

Sparton 5/20/19



UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

<p>THE CITY OF ALBUQUERQUE and THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BERNALILLO,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SPARTON TECHNOLOGY, INC.,</p> <p>Defendant.</p>

Civil Action No.
CIV 97 0206 LH/JHG

Consolidated With:
CIV 97 0208 JC/RLP
CIV 97 0210 M/DJS
CIV 97 0981 LH/JHG

AGREEMENT PURSUANT TO PARAGRAPH 49 OF THE MARCH 3, 2000 CONSENT DECREE TO EXTEND THE PERIOD FOR INFORMAL NEGOTIATIONS RELATED TO SPARTON TECHNOLOGY, INC.'S APRIL 30, 2019 NOTICE OF DISPUTE

The United States of America on behalf of the U.S. Environmental Protection Agency ("EPA"), the New Mexico Environment Department ("NMED"), and Sparton Technology, Inc. ("Sparton") hereby enter into this Agreement Pursuant to Paragraph 49 of the March 3, 2000 Consent Decree to Extend the Period for Informal Negotiations Related to Sparton Technology, Inc.'s April 30, 2019 Notice of Dispute ("Agreement").

The Court entered a Consent Decree in this matter on April 30, 2000 ("the 2000 Consent Decree"). Section XIII (Dispute Resolution) of the 2000 Consent Decree sets forth procedures for resolution of disputes arising under or with respect to the 2000 Consent Decree. Under those procedures:

Any dispute which arises under or with respect to this Consent Decree shall in the first instance be the subject of good-faith informal negotiations between the parties to the dispute. In the case of a dispute regarding a decision by EPA or NMED regarding an item submitted for review and approval under Section X (Review of Submittals), the parties to the dispute shall be Sparton and the agency that issued the disputed decision. . . . The period for informal negotiations shall not exceed thirty (30) days from the time the dispute arises, unless (a) EPA or

NMED (whichever is party to the dispute), in their sole discretion, determines that a shorter period shall be allowed due to an immediate threat to the environment or (b) all parties to the dispute agree in writing to an extension. The dispute shall be considered to have arisen when Sparton sends Plaintiffs a written Notice of Dispute.

2000 Consent Decree at ¶ 49.

Pursuant to Section XIII (Dispute Resolution), Sparton sent a Notice of Dispute on April 30, 2019 about a joint decision by the U.S. Environmental Protection Agency (“EPA”) and the New Mexico Environment Department (“NMED”).

Pursuant to Paragraph 49 of the 2000 Consent Decree, the United States on behalf of EPA, NMED, and Sparton hereby agree to extend the period for informal negotiations related to Sparton’s April 30, 2019 Notice of Dispute through July 1, 2019. This Agreement is effective without the requirement of filing with the Court and may be signed in counterparts.

For the United States of America on behalf of the U.S. Environmental Protection Agency:

2019-05-28

Date



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For the New Mexico Environment Department:

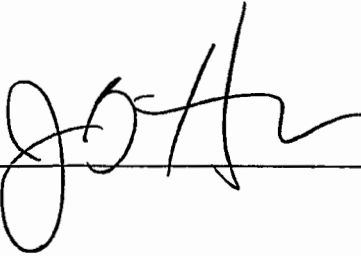
May 24, 2019
Date



For Sparton Technology, Inc.:

24 MAY 19

Date



A handwritten signature in black ink, appearing to be 'J. O. H.', is written over a horizontal line that spans across the page.