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FROM: Michael T. Donnellan (202) 514-4226  
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SUBJECT: Albuquerque v. Sparton Technology, Inc., No CIV 97 0206 (D.N.M.)

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**MESSAGE:** 09/04/98 Draft of REstoration Workplan Outline

### Restoration Workplan

The Restoration Workplan which the parties have been discussing may require some modification of the Final Administrative Order. Plaintiffs propose to amend the AO to provide that, in addition to the off-site containment system and the on-site source containment system, Sparton will evaluate whether additional cleanup measures (i.e. groundwater extraction or other cleanup strategies) should be implemented for the purpose of (1) attaining the remedial objective within a reasonable time frame or (2) reducing the long term cost of the cleanup. The amended order should specify that the restoration evaluation will apply to contaminated groundwater both on and off-site. The amended order should provide that the evaluation will be conducted by creating a flow and transport model of the aquifer which can be used to estimate the impact on cleanup time of alternate cleanup strategies.

The amendment would require Sparton to submit a workplan describing the restoration evaluation process. The workplan should specify the data to be collected to support the flow and transport model, and that Sparton will begin collecting that data upon approval of the workplan. *??Plaintiffs do not anticipate that additional monitoring wells will be required to collect this data.??* The workplan should also specify that Sparton will develop an initial flow and transport model of the aquifer within one year after the effective date of the workplan. That model should be updated at least annually to reflect additional data collected.

The workplan would also provide for an annual assessment of Sparton's progress in the evaluation. In this annual report, Sparton should evaluate the past and projected future effectiveness of the current corrective measure (i.e. offsite containment and on-site source containment) in attaining the remedial objective of restoration of all contaminated ground water. The evaluation shall follow EPA guidance in evaluating the performance of pump and treat corrective measures. *See, Methods for Evaluating Pump and Treat Performance, provide cite.* The report should also evaluate whether sufficient data is being collected to develop and verify the flow and transport model of the aquifer. If the collection of additional data is needed to develop and/or verify the flow and transport model, the report shall propose measures to collect that data. Finally, the report should evaluate whether additional cleanup measures should be implemented prior to the next annual report. If Sparton concludes that additional cleanup measures should not be implemented prior to the next annual report, the report will state the reasons for that conclusion. If Sparton concludes that additional cleanup measures should be implemented prior to the next annual report, the report shall propose implementation those measures.

Sparton's July 20, 1998 Workplan for the Assessment of Off-Site Aquifer Restoration generally addresses subjects relevant to the requirements of the proposed "Restoration Evaluation Workplan." Therefore, Plaintiffs have not proposed an overall outline for the Restoration Evaluation Workplan. Instead, Plaintiff will provide specific comments on Sparton's proposed workplan by \_\_\_\_\_.

The workplan may provide that Sparton may at any time request that EPA select an alternative and/or supplemental corrective measure(s). Sparton may also at any time submit a Technical Impracticability Demonstration to EPA. In addition to demonstrating technical

impracticability, Respondent shall also submit an alternative remedial strategy that is: (1) technically practicable; (2) consistent with the overall objectives of the remedy; (3) controls the source(s) of the contamination; and (4) controls human and environmental exposure. An alternative remedial strategy shall be imposed if a determination of technical impracticability is made by EPA.

An additional aspect of the July 20, 1998 Workplan which should be expanded is the list of elements to be addressed in the annual Restoration Evaluation Report. Plaintiffs position is that the report should address the following elements:

1. Synopsis of the past restoration evaluation work.
2. Description of progress in attaining the remedial objectives of restoration of the contaminated ground water.
  - Determination of projected restoration time for the current corrective measure
  - Description of the various inputs needed for a flow and transport model
  - Description of progress in developing and verifying a flow and transport model that will assist in the evaluation of restoration of the aquifer
  - Detailed discussion of what additional information, if any, is needed to evaluate restoration of the aquifer along with a description of why this information is needed in the evaluation
  - Detailed plan of how and when this additional information, if needed, will be collected
3. Summarize data obtained during the preceding time interval of systems operation and evaluate trends in the system operating conditions indicating how operation of the corrective measure compares to the remedial objectives;
  - Summary of samples and analysis from ground water monitoring network for all constituents of concern
  - Summary of contaminants concentrations versus media standards (the more stringent of the Maximum Contaminant Levels [MCL's] for drinking water established under the Safe Drinking Water Act or the maximum allowable contaminant concentrations in ground water set by the State of New Mexico Water Quality Control Commission [WQCC])
  - Summary of concentration trends in ground water monitoring network wells for all constituents of concern
  - Time-concentration plots for each of the ground water monitoring network wells
  - Estimate of pore volume of the contaminant plume
  - Estimate of contaminant mass-in-place
  - Determination of rate of contaminant mass removal by current corrective measure

- Comparison of the rate of contaminant mass removal to the dissolved and/or total contaminant mass-in-place
  - Description of cumulative mass removed by current system versus the total contaminant mass-in-place
4. Summary of work accomplishments (e.g., performance levels achieved, total hours of treatment operation, total treated and/or excavated volumes, nature and volume of wastes generated, etc.);
    - Description of the number of pore volumes extracted by the current corrective measure
    - Summary of samples and analysis of the treatment system influent and effluent
  5. Summary of significant activities that occurred during operations. Include a discussion of problems encountered and how they were addressed;
  6. Summary of inspection findings (include copies of key inspection documents in appendices);
  7. Summary of total operation and maintenance costs; and
  8. An evaluation of whether post-construction refinements to the ground water extraction system should be implemented, including but not limited to:
    - adjusting the pumping rate in some or all of the ground water extraction wells;
    - installing additional extraction wells to facilitate or accelerate cleanup of the contaminant plume;
    - initiating a pulsed pumping schedule in some or all of the ground water extraction wells to eliminate flow stagnation areas, or otherwise facilitate recovery of contaminants from the aquifer;
    - discontinuing pumping at individual extraction wells where cleanup goals have been attained (monitoring of the aquifer would be continued to ensure that media cleanup goals are maintained); and
    - refining the treatment and disposal components of the system.

The report should state whether the fate and transport model of the aquifer can be used to provide a useful estimate the length of time required to cleanup the aquifer using alternate cleanup measures. If Sparton concludes that the model cannot presently provide useful such estimates, it should provide a detailed discussion supporting its conclusion. If Sparton concludes that the model can provide useful estimates of the length of time required to cleanup the aquifer using alternate cleanup measures, then Sparton shall evaluate alternatives such as those listed above. If Sparton concludes that

one or more additional cleanup measures would significantly reduce the time and/or cost of aquifer restoration, then it shall provide a detailed discussion of the basis for its conclusion and propose implementation of appropriate measures. If Sparton concludes that additional cleanup measures would not significantly reduce the time and/or cost of aquifer restoration, then it shall provide a detailed discussion of the basis for its conclusion.

9. An evaluation of implementing additional source control measures to further reduce the remaining source material in the aquifer and soil beneath the facility. Such measures could include the implementation of additional measures in the aquifer where possible NAPL contaminants remain relatively unaffected by ground water extraction.