

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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STATE OF NEW MEXICO,)
)
 MARK E. WEIDLER in his)
 official capacity as Secretary)
 of the New Mexico Environment)
 Department and the)
 NEW MEXICO ENVIRONMENT)
 DEPARTMENT, and)
)
 WILLIAM M. TURNER in his)
 official capacity as New Mexico)
 Natural Resources Trustee)
 and the NEW MEXICO OFFICE OF)
 THE NATURAL RESOURCES TRUSTEE,)
)
 Plaintiffs,)
)
 v.)
)
 SPARTON TECHNOLOGY, INC.,)
)
 Defendant.)

CIVIL ACTION NO. 97 0208 JC

RICHARD L. PUGLISI

COMPLAINT

The State of New Mexico, Mark E. Weidler in his official capacity as Secretary of the New Mexico Environment Department and the New Mexico Environment Department, and William M. Turner in his official capacity as New Mexico Natural Resources Trustee and the New Mexico Office of the Natural Resources Trustee (the "Plaintiffs"), by their undersigned attorneys, allege as follows:

PRELIMINARY STATEMENT

1. This is a civil action for injunctive relief and restitution brought under section 7002(a)(1)(B) of the federal Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §

6972(a)(1)(B); under the New Mexico Hazardous Waste Act, NMSA 1978, §§ 74-4-1 through 74-4-14 (Repl. Pamp. 1993); under the New Mexico Water Quality Act, NMSA 1978, §§ 74-4-1 through 74-6-17 (Repl. Pamp. 1993); and under federal and New Mexico common law. The Plaintiffs seek to enjoin the Defendant, Sparton Technology, Inc., to conduct a cleanup of soil and groundwater contamination beneath and migrating from the Defendant's facility located at 9621 Coors Road, N.W., City of Albuquerque, Bernalillo County, New Mexico. ^{ST DENIES THE REST} The soil and groundwater contamination results from the Defendant's handling, storage, treatment, transportation, or disposal of hazardous wastes or solid wastes. The contamination may present an imminent and substantial endangerment to the health of citizens of New Mexico, to the environment of New Mexico including the State's natural resources, or to both. The Plaintiffs also seek restitution of costs incurred in seeking to abate the endangerment, and such other relief as the Court may deem appropriate.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1367, and section 7002(a) of RCRA, 42 U.S.C. § 6972(a). ^{ST OK}

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), and section 7002(a) of RCRA, 42 U.S.C. § 6972(a). ^{ST OK}

THE PLAINTIFFS

4. The State of New Mexico is a "person" within the meaning of sections 1004(15) and 7002(a) of RCRA, 42 U.S.C. §§ 6903(15) ^{ST OK}

and 6972(a).

5. The New Mexico Environment Department ("NMED") is an agency of the State of New Mexico, established under NMSA 1978, §§ 9-7A-1 through 9-7A-14 (Repl. Pamp. 1994), and Mark E. Weidler is the Secretary of NMED. Among the several powers and duties of NMED and Secretary Weidler are to enforce relevant provisions of the New Mexico Hazardous Waste Act, NMSA 1978, §§ 74-4-10 and 74-4-13 (Repl. Pamp 1993); and to enforce the relevant provisions of the New Mexico Water Quality Act and the regulations, including water quality standards, adopted pursuant thereto by the New Mexico Water Quality Control Commission ("WQCC"), NMSA 1978, § 74-6-10 (Repl. Pamp. 1993). NMED is a "constituent agency" within the meaning of NMSA 1978, §§ 74-6-2(J) and 74-6-10 (Repl. Pamp. 1993). *ST NO RESP. PART.*

6. NMED is a "person" within the meaning of sections *ST DENIES* 1004(15) and 7002(a) of RCRA, 42 U.S.C. §§ 6903(15) and 6972(a).

7. The New Mexico Office of the Natural Resources Trustee ("ONRT") is an agency of the State of New Mexico, established *ST NO RESPONS.* under NMSA 1978, § 75-7-1 (Repl. Pamp. 1994). Among the powers and duties of ONRT is to act on behalf of the public to protect New Mexico's natural resources. NMSA 1978, § 75-7-3 (Repl. Pamp. 1994).

8. ONRT is a "person" within the meaning of sections *ST DENIES* 1004(15) and 7002(a) of RCRA, 42 U.S.C. §§ 6903(15) and 6972(a).

THE DEFENDANT

9. The Defendant Sparton Technology, Inc. is a corporation *ST OR*

organized under the laws of the State of New Mexico that has been conducting business in the State of New Mexico.

10. The Defendant is a "person" within the meaning of sections 1004(15) and 7002(a)(1)(B) of RCRA, 42 U.S.C. §§ 6903(15) and 6972(a)(1)(B). The Defendant is also a "person" within the meaning of NMSA 1978, §§ 74-4-3(K) and 74-4-13 (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act, and NMSA 1978, §§ 74-6-2(H) and 74-6-10 (Repl. Pamp. 1993) of the New Mexico Water Quality Act.

ST. NO RESP. REQ.

GENERAL ALLEGATIONS

11. From approximately 1961 until the present, the Defendant has been, and is currently, the owner and operator of a manufacturing facility located at 9621 Coors Road, N.W., City of Albuquerque, Bernalillo County, New Mexico (the "facility"). From approximately 1961 until approximately December 1994, the Defendant operated the facility for the manufacture of electronic components. In approximately December 1994, the Defendant ceased ^{RENDS} its manufacturing operations at the facility. ^{KEEP ON} From December 1994 until the present, the Defendant has continued to operate a machine shop at the facility.

12. During the period of its operation, the Defendant generated metal plating wastes from its manufacturing process. From approximately 1961 until approximately 1975, the Defendant stored or disposed of the metal plating wastes in a concrete ^{REMOVED MOST OF THIS} basin located on the facility property. From approximately 1975 until approximately August 1983, the Defendant stored or disposed

of the metal plating wastes in two surface impoundments on the facility property. From approximately August 1983 until approximately December 1994 when the Defendant ceased its manufacturing operation, the Defendant stored the metal plating wastes in steel drums on-site prior to shipment for disposal off-site.

13. During the period of its operation, the Defendant generated spent solvent wastes from its manufacturing process. The Defendant also generates spent solvent waste from its machine shop operation. From approximately 1961 until approximately 1980, the Defendant stored or disposed of the spent solvent wastes in a concrete sump located on the facility property. From approximately 1980 until the present, the Defendant stored the spent solvent wastes in steel drums on-site prior to shipment for disposal off-site. *DEFENDANT'S PROPERTY*

14. The metal plating wastes that the Defendant generated from its manufacturing operation are hazardous wastes within the meaning of sections ~~1004(5) and 7002(a)(1)(B)~~ of RCRA, 42 U.S.C. §§ 6903(5) and 6972(a)(1)(B), and within the meaning of NMSA 1978, §§ 74-4-3(I) and 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act. The metal plating wastes that the Defendant generated from its manufacturing operation are also hazardous wastes, designated "F006," "F007," "F008," and "F009" under the RCRA implementing regulations at 40 C.F.R. § 261.31, and under the analogous State regulations at 20 NMAC 4.200. *DEFENDANT'S PROPERTY DESIGNATION*

15. The metal plating wastes that the Defendant generated

from its manufacturing operation are solid waste within the meaning of sections 1004(27) and 7002(a)(1)(B) of RCRA, 42 U.S.C. §§ 6903(27) and 6972(a)(1)(B), and within the meaning of NMSA 1978, §§ 74-4-3(M) and 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act. *NO RISK ASSESS*

16. The spent solvent wastes that the Defendant generated from its manufacturing and machine shop operations are hazardous wastes within the meaning of sections 1004(5) and 7002(a)(1)(B) of RCRA, 42 U.S.C. §§ 6903(5) and 6972(a)(1)(B), and within the meaning of NMSA 1978, §§ 74-4-3(I) and 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act. The spent solvent wastes that the Defendant generated from its operations are also hazardous wastes, designated "F001," "F002," "F003," "F004," and "F005" under the RCRA implementing regulations at 40 C.F.R. § 261.31, and under the analogous State regulations at 20 NMAC 4.200. *DEFINED PROPERLY RE-SIGNATURE*

17. The spent solvent wastes that the Defendant generated from its manufacturing and machine shop operations are solid wastes within the meaning of sections 1004(27) and 7002(a)(1)(B) of RCRA, 42 U.S.C. §§ 6903(27) and 6972(a)(1)(B), and within the meaning of NMSA 1978, §§ 74-4-3(M) and 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act. *NO RISK ASSESS*

18. The metal plating wastes and the spent solvent wastes that the Defendant generated from its operations contain the following hazardous constituents: trichloroethylene ("TCE"), tetrachloroethylene ("PCE"), 1,1,1-trichloroethane ("TCA"), 1,1- *DEFINED*

dichloroethylene ("DCE"), methylene chloride, benzene, toluene, chromium, and lead, among others.

19. 1) The Defendant's storage or disposal of hazardous wastes and solid wastes at its facility has caused hazardous and solid wastes, and hazardous constituents therefrom, to contaminate soil and groundwater both on the facility property and off the facility property. 2) Such contamination may present an imminent and substantial endangerment to health or the environment within the meaning of section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), and within the meaning of NMSA 1978, § 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act.

a. 3) Groundwater monitoring has identified a plume of groundwater contamination beneath and migrating from the Defendant's facility, extending approximately one-half mile west-northwest of the facility, and extending at least sixty feet below the water table.

b. 4) The following contaminants have been detected in soils and groundwater affected by the plume of contamination beneath and migrating from the Defendant's facility: TCE, PCE, TCA, DCE, methylene chloride, benzene, toluene, chromium, and lead, among others. 5) Several of these substances are known or suspected human carcinogens.

c. 6) In January 1996, TCE was detected in the plume of groundwater contamination beneath the Defendant's facility at the level of 7,600 micrograms per liter. 7) In January 1996, TCE was detected in the plume approximately one-quarter mile from the

facility at the level of 1,900 micrograms per liter.⁸⁾ The maximum contaminant level ("MCL") for TCE, set by the U.S. Environmental Protection Agency ("EPA") under the Safe Drinking Water Act, 42 U.S.C. § 300g-1, for protection of human health, is 5 micrograms per liter.⁹⁾ The maximum allowable concentration for TCE, set by the WQCC pursuant to NMSA 1978, § 74-6-4 (Repl. Pamp. 1993) of the New Mexico Water Quality Act, is 100 micrograms per liter.

d.¹⁰⁾ In January 1996, TCA was detected in the plume of groundwater contamination beneath and migrating from the Defendant's facility at the level of 1,900 micrograms per liter.

¹¹⁾ The MCL for TCA, set by EPA under the Safe Drinking Water Act, 42 U.S.C. § 300g-1, for protection of human health, is 200 micrograms per liter.¹²⁾ The maximum allowable concentration for TCA, set by the WQCC pursuant to NMSA 1978, § 74-6-4 (Repl. Pamp. 1993) of the New Mexico Water Quality Act, is 60 micrograms per liter.

e.¹³⁾ In January 1996, DCE was detected in the plume of groundwater contamination beneath and migrating from the Defendant's facility at the level of 220 micrograms per liter.

¹⁴⁾ The MCL for DCE, set by EPA under the Safe Drinking Water Act, 42 U.S.C. § 300g-1, for protection of human health, is 7 micrograms per liter.¹⁵⁾ The maximum allowable concentration for DCE, set by the WQCC pursuant to NMSA 1978, § 74-6-4 (Repl. Pamp. 1993) of the New Mexico Water Quality Act, is 5 micrograms per liter.

f.¹⁶⁾ In January 1996, chromium was detected in the plume of groundwater contamination beneath and migrating from the

Defendant's facility at the level of 4,110 micrograms per liter.

17) ^{OK} The MCL for chromium, set by EPA under the Safe Drinking Water Act, 42 U.S.C. § 300g-1, for protection of human health, is 100 micrograms per liter. 18) ^{OK} The maximum allowable concentration for chromium, set by the WQCC pursuant to NMSA 1978, § 74-6-4 (Repl. Pamp. 1993) of the New Mexico Water Quality Act, is 50 micrograms per liter.

g.14) ^{DEFINITION} The soil contamination and the plume of groundwater contamination migrating from the Defendant's facility has contaminated, and is continuing to further contaminate, a groundwater aquifer that is a current and potential source of drinking water for citizens of the City of Albuquerque and Bernalillo County.

20. 19) On June 24, 1996, pursuant to section 3008(h) of RCRA, 42 U.S.C. § 6928(h), EPA adopted a "Final Decision: RCRA Corrective Action" selecting a remedy for the soil and groundwater contamination at and migrating from the Defendant's facility. 20) EPA based its decision on the administrative record for the facility. 21) EPA concluded that "corrective action is necessary to protect human health and/or the environment," and that "the selected remedy is protective of human health and the environment."

21. To date, the Defendant has refused or has otherwise been unwilling to implement the corrective action remedy that EPA has selected.

22. On February 14, 1997, EPA made a finding that the

handling, storage, treatment, transportation, or disposal of hazardous and solid wastes at the Defendant's facility may present an imminent and substantial endangerment to health or the environment under section 7003 of RCRA, 42 U.S.C. § 6973.

23. On February 14, 1997, NMED and ONRT jointly made a finding that the handling, storage, treatment, transportation, or disposal of hazardous and solid wastes at the Defendant's facility may present an imminent and substantial endangerment to health or the environment under section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), and NMSA 1978, § 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act.

24. On May 10, 1996, in accordance with section 7002(b)(2)(A) of RCRA, 42 U.S.C. § 6972(b)(2)(A), the State of New Mexico, by and through the New Mexico Office of the Attorney General, gave notice of the endangerment to the Administrator of EPA and to the Defendant.

25. On May 10, 1996, in accordance with section 7002(b)(2)(A) of RCRA, ~~42 U.S.C. § 6972(b)(2)(A)~~, ONRT gave notice of the endangerment to the Administrator of EPA and to the Defendant.

26. On June 6, 1996, in accordance with section 7002(b)(2)(A) of RCRA, 42 U.S.C. § 6972(b)(2)(A), NMED gave notice of the endangerment to the Administrator of EPA and to the Defendant.

FIRST CLAIM FOR RELIEF:
INJUNCTION UNDER RCRA

27. The Plaintiffs herein incorporate by reference the

allegations of Paragraphs 1 through 26, inclusive, as if fully set forth below.

28. The Defendant is a past or present generator of hazardous or solid waste within the meaning of section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B).

29. The Defendant is a past or present owner or operator of a treatment, storage, or disposal facility for hazardous or solid waste within the meaning of section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B).

30. The Defendant's facility is a past or present treatment, storage, or disposal facility for hazardous or solid waste within the meaning of sections 1004(3), (33), and (34) and 7002(a)(1)(B) of RCRA, 42 U.S.C. §§ 6903(3), (33), and (34) and 6972(a)(1)(B).

31. The Defendant has contributed to or is contributing to the past or present handling, storage, treatment, transportation, or disposal of hazardous and solid wastes at its facility within the meaning of section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B).

32. The Defendant's past or present handling, storage, treatment, transportation, or disposal of hazardous and solid wastes at its facility may present an imminent and substantial endangerment to health or the environment within the meaning of section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B).

33. Pursuant to section 7002(a) of RCRA, 42 U.S.C. § 6972(a), the Defendant is liable to take such action as may be

necessary to abate the endangerment.

34. Pursuant to section 7002(a) of RCRA, 42 U.S.C. § 6972(a), the Plaintiffs are entitled to an injunction ordering the Defendant to take such action as may be necessary to abate the endangerment.

SECOND CLAIM FOR RELIEF:
INJUNCTION UNDER THE NEW MEXICO HAZARDOUS WASTE ACT

35. The Plaintiff NMED herein incorporates by reference the allegations of Paragraphs 1 through 26, inclusive, as if fully set forth below.

36. The Defendant is a past or present generator of hazardous or solid waste within the meaning of NMSA 1978, §§ 74-4-3(F) and 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act.

37. The Defendant is a past or present owner or operator of a treatment, storage, or disposal facility for hazardous or solid waste within the meaning of NMSA 1978, § 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act.

38. The Defendant's facility is a past or present treatment, storage, or disposal facility for hazardous or solid waste within the meaning of NMSA 1978, §§ 74-4-3(C), (N), and (Q) and 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act.

39. The Defendant has contributed to or is contributing to the past or present handling, storage, treatment, transportation, or disposal of hazardous and solid wastes at its facility within the meaning of NMSA 1978, § 74-4-13(A) (Repl. Pamp. 1993) of the

New Mexico Hazardous Waste Act.

40. The Defendant's past or present handling, storage, treatment, transportation, or disposal of hazardous and solid wastes at its facility may present an imminent and substantial endangerment to health or the environment within the meaning of NMSA 1978, § 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act.

41. Pursuant to NMSA 1978, §§ 74-4-10 and 74-4-13(A) (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act, the Defendant is liable to take such action as may be necessary to abate the endangerment.

42. Pursuant to NMSA 1978, §§ 74-4-10 and 74-4-12 (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act, the Defendant is liable for civil penalties of up to \$10,000 per day of noncompliance for each violation of the New Mexico Hazardous Waste Act.

43. Pursuant to NMSA 1978, §§ 74-4-13(A), 74-4-10(E), and 74-4-12 (Repl. Pamp. 1993) of the New Mexico Hazardous Waste Act, the Plaintiff NMED is entitled to an injunction ordering the Defendant to take such action as may be necessary to abate the endangerment, and is entitled to civil penalties of up to \$10,000 per day of noncompliance for each of the Defendant's violations of the New Mexico Hazardous Waste Act.

THIRD CLAIM FOR RELIEF:
INJUNCTION UNDER THE NEW MEXICO WATER QUALITY ACT

44. The Plaintiff NMED herein incorporates by reference the allegations of Paragraphs 1 through 26, inclusive, as if fully

set forth below.

45. The Defendant is in violation of water quality standards adopted pursuant to NMSA 1978, § 74-6-4(C) (Repl. Pamp. 1993) of the New Mexico Water Quality Act.

46. The Defendant has unlawfully discharged contaminants from its facility into soil and groundwater in such quantities that will injure or be detrimental to human health, animal or plant life, or property, and that exceed water quality standards adopted pursuant to NMSA 1978, § 74-6-4(C) (Repl. Pamp. 1993) of the New Mexico Water Quality Act, contained in 20 NMAC 6.3103(A) and 6.4103.

47. Pursuant to NMSA 1978, § 74-6-10(A) (Repl. Pamp. 1993) of the New Mexico Water Quality Act, and the regulations adopted pursuant thereto, 20 NMAC 6.1203.A.5, 6.4103.A, and 6.4103.B, the Defendant is liable to take corrective action to contain and remove the contaminants, and to abate vadose zone and groundwater pollution to conform to the water quality standards in 20 NMAC 6.3103 and 6.4103.

48. Pursuant to NMSA 1978, § 74-6-10.1 (Repl. Pamp. 1993) of the New Mexico Water Quality Act, the Defendant is liable for civil penalties of up to \$10,000 for each day of violation of the New Mexico Water Quality Act, and its regulations or standards.

49. Pursuant to NMSA 1978, §§ 74-6-10(A) (1) and 74-6-10.1 (Repl. Pamp. 1993) of the New Mexico Water Quality Act, the Plaintiff NMED is entitled to an injunction ordering the Defendant to take corrective action to address the violations of

water quality standards, and is entitled to civil penalties of up to \$10,000 per day of noncompliance for each of the Defendant's violations of the New Mexico Water Quality Act, and its regulations or standards.

FOURTH CLAIM FOR RELIEF:
PUBLIC NUISANCE

50. The Plaintiff NMED herein incorporates by reference the allegations of Paragraphs 1 through 26, inclusive, as if fully set forth below.

51. The Defendant has knowingly and without lawful authority created a plume of groundwater contamination that affects a number of citizens and is injurious to the public health, safety, or welfare, and interferes with the exercise and enjoyment of public rights.

52. The Defendant's creation of a plume of groundwater contamination constitutes a public nuisance contrary to NMSA 1978, § 30-8-1 (Repl. Pamp. 1994) and New Mexico common law.

53. The Defendant has knowingly and unlawfully introduced contaminants into a body of public water causing it to be offensive or dangerous for human or animal consumption or use.

54. The Defendant's introduction of contaminants into a body of public water constitutes a public nuisance contrary to NMSA 1978, § 30-8-2 (Repl. Pamp. 1994) and New Mexico common law.

55. Pursuant to NMSA 1978, § 30-8-8 (Repl. Pamp. 1994) and New Mexico common law, the Defendant is liable to abate the public nuisance it has created.

56. Pursuant to NMSA 1978, § 30-8-8 (Repl. Pamp. 1994) and

New Mexico common law, the Plaintiff NMED is entitled to an injunction ordering the Defendant to abate the public nuisance it has created.

FIFTH CLAIM FOR RELIEF: RESTITUTION

57. The Plaintiff ONRT herein incorporates by reference the allegations of Paragraphs 1 through 34, inclusive, as if fully set forth below.

58. As of December 31, 1996, ONRT has incurred costs in the amount of at least \$66,457.51 in seeking to abate the soil and groundwater contamination at and migrating from the Defendant's facility. ONRT has incurred these costs to protect the public health and welfare of the citizens of New Mexico, and to protect the environment of New Mexico including the State's natural resources.

59. The Defendant has a statutory and common law duty to abate the soil and groundwater contamination at and migrating from its facility.

60. Pursuant to section 7002 of RCRA, 42 U.S.C. § 6972, and federal common law, the Defendant is liable to ONRT for restitution of its costs, including any and all indirect costs, oversight costs, and interest, incurred after the invocation of the RCRA process in seeking to abate the soil and groundwater contamination at and migrating from the Defendant's facility.

61. Pursuant to New Mexico common law, the Defendant is liable to ONRT for restitution of its costs, including any and all indirect costs, oversight costs, and interest, incurred in

seeking to abate the soil and groundwater contamination at and migrating from the Defendant's facility.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this Court enter a judgment against the Defendant, Sparton Technology, Inc., as follows:

1. Order the Defendant to take such action as is necessary to abate the imminent and substantial endangerment to health or the environment resulting from the soil and groundwater contamination at and migrating from the Defendant's 9621 Coors Road facility;

2. Order the Defendant to reimburse the Plaintiff ONRT for its past and future costs, including any and all indirect costs, oversight costs, and interest, incurred in seeking to abate the contamination at and migrating from the Defendant's facility;

3. Award the Plaintiffs their costs of litigation (including reasonable attorney and expert witness fees) incurred in this action, in accordance with section 7002(e) of RCRA, 42 U.S.C. § 6972(e);

4. Award the Plaintiffs civil penalties and damages as authorized by law; and

5. Grant the Plaintiffs such other relief as this Court deems just and proper.

Respectfully submitted,

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Dated:
February 19, 1997

Attorneys for the New Mexico Office
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