



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733



SEP 22 1995

September 7, 1995

Certified Mail - Return Receipt Requested P 176 163 748

Mr. Richard D. Mico  
Sparton Technology, Inc.  
Vice President and General Manager  
4901 Rockaway Blvd., SE  
Rio Rancho, New Mexico 87124

Dear Mr. Mico:

I am responding to your letter dated August 22, 1995, whereby Sparton Technology, Inc. ("Sparton") requests that the U.S. Environmental Protection Agency ("EPA"): 1) cancel the public meeting and terminate the public comment period for the Statement of Basis; and 2) meet with Sparton to finalize the Corrective Measures Study ("CMS") Report and evaluate a means by which alternative remedial measures may be implemented.

In regard to your first request, I have cancelled the public meeting scheduled for September 12, 1995, and suspended the public comment period scheduled to close September 25, 1995. Mr. Ronald Crossland notified you and Mr. Jan Appel of Sparton of this decision by phone on September 1, 1995.

In response to your second request, we will be contacting Sparton to arrange a meeting to discuss the various remedial options available at the site and the draft CMS Report. The purpose of the meeting is to ensure that Sparton has an opportunity to provide any additional information for EPA's consideration and public review during the remedy selection process. Sometime after the meeting, EPA will reopen the 45-day public comment period and reschedule the public meeting.

In addition to the requests listed above, Sparton has raised a number of issues which EPA has summarized and provided the following responses.

Sparton Issue No. 1

Sparton contends that pursuant to Section IV.F., of the Administrative Order on Consent, Docket No. VI-004(h)-87-H ("Order"), the Statement of Basis is subject to dispute resolution.

EPA Response

Regarding the dispute resolution process, EPA believes there is no basis for implementation of the procedures under Section IV.F., of the Order with regard to the Statement of Basis and the pending public hearing. The purpose of the Statement of Basis is to: 1) identify the proposed remedy for addressing contamination at the site; 2) describe other remedial options; 3) solicit public review and comment on all the alternatives; 4) provide information on how the public can be involved in the remedy selection process; and 5) provide history and background about the facility. Both the Statement of Basis and the public hearing are the responsibility of EPA to ensure that information received from the community and interested parties has been considered prior to making any final decision. In addition, EPA has not requested Sparton to provide support as stipulated under Section IV.J., Participation in Community Relations Activities. EPA will be contacting Sparton to arrange a meeting to discuss the various remedial options available at the site and the draft CMS Report. Sparton may also provide comments during the public comment period addressing the Statement of Basis. Therefore, EPA rejects Sparton's request to enter into dispute resolution.

Sparton Issue No. 2

Based on the proposal contained in the Statement of Basis for installation of up to 20 additional monitoring wells in order to recharacterize and redefine the ground water plume:

- A) Sparton contends that the Statement of Basis ignores the approved RFI Report by requiring the installation of additional monitoring wells.
- B) Sparton contends the proposal to require additional monitoring wells is an attempt to impose a unilateral amendment to the Order which is precluded under Section IV.I.2. of the Order.

EPA Response

- A) The proposed remedy in the Statement of Basis utilizes the information contained in the RFI Report. The additional monitoring wells referenced in the Statement of Basis will be utilized to further characterize the horizontal and vertical extent of the plume in response to continued migration of the contaminant plume. This additional information will also be used to ensure the proposed remedy is properly designed and implemented.
- B) The proposal for installation of additional monitoring wells is a component of the proposed remedy in the Statement of Basis. As such, the proposed monitoring wells will be

installed under a new regulatory mechanism, such as an administrative order on consent, implementing the final remedy. EPA is not proposing in the Statement of Basis to install additional monitoring wells under terms of the existing Order. Thus, EPA has made no unilateral amendment or requested an amendment to the Final Order.

### Sparton Issue No. 3

In referencing the CMS Report in the Statement of Basis,

- A) Sparton contends that the Statement of Basis implies that the CMS Report has been approved by repeated reference to the document; and
- B) Sparton contends that since the CMS Report is neither final nor approved, there is no CMS Report on which to base selection of a corrective measure alternative.

### EPA Response

- A) While EPA does not agree that the Statement of Basis implies that the CMS Report is final, EPA will provide clarification to ensure the community and interested parties understand that the CMS Report is still in a draft format.
- B) One of the purposes of the Statement of Basis is to solicit public review and comment on all of the remedial alternatives considered in the CMS Report. A final remedy for the facility will not be chosen by EPA until after EPA has received and responded to issues raised during a public comment period. The review and consideration of public input into the remedy selection process is a vital component in EPA's decision making authority. The inclusion of this information in EPA's comments to Sparton on the draft CMS Report will ensure that Sparton has a comprehensive understanding of all concerns regarding the contamination present at the facility. The draft CMS Report will be finalized after the public comment period to ensure all concerns have been addressed in the final CMS Report. EPA may request Sparton to provide additional information in the final CMS Report.

### Sparton Issue No. 4

Sparton contends that EPA has not provided Sparton an opportunity for input into the Corrective Measures Selection process before the public comment period commenced.

EPA Response

Sparton has provided information to EPA through the RFI Report and the draft CMS Report. In addition, Sparton has provided EPA with supplemental sampling data on the status of the ground water contamination. The ground water sampling data and the impact on Sparton's recommended remedy in the draft CMS Report was the subject of a meeting held on February 10, 1994, between EPA and Sparton. Sparton replied during the meeting that there was no need to update the draft CMS Report and that the recommendation provided in the draft CMS Report is still Sparton's recommended remedy. Therefore, EPA has provided Sparton with an opportunity to provide additional input in the remedy selection process.

Sparton Issue No. 5

Sparton contends that EPA's proposed decision to require Sparton to move its remediation activity off-site before the plume is recharacterized and redefined through analysis of data from the new monitoring wells, is arbitrary and capricious.

EPA Response

EPA's proposed corrective measure alternative in the Statement of Basis has been proposed as a phased remedy. The initial phase consists of further characterization of the contaminant plume to define the limits of the contaminant plume. Upon completing the definition of the contaminant plume, the ground water extraction wells are proposed to be installed to contain the contaminant plume. EPA's proposal does not imply that ground water extraction wells will be installed prior to determining the limits of the contaminant plume.

Sparton Issue No. 6

Sparton contends that EPA is making an arbitrary attempt to enforce an economically infeasible and technically impracticable corrective measure alternative.

EPA Response

EPA was reasonable and consistent in evaluating data from many sources before proposing the corrective measure alternative in the Statement of Basis. Input was provided by the New Mexico Environment Department, the Office of Natural Resources Trustee, and the City of Albuquerque Public Works Department and Environment Department. Sparton also provided significant input to the Statement of Basis through the information contained in the draft CMS Report on the various corrective measure alternatives. EPA also utilized the supplemental ground water sampling data collected by Sparton after the draft CMS Report was submitted.

EPA also considered the economic feasibility of each of the corrective measure alternatives in the Statement of Basis. The proposed corrective measure alternative in the Statement of Basis has a present worth cost of \$6.39 million which is greater than Sparton's proposed alternative of \$3.14 million but less than the highest alternative considered at \$15.63 million.

EPA also considered the technical impracticability of the corrective measures as referenced on page 20 of the Statement of Basis. The Guidance for Evaluating the Technical Impracticability of Ground Water Restoration (OSWER Directive 9234.2-25) was also included in the Administrative Record for the Statement of Basis.

#### Sparton Issue No. 7

Under Section IV.A.3., of the Order, Sparton contends that a 60 day period for negotiation of a new administrative order on consent for implementation of the corrective measure is required before the Statement of Basis can be issued and EPA's proposed remedy is made public.

#### EPA Response

There are several key phrases in Section IV.A.3., of the Order which appear to have been misunderstood by Sparton with respect to EPA's current actions. For reference, the section reads as follows: "Upon EPA's review of the CMS and selection of a corrective measure, if the Respondent has complied with the terms of this Consent Order, EPA shall provide a sixty (60) day period for negotiation of a new administrative order on consent for implementation of the corrective measure."

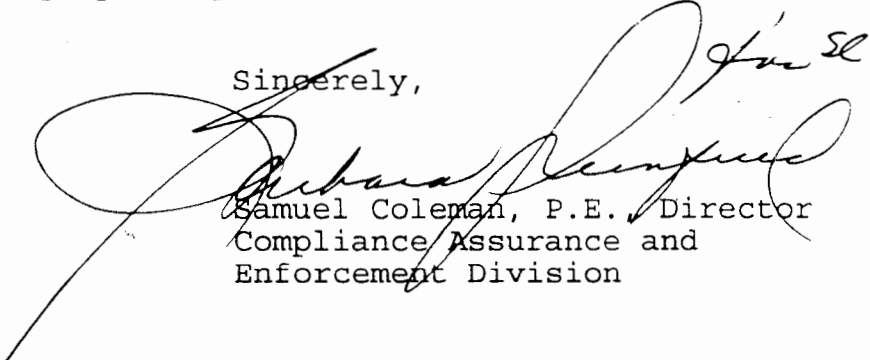
The first phrase is "Upon EPA's review of the CMS ...". EPA has utilized the information contained in the draft CMS Report in the development of the Statement of Basis. EPA has also considered the supplemental ground water sampling data collected by Sparton after the draft CMS Report was submitted, and the supplemental discussions conducted between EPA and Sparton, including those held in the EPA offices on February 10, 1994.

The second phrase is "... and selection of a corrective measure ...". EPA has not made a final selection of a corrective measure for the contaminant releases from the Sparton facility. As stated in the Statement of Basis, EPA has proposed a corrective measure to gain public input in the decision making process. The public comment period will be used to ensure that all concerns have been addressed before the selection of any corrective measure. The information provided during the public comment period will also be used to ensure that Sparton has addressed all concerns in the technical, human health, and environmental criteria listed on page 40 of Exhibit I, Task IX, to the Order.

The third phrase is "... EPA shall provide a sixty (60) day period for negotiation of a new administrative order on consent for implementation of the corrective measure." Negotiations on a new administrative order on consent cannot begin until after the selection of a corrective measure by EPA. As stated previously, EPA has proposed a corrective measure for the Sparton facility. The Statement of Basis is not implementing a corrective measure and thus the provision in Task IV.A.3. of the Order is not applicable to the public comment period or public meeting for the Statement of Basis.

EPA is looking forward to working with Sparton to cleanup the site as expeditiously as possible. If you have any questions regarding the meeting, you may contact Mr. Ronald Crossland at (214) 665-6480.

Sincerely,



Samuel Coleman, P.E. Director  
Compliance Assurance and  
Enforcement Division

cc:

Mr. Ed Kelley, New Mexico Environment Department  
Mr. Ron Kern, New Mexico Environment Department  
Mr. Dennis McQuillan, New Mexico Environment Department  
Mr. Steve Cary, NM Office of Natural Resources Trustee  
Mr. Norman Gaume, Albuquerque Public Works Department  
Mr. Kurt Montman, Albuquerque Environmental Health Department



**U.S. EPA REGION 6 ANNOUNCES A  
SUSPENSION OF THE  
PUBLIC MEETING AND PUBLIC COMMENT PERIOD FOR  
THE SPARTON TECHNOLOGY COORS ROAD FACILITY  
RCRA STATEMENT OF BASIS**

The U.S. Environmental Protection Agency (EPA) is announcing the suspension of the public comment period for the proposed plan addressing ground water contamination at the Sparton Technology facility on 9621 Coors Road in Albuquerque, New Mexico. EPA is suspending the public comment period to allow Sparton Technology an opportunity to provide additional information on the various cleanup options available at the site. The suspension of the public comment period will ensure that the community and interested parties have all of the available information during a review of the proposed cleanup options at the facility.

EPA announced the public comment period in the Albuquerque Journal on August 9, 1995. The public comment period began on August 10, 1995, and was scheduled to close on September 25, 1995. The public meeting scheduled for September 12, 1995, has been cancelled and a new meeting date will be set when the public comment period is reopened.

EPA will announce a new 45 day public comment period and public meeting for the cleanup options at the Sparton Technology facility. During the public comment period, EPA will make the updated information available in the local information repositories located at the Taylor Ranch Branch Library in Albuquerque and the Santa Fe offices of the New Mexico Environment Department. EPA will select a final remedy for the facility only after the information submitted by the community and other interested parties during the public comment period has been reviewed and considered.

If you have any questions or need additional information regarding the suspended public comment period, please call Vincent Malott at (214) 665-8313 or write to: Vincent Malott, Project Manager, U.S. EPA Region 6, Hazardous Waste Enforcement Branch (6EN-HX), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Media inquiries should be directed to Mary Wilson, EPA Region 6 Media Relations, at (214) 665-6439.