permit may be required for Sparton's project, and that this issue may be resolved through your discussions with Evan Pearson at EPA Region VI.
- The discharge must comply with all applicable water quality standards and effluent limitations.
- If applicable, the discharger and the City must receive the prior express written approval of the Middle Rio Grande Conservancy District (MRGCD) or the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA). The City understands that Sparton's project will require prior written approval of AMAFCA. Such prior approval may be contingent on other separate requirements.
- The discharge must not exceed five percent of the total flow capacity of the storm sewer system.
- The discharger must provide site access to the City, flow meter readouts, and water quality monitoring analyses (which may include copies of NPDES reports)
- The discharger must provide a full indemnification to the City for liability associated with the discharge, and must provide an insurance policy which covers the City's owned property and which provides coverage for third party liability.
- The discharger must pay fees established by the Ordinance.

In general, any agreement with the City to access the public storm sewers would be executed after all other permits and agreements are obtained by Sparton.

Please note that this letter is not intended as an offer or acceptance of any specific proposal for Sparton to discharge groundwater cleanup flows into the public storm sewers.

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nor does it support the proposition that any outstanding work proposal by Sparton is adequate to abate the endangerment posed by the contamination at the site. This letter is intended merely to clarify that the public storm sewers may be available to Sparton subject to certain conditions.

I hope this information is helpful. Please contact me with any questions.

Sincerely,



Gary O'Dea  
Assistant City Attorney

cc: Mr. Charlie de Saillan, NMAG  
Ms. Ana Marie Ortiz, NMED  
Ms. Gloria Moran, EPA  
Mr. Evan Pearson, EPA  
Mr. David Fishel, DOJ  
Mr. Michael Donnellan, DOJ  
Ms. Rosemary Cosgrove, COA Legal  
Mr. Norman Gaume, COA PWD  
Mr. Curt Montman, COA EHD