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Office of the Secretary

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RON CURRY
Secretary
JON GOLDSTEIN
Deputy Secretary

April 23, 2009

Mr. Roman Abeyta
Santa Fe County Manager
102 Grant Ave.
Santa Fe, NM 87501

Re: Soil and Ground Water Contamination at the Santa Fe County Judicial Complex

Dear Mr. Abeyta:

This purpose of this letter is to make clear the New Mexico Environment Department's (NMED) repeated requests for soil and groundwater information concerning the Santa Fe County Judicial Complex currently under construction on Montezuma Avenue must be met by April 30, 2009 or NMED will be forced to require a formal Abatement (clean-up) Plan for this site with the possibility of further action as necessary.

Beginning in October 2008, NMED has repeatedly requested that the County submit soil and groundwater information for this site. This request was reiterated in a letter to the County on March 31, 2009, and at a meeting on April 3rd between staff from NMED's Ground Water Quality Bureau, the County Attorney Steve Ross, contract attorney Ned Kendrick, and staff from the County's contractor, Intera Inc. It was understood at that time that the County was still prepared to construct a two story garage and was in the process of modifying the engineering plans to address the contamination. The Department was told that the information we had previously sought and had been promised by the County Attorney in October 2008 would be submitted in approximately two weeks.

To date, Santa Fe County has not provided NMED with information the County has gathered regarding soil and ground water contamination at the site of the new Santa Fe County Judicial Complex. This omission as well as the larger matters of soil and groundwater contamination must be addressed as soon as possible.

The County's soil and ground water information is vital to the Department determining the site conditions, how the County's work has altered these conditions and how the Department may be of assistance. The Department recognizes that there is soil and groundwater contamination on site that needs to be cleaned up. While the Department has not yet issued an abatement plan

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requirement to the County because it was understood that the County would be voluntarily providing soil and groundwater information it has collected at the site, we cannot rule out the County as a source or contributor to contamination at the site.

As of this letter, the Department is requiring that the County submit the information previously specified in the March 31, 2009 letter to Ned Kendrick, by April 30, 2009. That information is as follows:

1. All pump tests data, including the length of time the wells were pumped, volume of groundwater and/or Non-Aqueous Phase Liquid (NAPL) pumped, and screened intervals of extraction and observation wells.
2. Data regarding the five observation wells, the extraction well and one well at 210 Montezuma Avenue that Petroleum Storage Tank Bureau (PSTB) staff understands were surveyed on or about January 13, 2009. This would include a top of water table contour map including the Montezuma Avenue and Capitol 66 Leaking Underground Storage Tank (LUST sites,) if generated, or top of groundwater, if gauged, and survey data of all surveyed wells in the area including the Montezuma Avenue monitoring well.
3. All information regarding the discovery of free phase product on the water table and the product thickness in site monitoring wells.
4. All analytical reports for groundwater and soil sampling, including information on whether the samples were treated, such as through GAC filters, prior to collection.
5. A map depicting the locations of the "RAE Systems Meter Model: PGM-7300, Log for Herrera Judicial Complex Hydrocarbon Impacted Soils" that was submitted to PSTB at the meeting on February 26, 2009.
6. A geotechnical report of soil borings shown to PSTB at the meeting on July 2, 2008 with Mr. Eduardo Ramirez and Ms. Jo Medelman with Gerald Martin, Construction Management.
7. Phase I and Phase II Environmental Site Assessments (ESA) conducted by RT Hicks Consultants Ltd. or other environmental contractors, including boring logs, well completion diagrams, depth to water, soil and groundwater laboratory analyses, and vapor readings. Include information on the monitoring wells installed in front of and behind the former Paramount building.
8. Boring logs and/or well completion diagrams for all wells depicted on site map submitted by R.T. Hicks on February 23, 2009; and
9. Construction plans for the parking lot dated on or prior to July 2008 to the present.

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Should the County not submit the information to the Department, then the County should expect to have an abatement plan requirement imposed for the purpose of obtaining data and abating the groundwater pollution at the site.

It is unfortunate that the County has taken a "dig first, ask questions later" approach with this project. It does not appear that the County or its original consultant (R.T. Hicks) undertook adequate environmental due diligence nor completed an adequate site assessment prior to construction. Had this been completed, the due diligence and site assessment would have determined the extent of the problem long before construction commenced and should have helped guide how to complete this construction in the best manner possible.

We look forward to working on these issues with the County and your new consultant (Intera) and remain committed to clean up no matter what the future of this site may be. If you have any questions, please contact Kathryn Becker at (505) 827-2054.

Sincerely,

Ron Curry
Secretary



cc: James H. Davis, Bureau Chief, PSTB
Bill Olson, Bureau Chief, GWQB
Jim Norton, Division Director, EPD
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Steven Ross, County Attorney
Santa Fe County Commissioners