

1 UNITED STATES OF AMERICA
2 ENVIRONMENTAL PROTECTION AGENCY

3 DALLAS REGION 6

4 HEARING

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6 :
7 In the matter of: :
8 SPARTON TECHNOLOGY :
9 :
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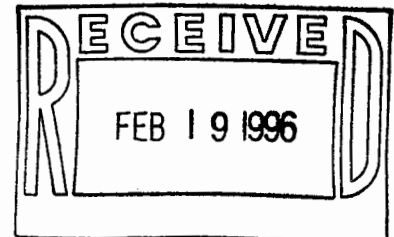
11 CIBOLA HIGH SCHOOL
12 1510 Ellison Drive
13 Albuquerque, New Mexico

14 Thursday
15 February 1, 1996

16
17
18 The above-entitled matter came on for hearing,
19 pursuant to notice, at 7:00 p.m..

20 BEFORE:

21 MARK CHANDLER
22 Hearing Officer



SNEED REPORTING SERVICES
(505) 256-4579 Albuquerque, New Mexico 87198

P R O C E E D I N G S

7:00 p.m.

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HEARING OFFICER CHANDLER: Good evening ladies and gentlemen. Thank you very much for coming to this an EPA Hearing, Public Hearing on the Sparton Technology proposed corrective action under the Resource Conservation and Recovery Act. We're very pleased to see so many of you here; we hope you have studied the posters and displays that are here, it helps to explain a great deal. This is the formal part of the process. A lot of you have been here since 5:00 o'clock for the informal question and answer session; we thank you very much for that also. In this, the formal part of the hearing is the part where we take your comments and opinions on the corrective action to be taken in some form by Sparton Technology.

My name is Mark Chandler, I'm the Regional Judicial Officer in the Dallas Offices of the Environmental Protection Agency. The regional administrator has appointed me as the hearing officer for tonight's hearing. On my right is Mr. Vincent Malott who is the Project Manager for this RCRA corrective action; also, here from EPA is the Section Chief of the Technical Division, Ronald Crossland. At the door also, an EPA attorney on the project, to my right, Mr. Evan Pearson.

1 Again, thank you very much for coming. We have, I
2 think all of you know, registration at the door. If you
3 wish to make a statement, please fill out one these and it
4 will be given to me and so I'll know that you wish to make
5 a presentation to us tonight.

6 As you know we're operating under the Resource
7 Conservation and Recovery Act. For those of you that
8 citations, that's 42 U.S.C. 6901 and following, particu-
9 larly, 6928(h). There is a Statement of Basis also at the
10 registration table which helps explain why we're here
11 tonight.

12 The procedure tonight will be as follows: After I
13 speak, Mr. Malott will give a short technical presentation
14 to help you further understand the proposed corrective
15 actions and perhaps the alternatives. After that, I will
16 call on you. We'll get to you as fast as we can; general-
17 ly, in the order of which you have appeared. There's only
18 exception, one or two persons from Santa Fe drove through
19 a storm and don't want to be too late driving back through
20 a storm to Santa Fe did express a wish that they speak
21 somewhat early. You can see that we are recording these
22 proceedings, the court reporter to my left; and so, we
23 will have to have only one person speaking at a time.

24 I wish to emphasize that this is; although it's a
25 formal process, it is really informal in the sense that no

1 formal rules of evidence will apply. This is not a rule
2 making process. There will be no questions of any speaker
3 tonight unless it is from Mr. Malott or myself, and that
4 would only be in the nature of a clarification of your
5 testimony; certainly, there will be no cross examination,
6 it's not that sort of a hearing at all. Our sole purpose
7 is to take your comments. EPA will take these comments
8 and go back and decide what it should do with respect to
9 all comments received; and then, in all probability issue
10 an administrative order directing a certain corrective
11 action. A response of this summary will e prepared and
12 you will be advised of EPA's considerations and decisions
13 on the various comments.

14 I have one exhibit already. As you know, EPA is
15 required to make public notice of what it's about to do.
16 This is the public notice in the Albuquerque Journal on
17 December 8 and I am making it Exhibit No. 1 to these
18 proceedings.

19 (The document above-referred to was marked Exhibit
20 No. 1 for identification and was received.)

21 I think I'll call now on Mr. Malott who will provide
22 a short technical statement for EPA. Mr. Malott.

23 MR. MALOTT: What I'll try to do is give a brief pre-
24 sentation. The object here is not for me to speak but to
25 listen to you, but for those who came in late who may not

1 have had a chance to look at the posters or to read the
2 Statement of Basis, I'll just give a brief presentation to
3 see if we can't reach a common understanding of the nature
4 of the problem out there.

5 The first slide we're going to discuss a little bit
6 about the source of the contamination. Sparton manufac-
7 turing facility has been in operation since 1961. They
8 manufacture various electronic components. These compo-
9 nents produce waste solvents and metal plating waste which
10 were stored in in-ground concrete basins. These basins
11 leaked over a period of time from the 60's to the 70's.
12 In the late 1970's and early '80's, these basins were
13 retro-fitted, they had liners placed in them. As these
14 wastes leaked downward-- well, the waste from the basins
15 leaked downward to the ground water.

16 The location of the units are on the north side of
17 the facility. You can see what's listed on the part up
18 here, (pointing) which is the sump, the "West and East
19 Ponds", these were relatively small units but they handled
20 quite a bit of waste.

21 The results and release of hazardous waste in the
22 ground water produced a contaminant plume that stretches
23 off-site from the facility property. The size of the
24 plume is roughly a half mile long by a quarter mile wide.
25 Right now the plume has moved beyond the existing

1 monitoring well system, so the exact boundary is no longer
2 defined. That will be one of the activities that EPA will
3 be conducting, with Sparton performing the work in the
4 future, to reestablish the boundaries of this contaminant
5 plume.

6 The direction of the contaminant plume movement is
7 generally west to northwest. If you look on the map, it
8 generally follows parallel to Irving Boulevard; that
9 should be somewhere east of Chantilly Road for those who
10 live in the neighborhood. The plume is also moving verti-
11 cally downward, its just not moving laterally but also
12 downward and it's some 60 feet below the top of the water
13 table. At the Sparton Facility it's about 65 feet to the
14 top of ground water which is the water table. As you go
15 to the hill sides to the west, where you have the new home
16 developments in Paradise Hills, the depth of the ground
17 water is about 200 feet. There's quite a bit of
18 separation between the ground water and the homeowners who
19 live above it.

20 This map will be updated in the future. There was a
21 recent sampling being conducted in January of this year by
22 the state, those results will be available this month. We
23 should be able to re-prepare these maps. This is a map
24 that represents 1993 data, it's a little bit of out of
25 date already as you can see the relative boundaries of the

1 plume itself. The less than five parts per billion
2 concentration limit represents more or less the attention
3 limit for the laboratories, and also represents what the
4 maximum contaminant levels under the safe drinking water
5 is for this contaminant. This dashed road, for those who
6 may be familiar with the area right here (pointing), I
7 believe that is Bryant Road or Bryant Avenue that runs
8 along there to give you a point of reference.

9 Concentrations in the ground or plume were various
10 solvents that are present. Notably trichloroethylene,
11 that's one of the most persistent contaminants that we've
12 seen in the plume, concentrations are much higher than the
13 other contaminants present. On-site from the 1993 data
14 was about 13,000 parts per billion, which is several
15 thousands times higher than what the limits established
16 under the Safe Drinking Water Act. Off-site its running
17 about 3,300 parts per billion which is still a very high
18 concentration. Some of the other contaminants include di-
19 chloroethylene, trichloroethane. And one of the metals
20 that we've observed in the ground water is chromium, which
21 is running anywhere from five to 10 times higher than some
22 of the limits established by the state and the federal
23 standards.

24 Briefly, the health risk associated with exposure to
25 these contaminants. Trichloroethylene is toxic to humans.

1 Right now it's being re-evaluated as to whether it's
2 a carcinogen or not. Dichloroethylene is a possible human
3 carcinogen. Trichloroethane is toxic. And chromium which
4 is present in a hexa bound form, which is one of the many
5 forms found, is a definite human carcinogen. Now these
6 contaminants are not present in any of the water supply
7 wells. The plume is roughly two miles away from the
8 nearest water supply well. If you walk around during the
9 breaks during the public hearing or afterwards, you can
10 see some of the maps showing relative distances between
11 the water supply well and the contaminant plume.

12 When you look at the Statement of Basis or look at
13 some of the posters back there, you'll see some different
14 cleanup alternatives that we've identified to the con-
15 taminant plume. These range from "no further action"
16 where essentially it establishes a baseline. If EPA did
17 not perform or request or require any further action to be
18 performed at the site; that's typically given as a base-
19 line in all remedy selections.

20 The next alternative which is on-site ground water
21 extraction is a continuation of the current activities
22 that are being performed by Sparton Technology. There is
23 an on-site recovery system that's recovering contaminated
24 ground water from the upper 10 feet of the aquifer.

25 Alternatives 3, 4, 5, and 6 are similar in nature in

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1 that they all require off-site ground water cleanup.
2 There may be some impact to the homeowners in that there
3 will be activities performed in the public right-of-ways.
4 These would include installation of extraction wells,
5 installation of monitoring wells, piping that would be
6 laid down in public driveways; again, these are not in
7 peoples back yards or the front lawns, these are performed
8 in public right-of-ways.

9 The other differences between Alternatives 3, 4, 5,
10 and 6 is that additional technologies are employed on-site
11 to remove additional source material that may be remaining
12 below the former sumps and ponds. This contamination
13 would be present in the soils above the ground water as
14 well as the upper 10 feet of ground water itself.

15 The last alternative you see there is in situ bio-
16 remediation. This is a technology that offers some
17 advantages in that you don't see a lot of the off-site
18 structures that would be present with expanded ground
19 water extraction system. However, it's not proven that
20 this technology would be successful in this setting, there
21 would be additional information that would have to be
22 collected. In addition, chemicals may have to be added to
23 make bioremediation work.

24 And lastly, the remedy selection process where we go
25 from here after the close of this public comment period

1 and hearing. As you see from the newspaper notices and
2 the Statement of Basis, the public comment period closes
3 on February 8. And it is important that if you want
4 comments addressed to EPA that we will respond to, is that
5 they be post marked by February 8, just keep that in mind.
6 After we receive all the public comments, we'll go through
7 and evaluate them with the information that we currently
8 have and we'll develop the final comments and the
9 Corrective Measures Study. This study evaluates the
10 different technologies that would be applicable to the
11 site. After Sparton revises the corrected measure study
12 and its a final report, EPA will go through and generate a
13 response to comments, responding to the comments we re-
14 ceived during the public comment period and the public
15 hearing. We'll also perform a final remedy selection
16 which is one we feel is most appropriate based on informa-
17 tion we received from city agencies such as the Public
18 Works Department, state agencies such as the New Mexico
19 Environmental Department; as well as the local community
20 and those present here tonight.

21 Finally, we'll enter into negotiations with Sparton
22 Technology to implement this technology. There's a 60 day
23 negotiation period when we'll try to reach an agreement on
24 implementation of the technology. At that point if both
25 parties are successful, than the remedy and implementation

1 will begin; and if not, than there may be other delays
2 associated with the implementation. But we will keep the
3 public informed, the local community. We'll continue to
4 work with both the state and city agencies to keep
5 everybody informed so that everybody understands the
6 process and where we are right now. That's all. Thank
7 you.

8 HEARING OFFICER CHANDLER: Thank you Mr. Malott. I
9 have about 10 persons who wish to speak, and usually I
10 don't put a time limit on anyone I just ask that they be
11 reasonable about it. But tonight, I have several with
12 real-time problems, so I would ask that you hold it to six
13 to seven minutes and I will call you and ask you to stop
14 at seven minutes, and if you're not through I'll call you
15 back after others with real-time problems have spoken. I
16 found over the years that that's a very fair way to do it,
17 and that way everybody gets heard and everybody gets to
18 give us all the comments that they wish to.

19 Call first then on Mr. Steve Carey, Deputy Director
20 of the New Mexico Natural Resources Trustee Office.
21 Mr. Carey.

22 STEVE CAREY - TESTIMONY

23 MR. CAREY: Good evening. I'm Steve Carey, I
24 represent the New Mexico Office of the Natural Resources
25 Trustee. The Trustee's Office deals with environmental

1 and natural resource issues in New Mexico. The Trustee is
2 authorized to investigate injuries to natural resources
3 resulting from hazardous substance releases. To determine
4 the causes of those injuries, to determine liability for
5 such injuries, to restore or replace any injured natural
6 resources, and to recover the states cost from liable
7 parties. In carrying out these duties, the Trustee seeks
8 to assure that the states natural resources continue to
9 benefit the citizens of New Mexico.

10 Ground water is one of New Mexico's most valuable
11 resources. It provides drinking water to approximately 88
12 percent of New Mexico residents and to 100 percent, or
13 nearly 100 percent, of Bernalillo County residents.
14 Supplies of potable ground water in the state and the
15 county are finite and must be managed wisely. Ground
16 water pollution problems exist today because of some past
17 waste disposal practices. And it's now up to various
18 parties, including government agencies such as EPA, the
19 New Mexico Environment Department, and our office the
20 Trustee's Office. And it is also the duty of responsible
21 corporate citizens to see that such problems are solved
22 promptly.

23 I have reviewed the technically data related to the
24 ground water contamination caused by the disposal of
25 solvent waste and metal plating waste at the Sparton

1 site. Ground water emanating from the site contains up to
2 1,800 parts per billion of trichloroethylene, which is
3 more than 300 times the safe level for drinking water.
4 And as you pointed out Vince, other contaminants above
5 health standards include trichloroethane, dichloro-
6 ethylene, and chromium. The laws of nature guarantee that
7 these contaminants will dissolve in water. That ground
8 water is always in motion, and that the ground water near
9 the Sparton Facility will continue to spread these con-
10 taminants for generations unless there is some
11 intervention.

12 We estimate that approximately 1,000 acre feet of
13 water, which is more than 300 million gallons, already is
14 contaminated, and that the plume will contaminate an
15 estimated 30 or more additional acre feet of water, more
16 than 10 million gallons, for each additional year that the
17 problem continues uncontained and unabated. There is no
18 doubt in our minds that this is a significant endangerment
19 to the future water security of Albuquerque and Bernalillo
20 County. Therefore, on December 11 of this past year, the
21 Trustee issued a declaration extending the Trustee's
22 authority over the Sparton plume, and I will submit this
23 declaration with my written testimony by this time next
24 week.

25 Based on my review of the RCRA facility investiga-

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tion, the Corrective Measures Study, a variety of other information currently available, the Trustee's Office is recommending that EPA adopt Alternative 5, which includes expanded ground water recovery, soil vapor extraction, and air sparging. This alternative also includes continuation of the existing on-site ground water extraction and treatment system as well as expansion of off-site ground water monitoring to the extent needed to fully characterize the contaminant plume and its movements and to permit proper design of the remedy. Of the options considered by EPA, Alternative 5 has the best mix of aggressive on-site source control and expedient off-site contaminant, sorry, containment and remediation.

We think it's very important that the wording of the selected remedy not become an obstacle to expedient restoration; we've had this happen in New Mexico before. The selected remedy should contain sufficient flexibility to allow better and more cost effective technologies to be employed, if and when they become available. But we should not allow restoration to be delayed while further searches are carried out for other technologies.

Governor Johnson is interested in dealing with problems like this one from a businessman's perspective. The scope of the problem must be defined. We must use practical and effective technologies. We must devise

1 restoration strategies that are concrete, and provide
2 responsible parties with financial planning capabilities.
3 We encourage synergistic strategies between responsible
4 parties and other parties, whether public or private, to
5 reduce overall costs and to produce maximum benefits for
6 all participants. Alternative 5 is the best match with
7 the Governor's goals.

8 Regarding the other options, quickly. Alternatives 1
9 and 2 we find to be grossly inadequate because they adopt
10 the status quo or worse. Alternative 3 is unacceptable
11 because it does not include aggressive source control.
12 Alternative 4 is inferior to Alternative 5 because source
13 control measures are too modest. Alternatives 6 and 7
14 rely to heavily on technologies whose usefulness at the
15 site has yet to be demonstrated.

16 The historically slow pace of regress of this situa-
17 tion combined with ongoing commercial and residential
18 development of land overlying the contaminant plume are
19 complicating the eventual task of extracting, treating,
20 and disposing of water. These tasks all require land for
21 structures, facilities, and equipment. Site investiga-
22 tions to date still have not identified the full horizon-
23 tal extent of the contaminant plume; so it is not clear
24 exactly where the best locations may be for the facilities
25 that will be needed. As vacant land west of Sparton is

1 subdivided and built-up, the range of practical sighting
2 options becomes narrower. We encourage EPA to act as
3 expeditiously as possible so that the most cost effective
4 alternatives are not precluded by this land development
5 process.

6 As one step toward expeditious implementation of a
7 remedy, EPA should work with Sparton to immediately imple-
8 ment the ground water monitoring including in Alternatives
9 2 through 7. Prompt installation of these monitoring
10 wells, without waiting for the end of the remedy selection
11 process, would allow restoration to begin sooner and would
12 reduce restoration costs.

13 Finally, it is imperative that EPA select and imple-
14 ment the remedy as quickly as prudence allows. The long
15 history of delay combined with the daily increasing costs
16 of restoration leave no justification for taking more than
17 the minimum time necessary to get cleanup under way.
18 Furthermore, I request that the Trustee be included in
19 deliberations leading to selection and implementation of
20 the final remedy. If by July 1, 1996 an enforceable
21 ground water restoration agreement acceptable to the
22 Trustee is not in place, then the Trustee will take
23 actions that he deems appropriate under applicable state
24 authority. Thank you very much for the opportunity to
25 present comments.

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1 HEARING OFFICER CHANDLER: Thank you Mr. Carey.
2 Dennis McQuillan, Program Manager, New Mexico Environment
3 Department.

4 DENNIS McQUILLAN - TESTIMONY

5 MR. McQUILLAN: Thank you, sir. I represent the New
6 Mexico Environment Department, both the Ground Water
7 Bureau and the Hazardous Waste Bureau. The Hazardous
8 Waste Bureau oversees RCRA Programs, the Ground Water
9 Quality Bureau administers the New Mexico Water Quality
10 Act.

11 The State Environment Department believes it's very,
12 very important that whatever resolution is decided for
13 this site that it be consistent with the standards of
14 performance that have been implemented at other
15 chlorinated solvent sites in this community. To date, the
16 Environment Department feels that the performance at this
17 site has not been consistent with the performance at other
18 sites such as Digital Equipment Corporation, General
19 Electric and other facilities that have similar plumes,
20 and I'll discuss that in more detail in just a minute.

21 As far as the state requirements go, we have the
22 Water Quality Control Commission Regulations which protect
23 ground water of present and reasonable foreseeable future
24 use. The water doesn't necessarily have to be used today
25 to be protected. Also, the regulations require abatement

1 of water pollution to meet standards or to approved risk
2 based alternative cleanup levels that are approved by the
3 Water Quality Control Commission. I think that the goals
4 of the RCRA Program and the Water Quality Program are
5 essentially the same. We have a federal program and a
6 state program, but they're shooting for the same thing.

7 Now like I said, we don't believe, to date, that the
8 activity at the Sparton site has been consistent with the
9 standards of performance for other similar sites in this
10 community. One very important deficiency so far is
11 definition of the plume. The plume has not been defined
12 adequately in the three dimensions, in the horizontal, the
13 direction and in the vertical direction. There is clear
14 evidence that the plume is migrating. And despite what
15 Sparton has asserted, we think the, especially data that
16 was just provided to us recently, the plume is migrating
17 faster than we thought previously.

18 There's also evidence of significantly increasing
19 concentrations with depth, and this could indicate that
20 there is or has been a liquid phase of TCE sinking into
21 the water. You know how gasoline floats on the water,
22 well liquid TCE will sink into the water because it's
23 denser. It will sink down until it gets trapped in the
24 fine grain zone and then will dissolve indefinitely
25 creating the dissolve plume that Mr. Malott showed you.

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1 There are also high concentrations of TCE in the
2 ground water near the source area. Now there has been no
3 meaningful analysis of the source that we're aware of;
4 what we think needs to be done is some type of source
5 investigation of nested vapor probes, and if necessary
6 some type of source control by the way of a vapor
7 extraction system. Also, a sense of urgency here. The
8 area around the plume is rapidly being developed, and this
9 development is going to complicate and make more difficult
10 the installation of any final remediation system.

11 What the Environment Department wants, is a complete
12 investigation right now. We think that Sparton, as a
13 gesture of good faith, should submit an investigation
14 proposal before this process is concluded. We think that
15 the-- there's no reason to delay the investigation any
16 further. We have a plan of our own we would be willing to
17 discuss with anybody who would see the need for additional
18 monitoring wells downgradient and for the installation of
19 soil vapor probes in the source area. We also think that
20 the current monitoring plan needs to amended to include
21 routine periodic monitoring, systematic monitoring both on
22 and off-site. We're not saying that every well needs to
23 be sampled every quarter, but there needs to be some type
24 of a systematic process to monitor ground water and to
25 monitor the water levels. If the vapor probes show that

1 there still is a significant source, then a soil vapor
2 extraction system such as Digital put in and completed in
3 remarkable time, and as GTE and Siemens is now putting in,
4 in another facility in Albuquerque; these are very
5 effective systems to get a lot of vapor out of the ground
6 in a short period of time.

7 We think the containment is necessary of the dis-
8 solved phase plume. Some type of a hydrodynamic contain-
9 ment system is needed. We also think that the possibility
10 of air sparging should be considered. We're not necessar-
11 ily recommending it, but we think that it needs to be
12 evaluated in terms of how effective it might be for some
13 of the very high concentrations of TCE on the site. It's
14 not feasible, we think, for all the plume off-site, but
15 certainly, it should be explored for the high concentra-
16 tions on-site using Siemens maps back there. We also
17 think that the pump and treat system should be expanded.
18 Right now it's very limited on-site and the bulk of the
19 plume off-site is not being captured by the pump and treat
20 system. And ultimately, we'd like to see long term
21 remediation, but we'll have to wait and see if that will
22 be feasible.

23 As far as the EPA options in the Statement of Basis.
24 We think that the EPA's Statement of Basis provides a very
25 strong foundation for the selection and the discussion of

1 what needs to be done of remedy out there. As far as the
2 option that is closes to what he state wants, Option No. 5
3 is the closes. Although we think, again, we think that
4 the feasibility of spargement needs to be evaluated before
5 its committed to. And I also think that we need to be
6 flexible in the future to modify the system as data be-
7 comes available, and I trust that there is that flex-
8 ibility in the RCRA process to do that.

9 As far as Sparton's proposed Corrective Measures
10 Study, we think that is totally unacceptable. The current
11 interim system is not adequately capturing all the contam-
12 inated ground water, there's quite a bit that's moved off-
13 site. The most downgradient monitoring well, Well 61, was
14 clean up until a couple of years ago, now it has 2,000
15 parts per billion of TCE in it; this cause the state a
16 great deal of concern. We also disagree with some of the
17 assertions that have been made about the effectiveness of
18 any intrinsic biodegradation going on; diffusion being the
19 only migration mechanism. And we also support the City of
20 Albuquerque in their position on the potential future use
21 of this water.

22 In closing, the state is united and is working with
23 and continues to work with EPA, the Natural Resource
24 Trustee, the city and the county to resolve this problem
25 under RCRA. And we also have state authority which could

1 be implemented under the Water Quality Act, but we prefer
2 to continue this process and resolve it under RCRA. Thank
3 you.

4 HEARING OFFICER CHANDLER: Thank you Mr. McQuillan.
5 Mr. Norm Gaume, the Water Resources Manager for the City
6 of Albuquerque. Mr. Gaume.

7 NORMAN GAUME - TESTIMONY

8 MR. GAUME: Thank you Mr. Hearing Officer and EPA
9 officials. My name is Norman Gaume, I am Water Resources
10 Manager for the City of Albuquerque, Public Works Depart-
11 ment. I'm a registered professional engineer.

12 I am speaking to you tonight as the City of
13 Albuquerque's Chief Administrative Officer's designee and
14 co-chair of the committee, the City and County Staff
15 Committee charged with implementing the City-County Ground
16 Water Protection Policy and Action Plan. This plan which
17 has been formally adopted by both the Bernalillo Board of
18 County Commissioners and the City of Albuquerque City
19 Council provides both well head protection and source
20 water protection programs that are comprehensive in nature
21 to protect Albuquerque drinking water which is its sole
22 source of supply.

23 In speaking for the Policy Implementation Committee,
24 I am representing the City of Albuquerque and,
25 specifically, three of its departments, the Public Works

1 Department, the Environmental Health Department, and the
2 Planning Department. Bernalillo County membership in the
3 committee also includes the Bernalillo County Public Works
4 Division, the Environmental Health Department, and the
5 Zoning and Planning Department.

6 My testimony will summarize a written submittal for
7 the record which will be submitted in time for your
8 February 8 deadline. I just want to cover a few high
9 points in this presentation and ask that you refer to the
10 formal submittal for the record for the formal purposes of
11 this hearing.

12 I believe that the Sparton contamination is certainly
13 one of the two most significant contamination events
14 within the Albuquerque Metropolitan Area, perhaps the most
15 significant. The only other contamination event that
16 comes close to this would be the South Valley Super Fund
17 Site. And here at the Sparton Site, the concentrations of
18 toxins and regulated contaminants in drinking water are
19 higher than they are at the South Valley Super Fund Site.
20 It is my opinion that regardless of what EPA does, and we
21 are asking for your prompt and effective action, that this
22 is a case that Albuquerque will be dealing with for
23 decades to come. Hopefully, it will be in favorable as
24 opposed having to deal with the aftermath of the continu-
25 ing spread of contamination.

1 I'd like to show a "couple of overheads" summarizing
2 the magnitude and extent of the TCE contamination, the
3 trichloroethylene. I'm going to need to point out some
4 things on-- And I don't want to repeat the information
5 that's on the display boards that were prepared by the
6 City of Albuquerque there at the back room, I don't intend
7 to repeat this information, but I just want to illustrate
8 a few basic points. What you see here is a comparison of
9 two different interpretations of the extent of the plume
10 at the upper level of the ground water flow system. The
11 one on the left was prepared by Sparton, the one on the
12 right was just prepared by the City of Albuquerque
13 basically using exactly the same data that Sparton used.

14 Sparton has closed the contours on the contamination
15 plumes. And if I can just give you an example. This is
16 the 100 microgram per liter contour right here, and that
17 means that anything that's colored "green" has more than
18 100 micrograms per liter of TCE, that's 20 times the
19 drinking water standard. And they closed this contour
20 right beyond this monitoring well which is the monitoring
21 well that is furthest downgradient. However, the Sparton
22 data that were used to construct these contours show that
23 the concentrations in that well were 720 micrograms per
24 liter. It is the furthest downgradient monitoring well
25 and it is inappropriate to close the contours rather they

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1 should be open and unknown. We simply do not know how far
2 down stream the contamination exists.

3 A similar case needs to be made for the vertical
4 extent of the plume. The contamination is flowing down
5 into the aquifer, it's not just staying at the water
6 table. On the left you see the Sparton delineation. The
7 deepest monitoring well in the main body of the plume is
8 this one right here (pointing). And again, the Sparton
9 contour encloses it at a 100 micrograms per liter. The
10 City of Albuquerque's interpretation of that data, this is
11 the well right here. The data shows that this well con-
12 tains 555 micrograms per liter, and it is the deepest well
13 that exists in the main body of the plume as I said. So,
14 simply we do not know how deep the contamination goes.

15 There have been arguments made that the plume is not
16 moving, the contamination is not moving, that the contami-
17 nation is dissipating and that has been used as an argu-
18 ment that nothing need be done. These two, or rather this
19 slide shows two measurements in monitoring Well 61, and
20 that's the one I pointed out to you earlier. Until
21 December of '93, no contamination had existed in this
22 monitoring well which is the furthest downgradient moni-
23 toring well on the site. It showed up in '93 and the
24 concentrations increased to 720 micrograms per liter in
25 1994.

1 The City of Albuquerque just received on Monday of
2 this week, and we were unable to incorporate this new data
3 into our presentation, additional monitoring data that
4 Sparton had collected but had not been disclosed to the
5 Environmental Protection Agency, the State of New Mexico
6 or the City of Albuquerque. And these data are shown on
7 this view graph. The two "blue" bars are the data that
8 were previously disclosed, the "red" data are the new
9 data. And what is particularly alarming about this data,
10 is it shows the steady increase at the furthest down-
11 gradient monitoring well to a level that is now 2,000
12 micrograms per liter. It also shows that the contamina-
13 tion appeared earlier in time and has steadily increased
14 which of course refutes any assertion that the plume is
15 not moving and the contamination is naturally attenuating
16 or dispersing.

17 I think I'll just finish up right here. Another
18 thing the previously undisclosed monitoring data shows is
19 chromium concentrations that are in the main body of the
20 plume around monitoring Well 61. This chromium has been
21 transported far from the site of release and exists in
22 concentrations of approximately four times the drinking
23 water standard. Another thing that the data shows is that
24 there is a continuing source of contaminant release from
25 the Sparton property itself. Not only do we have a con-

1 taminant plume that is moving off-site, we also have clear
2 evidence that contamination on the site is continuing to
3 leech into the ground water system, and continuing to
4 contribute to the strength and spread of the plume.

5 I'd like to summarize the hydrologic setting, the
6 value of the water resources, the overall water resources
7 situation in which this contamination exists. As I
8 mentioned before Mr. Hearing Officer, ground water is the
9 sole source of drinking water in Bernalillo County.
10 Nobody drinks any other water except what comes from the
11 ground. The City of Albuquerque is actively pursuing a
12 water resources solution that will provide for a sustain-
13 able supply. We know that we are over pumping the ground
14 water system substantially and that our pumping has to be
15 cut back by approximately 50 percent. We are looking at
16 the use of surface water resources which previously were
17 dedicated to offset recharge of the aquifer from the
18 river. But that recharge is not occurring and we will
19 need to use our surface water resources in another manner
20 in order to achieve a sustainable supply. But the main
21 point I want to make is that ground water is and will
22 remain an essential component of Albuquerque's water
23 supply system. There are simply no alternatives in the
24 middle valley of the Rio Grande to get away from ground
25 water altogether. In the summer time, the amounts of

1 ground water that we pump in order to meet peak day demand
2 will be several times the total amount of surface water
3 resources that we have available.

4 One of the aspects of the City of Albuquerque's
5 historic water supply system which involves substantial
6 pumping from deep within the aquifer is that it has
7 created downward flow in the aquifer. And the downward
8 flow pressures are substantial because the pumping has
9 extracted water from depth and water needs to basically
10 flow from the surface to replace the water that's removed
11 from the city's deep wells. This vertical movement serves
12 to carry the contamination deeper within the aquifer. And
13 it is essential, that is contamination be arrested, the
14 spread of the contamination be arrested, and it will be
15 cleaned up because it will spread very rapidly.

16 You'll hear tonight Mr. Hearing Officer from a repre-
17 sentative of the Bureau of Reclamation who has been
18 cooperating with the City of Albuquerque in a study about
19 how Albuquerque can increase its recharge of the ground
20 water system. One of the facts that has resulted from
21 this study is the existence of a "rare recharge window"
22 that exists around the Calabacillas Arroyo at the Rio
23 Grande. And I won't discuss that further except to say
24 that this contamination couldn't exist in a more
25 sensitive place with regard to the City of Albuquerque's

1 water supply future, it is in a major recharge area for
2 our aquifer.

3 I want to briefly address policy. The City of
4 Albuquerque through various planning documents has commit-
5 ted the ground water in the vicinity of the contamination
6 to its future beneficial use. The contamination exists in
7 the center of a master planned well field that is not yet
8 developed, but has been intended for many years to be
9 developed as the west side of Albuquerque grows. I also
10 want to mention again the Ground Water Protection Policy
11 and Action Plan whose goals are to prevent future contami-
12 nation of our water supply and to expedite the cleanup of
13 contamination that already exists. Those are formally
14 adopted water protection policies adopted by the Bernalillo
15 Board of County Commissioners and the Albuquerque City
16 Council. They say that EPA needs to treat this contamina-
17 tion with urgency, the urgency that its due and clean it
18 up so as to protect our drinking water supply.

19 I want to comment, and I believe that is the
20 principle purpose of this hearing, regarding the remedy.
21 And I chose to read those remarks rather than to be
22 extemporaneous. "The City of Albuquerque believes that
23 the continuing source of hazardous waste discharged to the
24 ground water system must be stopped immediately. The
25 three dimensional extent of the plume must be determined;

1 its spread arrested. And the ground water must be
2 restored to meet EPA's drinking water quality standards
3 and regulations. A properly designed soil vapor ex-
4 traction system and a ground water pump and treat system
5 with reinjection of the treated water plume, treated water
6 plume-- excuse me, the treated water could achieve those
7 objectives. The extracted water must not be wasted. The
8 containment and pump and treat system must be sufficiently
9 robust to arrest the spread of contamination into and
10 through the recharge window. The remedy must not preclude
11 the City of Albuquerque's active use of its ground water
12 resource during the estimated 30 year duration of the pump
13 and treat system. I wanted to mention the city's avail-
14 ability to cooperate with the various government agencies;
15 other levels of government involved. It is the City of
16 Albuquerque's adopted policy to expedite cleanup of con-
17 tamination; therefore, the City of Albuquerque offers its
18 cooperation to EPA and to Sparton in their implementation
19 of effective remedy. Please let us know how we can
20 assist."

21 Sparton has previously opposed the cleanup stating
22 that "it is unnecessary and the water won't be used". The
23 display boards at the back and handouts on "blue paper"
24 provide the City of Albuquerque's rebuttal to these
25 responses, and I don't intend to cover them in these oral

1 remarks.

2 In closing, I would implore EPA and Sparton to ag-
3 gressive implement a solution to this imminent and sub-
4 stantial endangerment to this community's drinking water
5 resource and to the environment. As the pollution
6 spreads, cleanup grows more difficult and expensive with
7 every passing day. Thank you.

8 HEARING OFFICER CHANDLER: Thank you Mr. Gaume very
9 much. Well, you noticed it went a little beyond seven
10 minutes, but I guess that's my discretion. New data I
11 think fits this category every now and then; particularly,
12 in this instance. Let's go off the record a moment.

13 (A short recess was taken.)

14 HEARING OFFICER CHANDLER: Back on the record. Mr.
15 Charles de Saillan.

16 CHARLES de SAILLAN - TESTIMONY

17 MR. de SAILLAN: Good evening. I'm
18 Charles de Saillan, Assistant Attorney General for Natural
19 Resources in New Mexico. I'm presenting a brief statement
20 on behalf of the New Mexico Office of the Attorney
21 General, commenting on EPA's Statement of Basis for
22 Corrective Action at the Sparton Facility.

23 As we've heard this evening and as the record in this
24 matter confirms, the Sparton Facility is the source of a
25 large plume of ground water contamination. The plume is

1 comprised primarily of trichloroethylene or TCE. And the
2 plume also contains other hazardous waste and hazardous
3 constituents. To date, the plume has migrated at least
4 one-half mile from the Sparton Facility. And as Mr. Gaume
5 pointed out, potentially quite a bit further. It extends
6 at least 60 feet below the water table.

7 TCE concentrations have been detected in off-site
8 monitoring wells as high as 1,800 micrograms per liter.
9 The maximum contaminant level, or MCL, set by EPA under
10 the Safe Drinking Water Act is 5 micrograms per liter.
11 Although no drinking water wells are currently located
12 within the contaminant plume, the ground water aquifer
13 underlying the Sparton Facility is a current and potential
14 source of drinking water. The city plans to utilize
15 ground water in the area as a much needed source of
16 drinking water for Albuquerque homes and businesses. EPA
17 has classified the aquifer as a Class IIA Aquifer.

18 Given these facts, we support the positions taken by
19 the New Mexico Environment Department, the Office of the
20 Natural Resources Trustee, the City of Albuquerque; and,
21 as I understand it, Bernalillo County in demanding prompt
22 active cleanup of the ground water contamination
23 imminating from the Sparton Facility. Such cleanup is
24 most consistent with the RCRA and with EPA's regulatory
25 guidance.

1 I'm going to get into a little bit of legal
2 gobbledygook here; so, you can go to sleep if you want,
3 whatever. Section 3008(h) of RCRA provides for corrective
4 action in interim status hazardous waste facilities.
5 Interim status facilities are facilities such as Sparton
6 that were in existence in 1980, but have not received a
7 RCRA permit. In Section 3008(h) applies where there has
8 been a release of hazardous waste or hazardous consti-
9 tuents into the environment. In these circumstances EPA,
10 in the issuing order, requiring corrective action or other
11 response measures as it deems necessary to protect human
12 health in the environment.

13 The EPA uses the proposed "Sub-Part S" corrective
14 action rule as guidance for implementation of the
15 corrective action program. It applies at both permanent
16 facilities and interim status facilities such as Sparton.
17 The guidance states that EPA's goal in corrective action
18 is to cleanup contaminated media to a level consistent
19 with reasonably expected as well as current uses. The
20 proposed rule generally provides the corrective action is
21 to be performed where the release of hazardous waste or
22 hazardous constituent exceeds an action level, such as an
23 MCL. For contaminated ground water that is occurring or
24 potential source of drinking water, the corrective action
25 remedy must attain health based cleanup standards or MCLs.

1 The only exception to this requirement is if the cleanup
2 is determined to be technically impracticable.

3 The Sub-Part S Guidance also requires source control.
4 Applying this Sub-Part S Guidance to the facts at the
5 Sparton Facility is first of all clear that the Sparton
6 Facility is the source of a release of hazardous waste and
7 hazardous constituents, and a TCE has been released into
8 ground water which is part of the environment. Levels of
9 TCE in the off-site plume exceed by more than 300 times
10 the MCL or action level under the guidance. The action
11 level being 5 micrograms per liter. The effected ground
12 water is a current and potential source of drinking water.
13 And neither of the state agencies nor the city nor the
14 county believes that it would be technically impracticable
15 to remedy-- to remediate this release. Consequently,
16 under EPA's guidance, the contaminated ground water must
17 be remediated to health base standards to the MCL.

18 Only the more aggressive alternatives listed in EPA's
19 Statement of Basis, Alternatives 3 through 6, are fully
20 consistent with EPA's guidance. The alternative that's
21 selected must include source control. Alternatives 1 and
22 2 do not provide for source control, they do not provide
23 for remediation of the off-site plume. Alternatives 1 and
24 2 fail to achieve the EPA's stated goal of cleaning up
25 contaminated ground water to a level consistent with

1 current and reasonably expected use of that ground water.
2 Alternatives 1 and 2 fail moreover to achieve protection
3 of human health in the environment as required by RCRA.

4 That concludes my statement. I'll be submitting more
5 detailed comments for the record before February 8. Thank
6 you.

7 HEARING OFFICER CHANDLER: Thank you Mr. de Saillan.
8 And Mr. Gaume, I understand you will send your material
9 in, in more detail, is he still here, yeah, by February
10 the 8th also. And I'm trusting you have the address and
11 everything. I would like those charts, you intend to send
12 prints of your charts also? And, the source of your
13 third, I mean, your final new data; not only the chart but
14 the source if possible.

15 MR. GAUME: Yes, sir.

16 HEARING OFFICER CHANDLER: Thank you.

17 Mr. Larry Weaver.

18 LARRY WEAVER - TESTIMONY

19 MR. WEAVER: Thank you. My name is Larry Weaver, I'm
20 Vice-President of the Paradise Hills Civic Association.

21 I didn't really come with a prepared statement or
22 anything like that, there is a few things I'd like to
23 address. I would like, however, to express my apprecia-
24 tion to the EPA, the State of New Mexico, the City of
25 Albuquerque; and especially, Norm Gaume for being here

1 tonight and just tells how big a problem that we have
2 here.

3 The only thing I can say that I really feel good
4 about tonight is that the water that I'm drinking now is
5 not contaminated, but it just as well could be. We don't
6 know what the situation of our water supply. And I live
7 here in Paradise Hills and we use this water over here. I
8 don't know how many people in this audience do. A lot of
9 you are from various places in the city, the state and
10 everywhere else. But I do recognize a few of my neighbors
11 over here on the west side, and we use this water. We
12 don't know whether we can use that water in another 5
13 years, 10 years, 20 years or whatever. That's the biggest
14 uncertainty and that's been expressed tonight. We don't
15 know the extent of this plume, how fast it is growing;
16 that's the biggest uncertainty.

17 Now, we've heard a lot about Sparton over here sug-
18 gesting a no action alternative. To me, that's just
19 completely unacceptable, everyone has expressed that. I
20 would like to say that of the several people who have
21 spoken tonight that neither the city, the State of New
22 Mexico has a vested interest in inventing contaminated
23 water, they do not. They're there to protect and serve
24 the people. So I, if anything, put my trust and faith in
25 them, not a major industrial polluter.

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1 Now, it's only just recently I found out the extent
2 of this problem. Over the last several years I haven't
3 heard anything about it. But I went out to the library
4 this weekend and I looked over that stack of four foot
5 documents over there, and I didn't go through several
6 things over there, and I ran across a consent order, I
7 believe that it was, in which Sparton was to develop a
8 community relations plan. Now believe it or not in that
9 four document I did find a so-called community relations
10 plan. It wasn't a community relations plan, it was a plan
11 to notify through public advertisements and things like
12 this, of hearings and things like that, that is not the
13 developing community relationships at all.

14 Now, the city has rebutted on a number of these
15 statements that Sparton has made. There is one thing I
16 would like to say about Sparton's assertion that there
17 will be no need to use this ground water. In their very
18 own documentation, they have pinpointed the location of 28
19 potential well sites over there, in their own documenta-
20 tion, and now they've got the nerve to come up here and
21 say the City of Albuquerque does not have a need for this
22 water, well most certainly they do. Those of us who lived
23 here long enough are well and full aware of what draw now
24 is like on the aquifer, that makes this problem even more
25 serious a thing.

1 Now, we want to see a recovery plan to go forward.
2 We want to see heavy involvement with EPA. I'm particu-
3 larly concerned about data that has been withheld and not
4 presented until tonight. I understand that those samples
5 were taken by Sparton Industries or their contractor. I
6 understand that the city and ETA (SIC) EPA received some
7 of those samples. I would suggest to you that either the
8 state or the city be responsible for collecting those
9 samples for whatever recovery plan that you come up with,
10 that they be responsible for securing those wells and
11 making sure that they are "not rigged".

12 Now, I think everyone else has had pretty much what I
13 would like to say about the extent of this problem. There
14 is some thing that I'm not really aware of, I'm not sure
15 how this problem was surfaced in the early '80's, I don't
16 think Sparton willing came to the ETA (SIC) EPA or the
17 Safe and Environmental Health Department or whoever and
18 said, "you know, we got a problem out here", I don't think
19 they did.

20 One of my neighbors told me that he had a relative
21 who worked with Sparton one time, and that relative
22 asserted that they used go out there and just "dump this
23 stuff all on to the ground". Now I realize that's hearsay
24 and there's no evidence here that's happened. But I would
25 suggest to you, that perhaps you might want to conduct an

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1 investigation and contact former employees of Sparton to
2 see what the situation is. I don't know if they're.
3 criminal penalties for what goes on here, but this is
4 certainly one I would like you to look into whether or not
5 there are some criminal violations here. Thank you very
6 much.

7 HEARING OFFICER CHANDLER: Thank you Mr. Weaver.
8 David Vance.

9 DAVID VANCE - TESTIMONY

10 MR. VANCE: Yes, I suppose I'm speaking as a citizen,
11 perhaps as a knowledgeable citizen with regards to these
12 kinds of issues.

13 A couple of points; especially, with regards to the
14 assessment, and I'm assuming there will be a continued
15 assessment on this site as this plume continues to expand.
16 One, it would be incumbent on everybody concerned to
17 gather some appropriate data with regards to certain
18 geochemical issues; for example, with the "chrome migra-
19 tion". And by the way, that's "chrome 8" migration or it
20 wouldn't be mobile. In other words, this material that's
21 showing up in these wells has to be as chrome 8 otherwise
22 it wouldn't be mobile enough to show up. For that
23 particular issue, it's very important that people assess
24 iron hydroxides in the soils; for example, if additional
25 monitor wells are installed, borings are installed, that's

1 one of the things that should be looked at. With regards
2 to the hydrocarbon contamination or the chlorinated hydro-
3 carbon contamination, people should be looking at the
4 total again of carbon content in these soils,
5 additionally.

6 This site should certainly be evaluated for source
7 control. I've worked with sites of this type, manufactur-
8 ing facilities with chlorinated solvents, other types of
9 sites across the country, and it really has noting with
10 being an environmental act for it's really a pragmatic
11 issue, purely pragmatic. Every pound of this material
12 that can be removed at the source is going to be orders of
13 magnitude cheaper to rectify than it is as it disperses
14 into this plume.

15 There's been some comments on natural attenuation,
16 and mostly with regards to skepticism. Natural attenua-
17 tion is certainly at work at this site. There needs to be
18 some further assessment things dealt with in order to
19 evaluate it, things like "soil gas" looking at ethane,
20 ethene above this plume. Looking at vinyl chloride to
21 evaluate if natural attenuation is taking place; and then,
22 natural attenuation can take place abiotically or bio-
23 logically. A significant portion of the cleanup of this
24 plume is going to include those particular issues, and
25 that process can be quantified at this juncture from the

1 data that I've seen this evening. The migration of the
2 plume is overwhelming the capacity of this aquifer to
3 naturally attenuate these materials.

4 And that's the extent of it. One more point. One
5 more point. One, timeframe. This thing is going to take
6 at least as long as its been contaminated to cleanup,
7 probably longer. I've been hearing timeframes of 30
8 years. But what I've heard the contamination is started
9 what, since 1961, it's at least going to take that long to
10 get this thing cleaned up, probably longer. And while
11 this is not a remediation, people may need to seriously
12 think about surface treatment. Whenever it gets to the
13 time we're going to be using this water, unless something
14 is done very rapid, in fact, it may already be too late,
15 we may indeed have to look at surface treatment for this
16 water if it's going to be put to any use. And I know
17 that's not one of the options, but this horse is already
18 pretty well out of the barn. That's it.

19 HEARING OFFICER CHANDLER: Thank you Mr. Vance very
20 much. Steve Hensen, representing the Bureau of
21 Reclamation.

22 STEVE HENSEN - TESTIMONY

23 MR. HENSEN: Thank you Mr. Hearing Officer for allow-
24 ing me to speak. My name is Steve Hensen, I am a tech-
25 nical team leader for Bureau of Reclamation on some ground

1 water studies we've had going on for the last four years.
2 Being multi-agency studies, the purpose of which is to
3 better understand how ground water moves through the
4 middle Rio Grande basin.

5 Recent investigations by the Bureau of Reclamation
6 and the New Mexico Bureau of Mines and Mineral Resources
7 has identified several key recharge windows in the metro-
8 politan area. These are the Calabacillas recharge window,
9 the Oxbow recharge window, and the repair and recharge
10 corridor associated with the river and riverside drains.

11 Recharge windows and corridors are defined as areas
12 where saturated coarse grained valley fill alluvium is in
13 direct contact with more permeable areas of the upper and
14 middle Santa Fe group. This condition which is a limit of
15 currents in the metro area is conducive to much higher
16 levels of localized recharge the Santa Fe aquifer than
17 generally occurs. And this is especially true in areas
18 where the windows in contact with very productive ancient
19 Rio Grande axial channel deposits as is under the case of
20 the east mesa where hydraulic conductivities can exceed
21 100 feet per day.

22 Now back in 1961 a couple of guys named Bjorklund and
23 Maxwell identified a ground water trough to the west of
24 the west mesa. Basically, it rejoins the Rio Grande
25 central system down near Belen. It may also go further

1 north than the Jemez River. However they don't know if it
2 actually goes under the river as a trough. But that
3 doesn't matter because this trough has access to the Rio
4 Grande there at the Calabacillas Arroyo which is the head
5 of this trough that existed in 1961. In 1961 the water
6 contour maps for the regional well water movement showed
7 that this was an area of a general ground water divide
8 where the water either divided and went down the main
9 course of the Rio Grande or gently went over and started
10 to travel to the west and then turn left and head south
11 down this trough. So it's no mystery where this plume is
12 headed and it's starting on a long journey and it can have
13 significant impacts.

14 Municipal pumping centers located on the west mesa
15 which are most likely to be impacted by these changing
16 conditions include the Rio Rancho, Paradise Hills, Volcano
17 Cliffs, and Zamora Well Fields. Current geohydrologic
18 information which is commonly available, I've got the
19 State Engineer Technical Report 21 that has Bjorklund and
20 Maxwell's findings. A 1992 report from U.S.G.S. describ-
21 ing current rain water conditions; and then, a later
22 report offering modelling projections to the year 2020.
23 These reports show that the effects of ground water pump-
24 ing on both sides of the river are causing this ground
25 water to divide the steepen. And so given that you have

1 both a down slope gradient from the plume by which the
2 plume can travel, and an up slope gradient of water into
3 that recharged window, you've got a mix of conditions that
4 will allow that plume to continue to travel forever. And
5 if there is any hope of truly controlling that contamina-
6 tion, it should be done in a timely fashion. And I would
7 like to maybe add that one consideration in addition to
8 the alternatives that you've discussed would be to also
9 control the inflow of fresh recharged water into that
10 plume area. Now just to the east of the Sparton Site,
11 you've got the Corrales Main Canal which through canal
12 seepage is a source of recharge for that plume into the
13 window. And you've also got the repair in corridor
14 alluvium, the riverside drains. There's certain types of
15 activities that could be done to control that availability
16 of recharged water. One of the most simple would be to
17 line that stretch of canal immediately to at least cutoff
18 that source.

19 Again, my name is Steve Hensen and my phone number is
20 505-248-5349. The findings of our study are being
21 finalized in final report right now and should be avail-
22 able within a month or two. Thank you.

23 HEARING OFFICER CHANDLER: Mr. Hensen, thanks very
24 much. That qualifies as new information. I think we
25 would like to have benefit of those reports, would you by

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1 February 8 send to Mr. Malott the title of those three
2 documents that you mentioned. If there materials is in
3 there-- and the pages, you had some pages highlighted, if
4 you could highlight those pages for Mr. Malott and the
5 other scientist by February 8, that's when the comment
6 period closes, we would very much like that information in
7 the comment period so that it can be considered. After
8 the hearing you could get our address or its in the
9 Statement of Basis I think, but any of us can give you an
10 address. Would you do that by February the 8th?

11 MR. HENSEN: I will.

12 HEARING OFFICER CHANDLER: Thank you Mr. Hensen.
13 Richard Brusuelas.

14 RICHARD BRUSUELAS - TESTIMONY

15 MR. BRUSUELAS: My name is Richard Brusuelas, I'm the
16 Director of Environmental Health with Bernalillo County.
17 I'm also Co-Chairman of the Policy and Limitation
18 Committee that Norm Gaume spoke about; so, I won't cover
19 any of the points that Norm covered, I think he covered
20 them very thoroughly and to the point.

21 My statement is to indicate that Bernalillo County is
22 a partner in this ground protection policy and we anti-
23 cipate to continue to being an active partner. We're very
24 concerned that the plume under Sparton is a threat to our
25 water supply. The contamination is also a health threat

1 to the citizens of Bernalillo County. Sparton's response,
2 as we have read, is totally unacceptable, and often as I
3 read it and others have read it, consider it an insult.

4 The delays which have occurred are a serious concern
5 to our department and the constituents whom we serve
6 because of their potential impact on our ground water
7 quality and our health. From our stand point as the
8 county, we want our ground water cleaned up, we want the
9 contamination plume remediated and we want it done as soon
10 as possible. We've had a lot of time, there's been over
11 10 years and this plume has now spread to the point where
12 its going to be a very serious economical threat to our
13 community as well as a health threat. We know we're not
14 demanding the impossible. The technology currently exists
15 to cleanup this plume, it's being used in at other sites;
16 and, the fact that's been ignored does not make it
17 economically unfeasible.

18 The bottom line from my perspective is that we want a
19 clean safe water supply not only for today's citizens, but
20 for future citizens. Thank you.

21 HEARING OFFICER CHANDLER: Thank you Mr. Brusuelas
22 very much. Kevin Bean.

23 KEVIN BEAN - TESTIMONY

24 MR. BEAN: Mr. Hearing Officer my name is Kevin Bean,
25 I'm here representing the New Mexico Public Interest

1 Research Group, we're a non-profit consumer and
2 environmental advocacy and research organization. And
3 from 1989 to about 1993 the Public Interest Research Group
4 was represented on the Ground Water Policy Advisory Com-
5 mittee that worked with the city and county to developed
6 the joint Ground Water Protection Policy and Action Plan.

7 I basically want to make three points, I guess. The
8 first one of which is that Albuquerque has no water to
9 spare. There are more than 30 square miles of contamin-
10 ated ground water from residential and industrial
11 activities already. On top of that, we've recently
12 learned in the last couple of years that not only are
13 large areas of ground water contaminated in the
14 Albuquerque area, but we're also rapidly depleting our
15 only source of drinking water in this community; so, it's
16 a "double whammy". We've got serious waater quality
17 problems and we've got serious water supply problems.

18 The city and county however are moving quickly and
19 aggressively to address both these water quality and water
20 supply problems. As you heard earlier, the Ground Water
21 Protection Policy was adopted by the city and the county
22 in 1993 and 1994. And the city this year adopted a water
23 conservation strategy and its up to legislation to ac-
24 company that strategy to address the water supply prob-
25 lems. So the city is moving quickly doing what it can to

1 address the supply and water quality problems.

2 The second point I guess I'd like to make is that
3 the, based on what I've seen here this evening, the
4 evidence is overwhelming that this is a major contamina-
5 tion event. Sparton Technologies however has evidently
6 decided that the most cost effective strategy is to delay
7 cleanup at this site as long as possible, and given the
8 history at this site that strategy has apparently been an
9 effective one.

10 The third point I'd like to make is that the Public
11 Interest Research Group supports the cleanup remedies
12 recommended by the city and the state. Our primary
13 concern is there absolutely be no further delay in
14 implementation of the cleanup remedy at this site. We're
15 very concerned about what's going to happen if negotia-
16 tions fail with Sparton Industries if there's not a
17 negotiated agreement as to what the appropriate cleanup
18 remedy is, what is going to happen if those negotiations
19 fail. We feel this is an emergency situation and should
20 be dealt with accordingly. Thank you very much.

21 HEARING OFFICER CHANDLER: Thank you Mr. Bean.
22 Mr. James Hunter.

23 JAMES HUNTER - TESTIMONY

24 MR. HUNTER: Mr. Hearing Officer my name is Jim
25 Hunter, I'm the President of the Zaragosa Neighborhood

1 Association which is just to the north and the west of the
2 site we're talking about, as long as we're talking about
3 north and west. I'm not a hydrologist. I'm not a geolo-
4 gist. I'm not registered in anything except to vote. But
5 I do know this, I'm not sure what "trichloroethlet" is but
6 we know its not good for us. We know who put it there.
7 We know that for 12 years they haven't stopped it getting
8 worse. If the city is right and it goes into the aquifer,
9 Albuquerque can become a "ghost city". But worse yet
10 until we figure out what it's going to do our kids, a lot
11 of them will be hurt. We know who put it there, we know
12 its not suppose to be there; so, I'd like to see us hurry
13 up and get it out of there and let the guy that put it
14 there clean it up. Thank you.

15 HEARING OFFICER CHANDLER: See, that confirms my long
16 held belief, almost anyone can tell EPA what they think of
17 its proposals in five minutes or less. Dr. William Turner.

18 WILLIAM TURNER

19 DR. TURNER: Mr. Hearing Officer, ladies and gentle-
20 men my name is Dr. William Turner, I am the State's
21 Natural Resource Trustee. I speak for the Governor when I
22 stress to you this evening to listen carefully to the
23 testimony that's been given to you. We do insist upon a
24 rapid and expeditious treatment of this problem. We
25 encourage the EPA to use every tool at its disposal and to

1 bring about a swift resolution of the problem that we have
2 been listening to this evening.

3 I would like to make one point that probably is not
4 lost in the hydrologist in the room, and I am a profes-
5 sional hydrologist, the largest plume I worked on was
6 8,000 feet long, 2,000 feet wide, and 500 feet deep; so,
7 these kinds of plumes are quite familiar to me.

8 What has not been mentioned this evening is that when
9 we talk about remediation of the plume and we talk about
10 this part of Albuquerque's ground water system, what
11 really hasn't been said is that because the plume is where
12 it is it's very difficult for the city to install wells to
13 meet its water demand anywhere near this plume. To do so
14 begins exerting hydrodynamic influences on the plume which
15 make almost inevitable that those city wells no matter
16 where they are, within reasonable distance from the plume,
17 will also be faced with treatment cost. So it's
18 absolutely necessary that this plume be dealt with where
19 it is and be dealt with swiftly. Thank you very much.

20 HEARING OFFICER CHANDLER: Ladies and gentlemen,
21 that's all of the sheets I have who have indicated a
22 desire to speak to us on these alternatives tonight. Have
23 I missed anyone? Did someone indicate yes that I don't
24 know about?

25 MR. MALOTT: There's one in the back.

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1 FROM THE FLOOR: I'd like to make one comment.

2 HEARING OFFICER CHANDLER: Excuse me, sir. Would you
3 come-- I couldn't hear it.

4 TONY De SANTO - TESTIMONY

5 MR. De SANTO: My name is Tony De Santo. And like
6 Jim Hunter, I belong to Zaragosa Neighborhood Association.
7 And I know Sparton left this area to move to Rio Rancho, I
8 was wondering what they're doing up the hill if they're
9 polluting that area? And I'd be concerned also for the
10 people up in Rio Rancho for their own well water. Thank
11 you.

12 HEARING OFFICER CHANDLER: Thank you, sir. I'll
13 accept that as a question on the record. You may need to
14 ask them what they're going to do, but we'll try. Did I
15 miss anyone else? Has anyone changed their mind and wish
16 to give us testimony at this time? One hand. Yes, ma'am.
17 Would you come forward please, identify yourself for the
18 record and proceed.

19 PRISCILLA TRACY - TESTIMONY

20 MS. TRACY: Okay. My name is Priscilla Tracy, I live
21 in Albuquerque. I'm going to leave you my name and
22 address because I hope that some of you may get in touch
23 with me. I find this subject of water and our future in
24 Albuquerque is very interesting to me, and I'm involved in
25 a couple of other activities that give me a need to find

1 out more about water and what's going on in our community.
2 So I'll tell you name and address; and then, I'll make a
3 comment about this. My name is Priscilla Tracy, my tele-
4 phone number is 275-6145, and it's not listed so you won't
5 find it in the phone book. My address is 3708 Cheraz NE,
6 Albuquerque 87111.

7 I think it's wonderful to see so many people here,
8 citizens all looking out for a resource that all of us
9 need that, that our children need and that our world,
10 indeed, needs. Also I'm impressed by the knowledge that
11 some people have about water and aquifer. I didn't
12 realize that all this people were here just knowing all of
13 that all along. And the other two issues that I am in-
14 volved in is one, I'm one of the protesters against
15 Intel's transferring of water from Socorro, to actually
16 pump the water out of the Rio Rancho area. And I need to
17 find out just more about the Albuquerque aquifer and the
18 problems that we face there and also the-- Sandia is
19 going to take, our theory, is going to take 11 million
20 gallons a year from our ground water in order to work on
21 their new production of "Moly 99" a nuclear medicine. I
22 went to a hearing, I guess it was night before last for
23 them, and there's been very little publicity. And I feel
24 very ignorant and I know I need to find a lot about water
25 if I'm going to be trying to do my citizen's duty here.

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1 But I'm very pleased to see all of you here and to see all
2 that knowledge and all this responsibility and to find out
3 something I knew nothing about. And if there's anything I
4 can do to help, let me know. I want them to clean it up
5 too. Thank you.

6 HEARING OFFICER CHANDLER: Ms. Tracy, I'm petty
7 ignorant, would you spell Cheraz for me?

8 MS. TRACY: C-h-e-r-a-z

9 HEARING OFFICER CHANDLER: Thank you, I was one vowel
10 off. All right. Thank you Ms. Tracy. Okay, there are
11 more persons who wish to speak, would you come forward
12 please.

13 ROSS DEMICK - TESTIMONY

14 MR. DEMICK: My name is Ross Demick. I didn't intend
15 to speak tonight. I'm the Secretary/Treasurer of the
16 Salida del Sol Homeowners Association which is right
17 across the street from Zaragosa and also northwest of
18 here. I also happen to be an environmental geologist.

19 I didn't know much about this before I came here, but
20 upon looking over the data that exists, obviously some-
21 thing needs to be done and I support the recommendations
22 of the state and the city in this regard. However, I
23 would like to make one additional point. What you showed
24 at the beginning of this was the process that remains, we
25 are in the public comment period and there's a number of

1 steps that need to follow here. And my concern, after 10
2 years, more or less, or like 12 years of knowing about
3 this problem is that still I believe very little has been
4 done to solve it. And looking at the process that
5 remains, if that process is going to take an additional 5
6 to 10 years, I don't feel that that's acceptable. And no
7 matter how much money is thrown at this problem it may
8 never really get solved to our satisfaction. And I would
9 encourage EPA to put a real sense of urgency on this
10 problem so that the spread of the contamination can be
11 stopped. Thank you.

12 HEARING OFFICER CHANDLER: Thank you Mr. Demick.
13 Yes, ma'am, come forward please.

14 GWEN EASTERDAY - TESTIMONY

15 MS. EASTERDAY: My name is Gwen Easterday. I'm
16 representing the Alvin Hills Neighborhood Association.
17 We're a little bit less than two miles south of the site,
18 and we have approximately 28 families on domestic wells.
19 This seems to have been gone unnoticed by a few people.
20 These domestic wells are our only source of drinking water
21 and we are very concerned. We would like this cleaned up
22 as soon as possible. Thank you.

23 HEARING OFFICER CHANDLER: Ms. Easterday, I was about
24 to ask which direction, but Mr. Malott knows where you
25 are, okay. Yes, ma'am, come forward please.

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MARIE EVAMOFF - TESTIMONY

MS. EVAMOFF: My name is Marie Evamoff. I live in the Vista Monte Sedo Homes approximately, what, not even a mile from the site. I lived here approximately 10 months. Had I known the serious water condition I doubt that I would have moved here. I am extremely upset, extremely concerned. As I think everyone has covered this well here. I support the state recommendations, the city, some of the alternatives that have been you and the EPA, or brought forward in writing. And I am for immediate action, and hopefully that will happen. Unfortunately, I'm pessimistic as some of my predecessors who have come up here before me have indicated, I don't want it to take 10 years maybe we'll be dead by then.

HEARING OFFICER CHANDLER: Thank you Ms. Evamoff.
Yes, sir.

DAVE TRACY - TESTIMONY

MR. TRACY: My name is Dave Tracy, you can get the information for where I live and phone number because the lady back there happens to live in the same place I do.

I only got a couple of things and it's really basically focused on this particular issue. Number one, after listening to testimony, the only thing that seems to be moving faster than trying to focus on the problem and getting it solved, is it seems to be the rate of the plume

1 which is normally fairly slow, but it's still faster than
2 the process to either identify or cleanup the problem. As
3 a government person myself I really find it kind of
4 interesting in do we ask and depend upon the only data as
5 to what the size, the extent, the movement of the plume is
6 the contractor that works for Sparton Industries. We're
7 all familiar with the old phrase of "asking the fox to
8 guard the hen house" is really applicable to this one.
9 The wells are neither not deep enough to monitor, they're
10 not wide enough out there to catch the horizontal, if
11 you're every interested in it, and we don't have enough
12 wells out there to monitor how far the damn thing is
13 going. So my problem would be, and I'd like to recommend,
14 is that we either get these honorable bodies who are
15 concerned about it, the City of Albuquerque and Bernalillo
16 and others to probably put in something called "depth
17 wells" or monitoring wells that are deep enough, wide
18 enough, and far enough to tell us what the extent of the
19 problem is so when we get this wonderful solution to clean
20 it up we actually know we did it, because right now we're
21 still dependent, as far as I can see with all these
22 boards, by the fox, and I kind of resent that.

23 HEARING OFFICER CHANDLER: Thank you Mr. Tracy.
24 Okay, I see no more hands. I will call this hearing to a
25 close. Let me remind you if you have further written

1 comments or wish to say something further to us, please
2 send it postmarked by February 8, that will be the close
3 of the public comments period. You've given us good
4 comments tonight, I want to thank you for that. It's 8:40
5 p.m., February 1, let's go off the record please.


6 (Whereupon, at 8:40 p.m., the hearing in the above-
7 entitled matter was closed.)

8 - - -

1 I Twyla T. Sneed, as the reporter, hereby certify that the
2 attached proceedings before Hearing Officer Mark Chandler
3 of the U.S. Environmental Protection Agency, Dallas Region
4 6, in the matter of:

5 SPARTON TECHNOLOGY

6 Albuquerque, New Mexico - February 1, 1996
7 were held as herein appears and that this is the original
8 transcript thereof and that the statements that appear in
9 this transcript were recorded on audio tape by me and
10 transcribed by me to the best of my ability. I also
11 certify that this transcript is a true and accurate record
12 of the proceeding.

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20 My commission expires October 20, 1996.
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