



U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section

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90-7-1-875

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25 June 1998

By telefax
James B. Harris
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Re: Albuquerque v. Sparton Technology, Inc., No. CV-97-0206 (D.N.M.)

Dear Jim:

Attached please find a proposed list of action items and dates for settlement negotiations. I hope that this proposal accurately reflects our telephone conversation of yesterday. When you have had a chance to examine this, we can then draft a letter to Judge DeGiacomo. I look forward to hearing from you.

Sincerely,

Michael T. Donnellan

c: Counsel of record

**Proposed List of Action Items for Settlement Negotiations in Sparton Litigation
During Period June 24-July 29, 1998**

Task I: Groundwater Monitoring:

- Sparton to provide additional data: June 30, 1998 [Harris will confirm]
- EPA to provide revised Workplan: July 10, 1998

Task II: H&S Workplan--no issues

Task III: Public Involvement Workplan

- Plaintiffs comments: Wednesday, July 8, 1998
- Sparton revised WP: Wednesday, July 22, 1998

Task IV: Soil Vapor Extraction

- EPA/Sparton meeting in Dallas regarding Investigation Workplan: Week of July 13, 1998
- Sparton to submit revised Investigation Workplan setting forth the rationale for the proposed investigation: July 22, 1998

Task V: Groundwater Remedy

(1) On-Site Containment

- Sparton to submit Investigation Workplan reflecting installation of a permanent monitoring well b/t MW32 and MW42/43
Harris to advise Donnellan regarding overall approach: 7/6/98
Revised workplan July 22, 1998
- Sparton to advise Plaintiffs regarding Sparton's concurrence in a goal for on-site containment of 100% effectiveness:
Harris to advise Donnellan regarding overall approach: 7/6/98
Revised workplan July 22, 1998

(2) Off-site Containment

- EPA to provide detailed comments on Section 2 of June 22, 1998 "Workplan for the Evaluation of Containment System Performance and for the Assessment of Aquifer Restoration": June 30, 1998 [EPA comments will reflect need for initial 3-6 month evaluation of containment system if selected rate differs from containment feasibility test rate]
- Sparton to submit revised Workplan: July 13, 1998

(3) Aquifer Restoration- Harris to advise Donnellan regarding overall approach ASAP

- Sparton to submit revised version of Section 3 of July 22, 1998 "Workplan for the Evaluation of Containment System Performance and for the Assessment of Aquifer Restoration:" July 8, 1998 [This revision should reflect the approach discussed during the technical discussion on June 23, 1998, including, but not limited to, (a) no fixed 5 year delay before action is taken, and (b) annual reports evaluating adequacy of data gathering; development of an appropriate model after approximately one or two years; and stating whether specific restoration actions are/are not presently justified. See Page 36 of June 1996 CAP for additional items that might be appropriate for inclusion in such a report]