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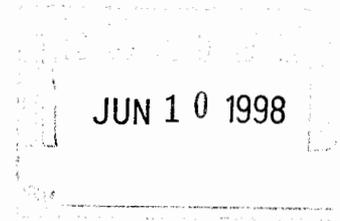
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AUSTIN  
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June 9, 1998

## VIA FEDERAL EXPRESS

Michael T. Donnellan, Esq.  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611



Re: *City of Albuquerque v. Sparton Technology* (97-0206-LH/JHG)  
*State of New Mexico v. Sparton Technology* (97-0208-JC/RLF)  
*USA v. Sparton Technology* (97-0210 M/DJS)  
*Sparton Technology v. Environmental Protection Agency* (97-981 LH/JHG)

Dear Michael:

Enclosed with this letter please find a Health & Safety Workplan and a Soil Vapor Extraction Workplan. We have previously submitted for review a work plan to enhance the on-site containment system. Pursuant to our conversation this afternoon, I understand that all three work plans will be discussed in a conference call that we will set for either June 16, 17, or 18.

I anticipate submitting to you next week three additional work plans -- the Public Involvement Plan, a work plan describing how off-site containment will be demonstrated, and a work plan describing a process for determining what restoration activities, if any, might be implemented at the site.

The Health & Safety Plan enclosed with this letter is designed to address the requirements of Task II set forth in the Scope of Work attached to the Final Administrative Order.

The Soil Vapor Extraction Workplan is designed to address the requirements of Task IV, set forth in the Scope of Work attached to the Final Administrative Order, other than the requirements for an operation and maintenance plan, a construction completion report, and a corrective measures completion report. In Sparton's view, the enclosed Health and Safety plan would also cover activities related to the soil vapor extraction process.

Enclosure  
not  
Found

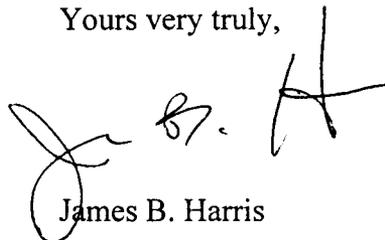
Michael T. Donnellan, Esq.  
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The enhancement of on-site containment work plan previously submitted to you is one component of an overall work plan that in Sparton's view would address Task V of the Scope of Work attached to the Final Administrative Order -- Groundwater Extraction Corrective Measure. The other components are the work plan related to the installation of the containment wells (which has already been agreed to), a work plan describing how a demonstration of containment will be made (which is being prepared by Papadopulos & Associates), and a work plan to evaluate what restoration, if any, will be conducted with respect to the impacted groundwater (also being prepared by Papadopulos & Associates).

Sparton has previously submitted a groundwater monitoring plan. EPA prepared a modified plan, which has been the subject of discussion between representatives of Sparton and EPA. Sparton would like to discuss that work plan in our telephone conference next week.

All of these work plans are being submitted as part of the settlement process being conducted with Judge DeGiacomo. We look forward to a full and frank discussion of these plans, leading hopefully to agreement on their content and that they satisfy the requirements of the final administrative order. They are not being submitted with the understanding that they can be unilaterally modified by EPA, and then imposed upon Sparton under the terms of the Final Administrative Order. Let me make it clear, however, that if we can reach agreement as to the content of the work plans, Sparton, as part of the process of settling all disputes between the parties, would hope that some understanding could be reached that implementation of those work plans could be carried out under the terms of the final administrative order, although with modifications to the dispute resolution mechanism.

Yours very truly,



James B. Harris

JBH/eshd

Enclosure

cc: All Counsel of Record

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