



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 87502-6110



PETER MAGGIORE
Secretary

OFFICE OF GENERAL COUNSEL
PHONE: 505-827-2987
FAX: 505-827-2836

August 7, 2001

Sent via facsimile (214)969-1751

Mr. James B. Harris
Thompson & Knight
1700 Pacific Ave., Suite 3300
Dallas, Texas 76201-4693

AUG 2001
RECEIVED

**RE: Sparton's Comments on the Hazardous Waste Bureau's June 22, 2001
Request For Supplemental Information on Sparton's Post-Closure Care
Permit Application**

Dear Mr. Harris:

This letter serves to respond to your letter of July 23, 2001, to James Bearzi regarding the above referenced matter.

In the future, please send me a copy of any correspondences that you send directly to my clients on any issue related to the post closure care permit application. I am the attorney in the Environment Department (the "Department") assigned to handle all matters related to the oversight of the Consent Decree as well as all issues related to Sparton's post closure care permit application. A copy of your letter was recently sent to me this week and the following provides a preliminary response.

It appears from your letter that you classify the information that the Hazardous Waste Bureau of the Environment Department (collectively the "Department") is requiring as the performance of corrective action. The Department is not in agreement with you. The information the Department is requesting is technical information that is needed in order to allow the Department to complete its substantive review of Sparton's application in accordance with 20.4.1 NMAC and 20.4.2 NMAC.

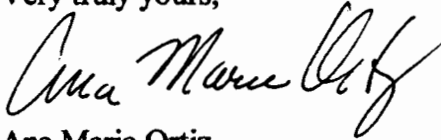
With respect to your request to informally resolve our differences, the Department will entertain an informal resolution with your client, but not as provided or as allowed under Paragraph 49 of the Consent Decree. The Consent Decree specifically provides that any dispute between Sparton and NMED regarding the Post Closure Care Permit or Application is to be resolved in accordance with 20 NMAC 4.1 and 4.2.

RED ST/01

Mr. James B. Harris
August 7, 2001
Page 2

Please call me to set up a time and date for a conference call to see how best to resolve our differences. Your anticipated cooperation is appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Ana Marie Ortiz". The signature is written in black ink and is positioned above the printed name.

Ana Marie Ortiz

cc: James Bearzi, Bureau Chief, HWB
Greg Lewis, Director, Water and Waste Management Division
Robert Warder, HWB
✓ Carl Will, HWB