



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Drawer 26110
Santa Fe, New Mexico 87502-0110
(505) 827-2855
Fax: (505) 827-2836



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

December 19, 1996

Mr. David Hockenbrocht
President of Sparton Corporation
2400 East Ganson Street
Jackson, Michigan 49202

Dear Mr. Hockenbrocht:

This letter will follow our telephone conversation of December 13, 1996. As I stated during our telephone conversation, the New Mexico Environment Department (NMED) can not issue any type of discharge permit without an application. We have explained the process to Mr. Appel as well as to Mr. Harris repeatedly. Sparton Technology, Inc. (Sparton) has also been informed repeatedly that an NPDES will be necessary before ultimately discharging into the Calabacillas Arroyo. As a matter of fact, Sparton may not need a NMED discharge permit if the requirements in the NPDES permit application addresses the necessary requirements under the New Mexico Water Quality Act. Until Sparton submits an NPDES application, however, this determination can not be made.

All of Sparton's apparent maneuvering to delay action until all permits are issued is unacceptable and only serves to lend credence to the allegations that your firm is not truly genuine in its representations regarding any commitment to abate soil and ground water contamination. We started our personal dialogue nearly a year ago and damned little has been accomplished. We simply will not agree to allow Sparton to delay implementing the aquifer pumping test until Sparton obtains the necessary discharge permits it speculates it might need for final remediation and containment. Until the appropriate pumping tests are completed NMED can not agree to an ultimate remedy. Since the City of Albuquerque has already expressed a willingness to allow Sparton to discharge into the sewer system for a period not to exceed 30 days in order to complete the pumping test, we see no reason why Sparton will not proceed with the necessary pumping test.

I am so disappointed that you have allowed the evasiveness by Sparton to continue as represented in Mr. Harris' letters over the past year. I have been informed by our legal staff that since this matter is in anticipation of litigation they desire to be present during our telephone conversations. If NMED's position is not clear, perhaps we can arrange for a telephone conference with our

7.
respective attorneys so that you can better understand the serious nature of the situation. I also enclose a copy of NMED's most recent letter to Jim Harris further clarifying our position.

Very truly yours,


Mark E. Weidler, Secretary

Enclosure

cc: Governor Gary Johnson
Ed Kelley, Division Director
Ana Marie Ortiz, OGC
William Turner, ONRT
Norman Gaume, City of Albuquerque Public Works
Richard Brusuelas, Bernalillo County Environmental Health

OGC-000595