



May 24, 2019

Ms. Renee Romero
New Mexico Environment Department
Petroleum Storage Tank Bureau
1914 West 2nd Street
Roswell, New Mexico 88201

Re: Project Kickoff Meetings, Access, and Well Check
Former Y Station State Lead Site, 721 Commerce Way, Clovis, New Mexico
Facility #53712, Release ID #4746, WPID #4022

Dear Ms. Romero:

Daniel B. Stephens & Associates, Inc. (DBS&A) is pleased to submit this letter report documenting project kickoff activities at the Former Y Station State Lead Site in Clovis, New Mexico. DBS&A staff performed the well check on March 6, 2019, to assess the condition of monitor wells associated with the site. Surface completions for the 10 wells were noted to be in good condition, outside of a minor issue with bolt threads for the BW-1 well vault. Moderate hydrocarbon odor was noted in wells BW-4, BW-7, and BW-8, and a strong hydrocarbon odor was noted in BW-5. Field notes from the well check are provided in Attachment 1.

Fluid levels in the 10 monitor wells were measured with an electronic interface probe during the well check. Table 1 summarizes fluid level measurements and groundwater elevations from this and previous monitoring events. DBS&A used the data to generate a potentiometric surface map (Figure 1), which will help provide a baseline for ongoing site investigation and corrective action. Similar to previous reports, the direction of groundwater flow is primarily to the south-southeast at an average gradient of approximately 0.003 foot per foot (ft/ft). Light nonaqueous-phase liquid (LNAPL) was measured in BW-5 during the well check at a thickness of 1.92 feet. LNAPL in BW-5 had not been previously reported; however, monitor well headspace sampling in January 2016 showed BW-5 to have the highest concentration of total petroleum hydrocarbons (TPH) as gasoline range organics (GRO). The BW-5 concentration of 191,000 micrograms per liter ($\mu\text{g/L}$) was more than double the value from other site wells.

The presence of LNAPL in BW-5 required re-evaluation of the location of the former tank and dispensing facilities associated with the site. Historical aerial photographs show a tank farm and convenience store north of the current on-site building, within what is currently right-of-way (ROW) for Commerce Way (Figure 2). Based on recent hydrogeologic data, it is reasonable to assume that LNAPL in BW-5 could have emanated from this source. DBS&A recommended modifying the site investigation program based on the new understanding of site conditions, which was approved by the New Mexico Environment Department (NMED) Petroleum Storage Tank Bureau (PSTB) in a change order letter dated May 8, 2019. Currently proposed well locations are shown on Figure 3.

Daniel B. Stephens & Associates, Inc.

6020 Academy NE, Suite 100

Albuquerque, NM 87109

505-822-9400

FAX 505-822-8877

Ms. Renee Romero

May 24, 2019

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In addition to the well check, considerable effort was put into acquiring access agreements for the project. DBS&A researched ownership information through an online Curry County parcel map and mobilized to the site for the first time on February 28, 2019. During the first visit, DBS&A obtained an access agreement from Allsup's (existing wells BW-1 through BW-3) and met with the Clovis City Manager, Justin Howalt, and the Operations Supervisor for EPCOR, the private company that manages Clovis drinking water. DBS&A also obtained contact information for Albertson's, Optical Source (Ray Montoya), and La Tropicana (Jazmin Loya). DBS&A returned to Clovis on March 13, 2019, and met with Ms. Loya and Mr. Montoya to discuss access for proposed activities. DBS&A also met with Mr. Howalt again to discuss the potential to install a remediation well (RW-1) in the City well at the northwest corner of Commerce Way and Prince Street. During the second visit, DBS&A obtained access agreements from New Mexico Bank and Trust (existing well BW-4) and Bradley Group (existing well BW-9). Shortly after the second visit, DBS&A obtained an access agreement from Dennis Matsui (BW-10). Signed access agreements are provided in Attachment 2.

Highly-involved access negotiations continued following the second site visit. Negotiations with Albertson's (MW-11) went smoothly, but required considerable correspondence with both United Supermarkets' Director of Real Estate and its management company, AAG Management. DBS&A obtained the signed agreement on April 17, 2019. Mr. Montoya (RW-2) had concerns with the proposed well installation activities on his property due to the proximity of activities to the front door of his business, and ultimately consulted with a local attorney. However, DBS&A and PSTB consented to 24-hour drilling activities, drilling on Sunday (when the business is closed), and posting signs indicating access for parking. DBS&A is pleased to report that Mr. Montoya granted access in an agreement dated May 8, 2019. Ms. Loya has been less cooperative. DBS&A met or corresponded with Ms. Loya on March 13 and 22, April 4, 5, 12, and 15, and May 2, 2019, to discuss sampling existing NMED well BW-8. Despite multiple attempts to obtain consent, Ms. Loya stated she had not reviewed and would not sign the NMED access agreement form. As a result, NMED issued a letter dated May 16, 2019, that required Ms. Loya to provide access for groundwater sampling and future installation of conveyance piping pursuant to the Hazardous Waste Act. A copy of the letter is provided in Attachment 3.

Significant research was required to track down the property owner of the large parking lot south of Allsup's (BW-5 through BW-7 and four of the proposed new wells) due to layers of limited liability corporations (LLCs). The property owner, Gary Rosenbaum (dba Clovis Shopping Center LLC) is now coordinating with NMED through his attorney, Greg Mollett. At the time of this report, PSTB has received access only to perform one groundwater monitoring event for the existing wells. In addition to perpetual groundwater monitoring, permission to install new monitoring and remediation wells has not been granted. DBS&A anticipates that access for future conveyance piping and remediation equipment will require significant coordination with NMED counsel.

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DBS&A conducted the official project kickoff meeting on-site on May 8, 2019. Representatives from DBS&A, PSTB, and Yellow Jacket Drilling were in attendance. Affected property owners and tenants were contacted in writing prior to the meeting, but only Mr. Montoya attended. DBS&A discussed proposed project activities and walked each of the proposed well locations to assess potential site-specific challenges. DBS&A had previously marked the proposed well locations and had New Mexico One Call locate subsurface utilities prior to the meeting so utilities could be considered during the kickoff meeting.

Per request from the City of Clovis (the City), DBS&A attended two public meetings during the course of project kickoff activities. DBS&A prepared a presentation for the City Public Works Committee meeting on March 27, 2019, and discussed past and proposed site investigation activities, as well as the proposed remedial technologies for the site. DBS&A and PSTB presented at an additional public meeting the evening of May 8, 2019, which focused just on site investigation activities. Per City request, DBS&A intends to prepare presentation materials for an additional public meeting to be held following completion of the current site investigation program.

DBS&A intends to invoice the full approved amount for Deliverable ID 4022-1 as modified by the change order letter approved by the PSTB on May 8, 2019. If you have any questions or require additional information, please contact me at (505) 822-9400.

Sincerely,

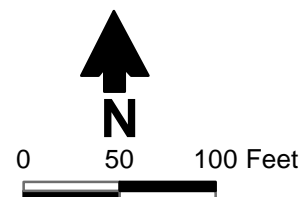
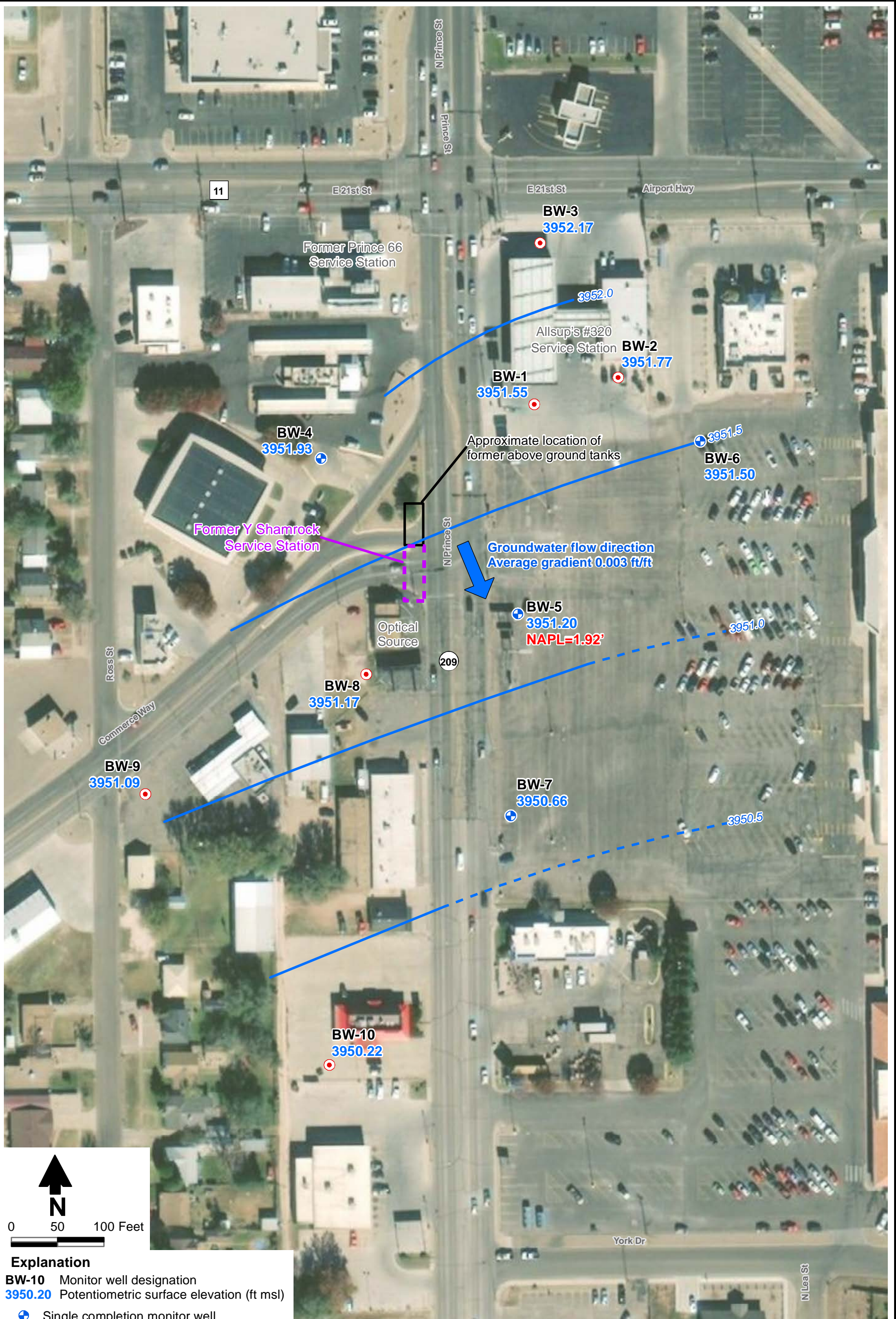
DANIEL B. STEPHENS & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Thomas Golden', written over a light blue horizontal line.

Thomas Golden
Project Engineer

TG/ed

Figures



- Explanation**
- BW-10** Monitor well designation
 - 3950.20** Potentiometric surface elevation (ft msl)
 - ⊕ Single completion monitor well
 - ⊙ Nested monitor well
 - Potentiometric surface elevation contour (ft msl)
(dashed where inferred)

FORMER Y STATION STATE LEAD SITE
 CLOVIS, NEW MEXICO
Potentiometric Surface Map
 March 6, 2019

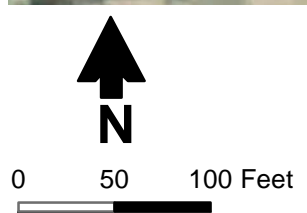
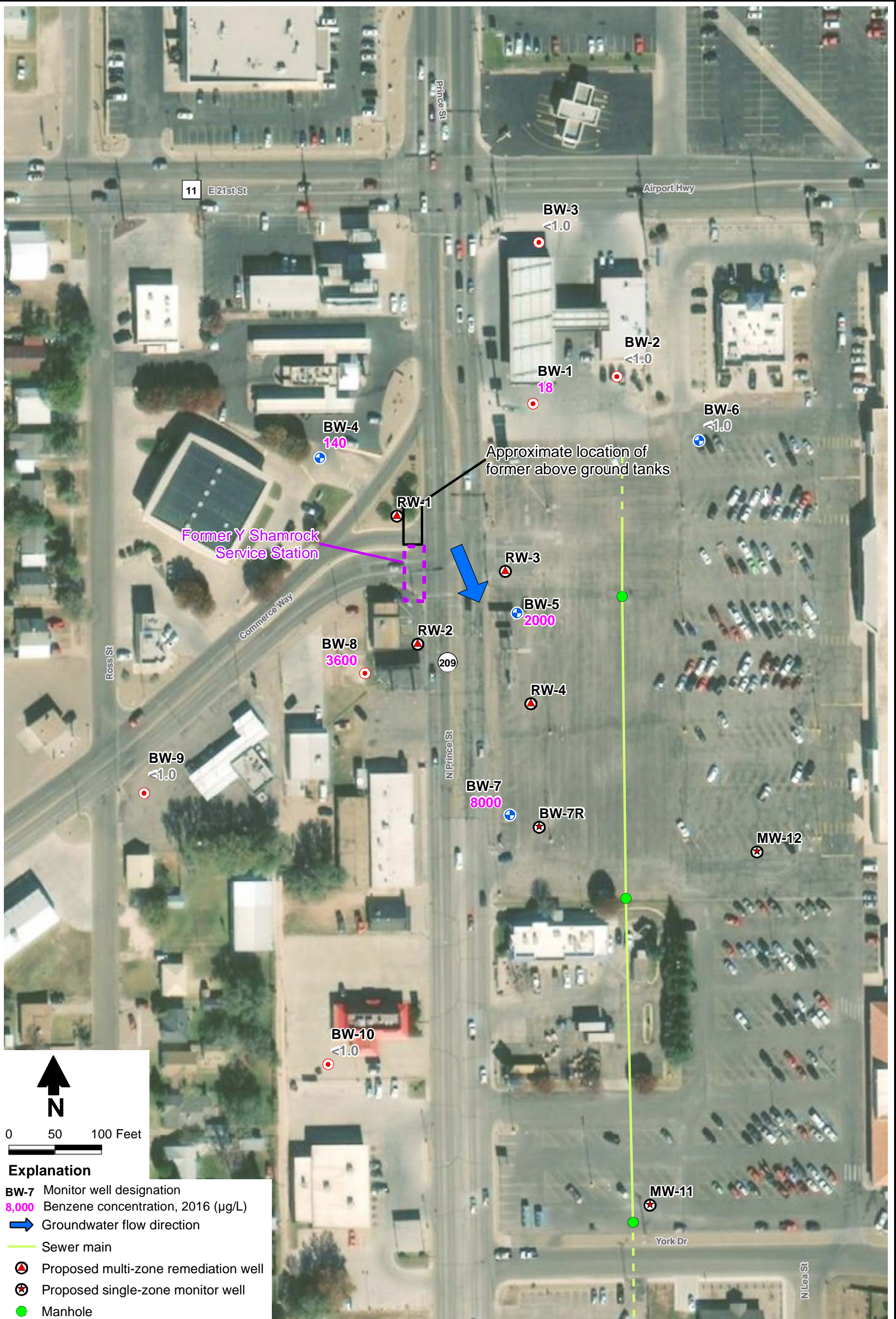
Figure 1



FORMER Y STATION STATE LEAD SITE
721 COMMERCE WAY
CLOVIS, NEW MEXICO
1962 Aerial Photograph

Figure 2





- Explanation**
- BW-7 Monitor well designation
 - 8,000 Benzene concentration, 2016 (µg/L)
 - Groundwater flow direction
 - Sewer main
 - ▲ Proposed multi-zone remediation well
 - ★ Proposed single-zone monitor well
 - Manhole
 - Single completion monitor well
 - Nested monitor well

FORMER Y STATION STATE LEAD SITE
 721 COMMERCE WAY
 CLOVIS, NEW MEXICO
Proposed Additional Site Investigation

Figure 3

Table



**Table 1. Summary of Historical Fluid Level Measurements
Former Y Station State Lead Site, Clovis, New Mexico**

Well Name	Screened Interval (ft bgs)	Top of Casing Elevation ^a (ft msl)	Date Measured ^b	Depth to Water (ft btoc)	Depth to LNAPL (ft btoc)	LNAPL Thickness (feet)	Groundwater Elevation ^c (ft msl)
BW-1	295-345	4279.88 ^d	04/13/12	322.49	—	0.00	3957.39
			07/27/12	322.69	—	0.00	3957.19
			09/24/12	322.75	—	0.00	3957.13
		4279.66	04/29/14	325.75	—	0.00	3953.91
			05/08/15	326.60	—	0.00	3953.06
			09/10/15	326.96	—	0.00	3952.70
			03/29/16	327.12	—	0.00	3952.54
			07/26/16	327.34	—	0.00	3952.32
03/06/19	328.11	—	0.00	3951.55			
BW-2	287-347	4280.53 ^d	10/26/09	323.12	—	0.00	3957.41
			09/24/12	323.21	—	0.00	3957.32
		4280.30	04/29/14	326.14	—	0.00	3954.16
			05/08/15	327.00	—	0.00	3953.30
			09/10/15	327.33	—	0.00	3952.97
			03/29/16	327.52	—	0.00	3952.78
			07/26/16	327.78	—	0.00	3952.52
			03/06/19	328.53	—	0.00	3951.77
BW-3	287-347	4280.17 ^d	10/26/09	322.36	—	0.00	3957.81
			09/24/12	322.44	—	0.00	3957.73
		4279.92	04/29/14	325.38	—	0.00	3954.54
			05/08/15	326.20	—	0.00	3953.72
			09/10/15	326.56	—	0.00	3953.36
			03/29/16	326.71	—	0.00	3953.21
			07/26/16	326.94	—	0.00	3952.98
			03/06/19	327.75	—	0.00	3952.17



**Table 1. Summary of Historical Fluid Level Measurements
Former Y Station State Lead Site, Clovis, New Mexico**

Well Name	Screened Interval (ft bgs)	Top of Casing Elevation ^a (ft msl)	Date Measured ^b	Depth to Water (ft btoc)	Depth to LNAPL (ft btoc)	LNAPL Thickness (feet)	Groundwater Elevation ^c (ft msl)
BW-4	275–345	4280.13	04/29/14	326.04	—	0.00	3954.09
			05/08/15	326.80	—	0.00	3953.33
			09/10/15	327.23	—	0.00	3952.90
			03/29/16	327.27	—	0.00	3952.86
			07/26/16	327.52	—	0.00	3952.61
			03/06/19	328.20	—	0.00	3951.93
BW-5	273.5–348.5	4279.04	04/29/14	325.53	—	0.00	3953.51
			05/08/15	326.27	—	0.00	3952.77
			09/10/15	326.73	—	0.00	3952.31
			03/29/16	326.87	—	0.00	3952.17
			07/26/16	326.98	—	0.00	3952.06
			03/06/19	329.28	327.36	1.92	3951.20
BW-6	275–345	4280.32	04/29/14	326.46	—	0.00	3953.86
			05/08/15	327.27	—	0.00	3953.05
			09/10/15	327.60	—	0.00	3952.72
			03/29/16	327.70	—	0.00	3952.62
			07/26/16	327.08	—	0.00	3953.24
			03/06/19	328.82	—	0.00	3951.50
BW-7	284–349	4277.54	04/29/14	324.63	—	0.00	3952.91
			05/08/15	325.42	—	0.00	3952.12
			09/10/15	325.84	—	0.00	3951.70
			03/29/16	326.01	—	0.00	3951.53
			07/26/16	326.14	—	0.00	3951.40
			03/06/19	326.88	—	0.00	3950.66
BW-8	287–347	4278.72	03/29/16	326.61	—	0.00	3952.11



**Table 1. Summary of Historical Fluid Level Measurements
Former Y Station State Lead Site, Clovis, New Mexico**

Well Name	Screened Interval (ft bgs)	Top of Casing Elevation ^a (ft msl)	Date Measured ^b	Depth to Water (ft btoc)	Depth to LNAPL (ft btoc)	LNAPL Thickness (feet)	Groundwater Elevation ^c (ft msl)
BW-8 (cont.)	287–347	4278.72	07/26/16	326.75	—	0.00	3951.97
			03/06/19	327.55	—	0.00	3951.17
BW-9	287–347	4278.42	03/29/16	326.30	—	0.00	3952.12
			07/26/16	326.60	—	0.00	3951.82
			03/06/19	327.33	—	0.00	3951.09
BW-10	306–346	4275.18	03/29/16	323.92	—	0.00	3951.26
			07/26/16	324.21	—	0.00	3950.97
			03/06/19	324.96	—	0.00	3950.22

^a Surveyed by Lydick Engineers & Surveyors, May 2017. For consistency, historical groundwater elevations reference current survey data.

^b Pre-2019 data reported by Brown Environmental, Inc. (BEI, 2016).

^c Groundwater elevation (GWE) corrected for LNAPL thickness using the following equation:

$$GWE = TOC \text{ Elevation} - (DTW - [LNAPL \text{ thickness} \times 0.75])$$

^d Well survey data reported by BEI following well installation.

ft bgs = Feet below ground surface

ft msl = Feet above mean sea level

ft btoc = Feet below top of casing

DTW = Depth to water

LNAPL = Light nonaqueous-phase liquid

Attachment 1
Field Notes

Former Y-Well check 3/6/19

0600 M. Ebrozek onsite

Site recon and well check

Weather clear sunny

33°F Forecasted High 63°

0815 Well BW-10

Well is located near the SW corner of "Title Loans" Parking lot near a small dumpster Photo 1-3

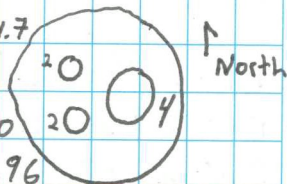
BW-10 2" _{South} = Dry TD 224.7

BW-10 2" _{North} =

WL = 281.89 TD = 281.90

BW-10 4" = WL = 324.96

TD = 351.2



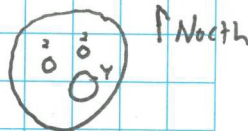
0930 - BW-9

BW-9 3" _{West} WL = ~~270.6~~²⁷⁷

TD = 218.10

BW-9 3" _{NE} Dry TD = 261.7

BW-9 4" WL = 327.33 TD = 347.6



1024 BW-3

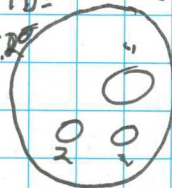
- North end of canopy All wells.

I BW-3 2" _{West} WL = 265.59 TD = 267.2

BW-3 2" _{East} WL = 185.15 TD = 185.25

BW-3 4" WL = 327.75

TD = 344.8



3/6/19

M7

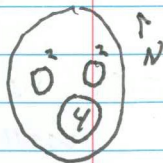
BW-1 Located south of canopy.

Allsup's, White Lid, bolts Broken

Both threads broken

BW-1 ²" NW WL=269.26 TD=269.35BW-1 ²" NE WL=157.65 TD=158.00

BW-1 4" WL=328.11 TD=341.7

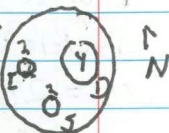


BW-2 Located in south Allsup's

packing

BW-2 ²" NW WL DCP TD 262.2BW-2 ²" SE WL 182.15 TD 182.15

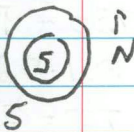
BW-2 4" WL=328.53 TD=345.0



BW-6 Located SE of Allsup's

Directly west of Goodwill

WL=328.82 TD=350.5



BW-4 Located in drive between

Sonic and Bank

HC odor in well mild

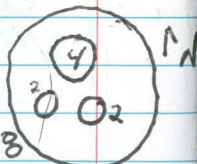
WL=328.20 TD=349.4



BW-8

BW-8 ²" West WL=174.80 TD=175.05BW-8 ²" East WL=260.10 TD=260.1

BW-8 4" WL=327.55 TD=351.8

HC odor in Intermediate
and Deep wells

Former Y well check

3/6/19

Photo Log

photo 1 - Looking South at BW-10 + AutoZone

BW-10 2 - Looking North at BW-10 + Title Loans

3 - Vault open BW-10 3 wells view west

BW-9 4 - Looking NW BW-9 and Ross St

5 - Looking east to "Twin Connies"

6 - North inside vault

7 - Close inside vault.

BW-3 8 - View East

9 - View West under canopy

10 - North view inside vault

BW-1 11 - View West to Prince St

12 - View north to allsup's canopy

13 - View North inside vault

BW-2 14 - View North Allsup's packing

15 - View East Allsup's packing

16 - View North inside vault.

17 - " As above "

BW-6 18 - View ^{South} ~~North~~ across lot

19 - View East toward "Goodwill"

20 - East to goodwill

21 - North inside vault

BW-4 22 - View to the South toward bank

23 - View to the North toward Sonic

24 - View North inside vault.

3/6/19

Former Y

m7

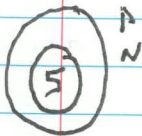
1301

BW-5 Located on west end of
Hobby lobby parking just north of
mailbox and billboard

Strong HC odor

WL = 329.28 TD = 352.7

NAPL = 327.36



BW-7 Located directly south of
BW-5 Just north of Dominos
on the far west end of the harbor
freight lot.

BW-7 WL = 326.88 TD = 332.7

HC odor



1435 - Field recon check locations
of manhole covers in parking
lot. Both covers are located as
marked on map.

Additional manhole covers located
south end of Dominos lot
and south end of Albersteons.

1506 M. B. B. B. B. B.
066 site

m7

Former Y well check

3/6/19

Photo Log

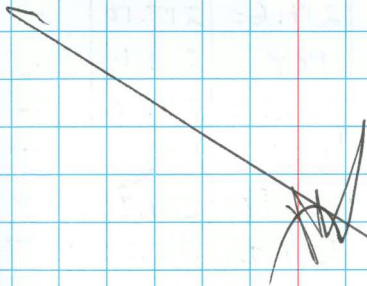
BW-8 25 = View East, vacant lot, billboard
26 = View North optical + commerce
27 = View North inside well vault
28 = View down inside vault

BW-5 29 = View North w/ Mailbox
30 = View West, princest
31 = View North into vault
32 = Down into vault.

BW-7 33 = View south to Dominos
34 = View North to BW-5
35 = View East to "Harbor Freight"
36 = View north into vault

Manhole covers.

37 = VIEW south to manhole @ dominos
38 = VIEW west manhole @ dominos lot
39 = VIEW East manhole @ Albertsons lot.



3/6/19 Former Y - Well check m7

Well ID	NAPL	WL	TD	Odor
BW-1 s	-	157.65	158.00	-
I	-	269.26	269.35	-
4" D	-	328.11	341.70	-
BW-2 s	-	182.15	182.15	-
I	-	DRY	262.2	-
4" D	-	328.53	345.0	-
BW-3 s	-	185.15	185.20	-
I	-	265.59	267.20	-
4" D	-	327.75	344.80	-
BW-4 s"	-	328.20	349.40	Moderate
BW-5 s"	327.36	329.28	352.7	Strong
BW-6 s"	-	328.82	350.5	-
BW-7 s"	-	326.88	332.7	Moderate
BW-8 s	-	174.80	175.05	-
I	-	260.10	260.10	Moderate
4" D	-	327.55	351.8	Moderate
BW-9 s	-	217.60	218.10	-
I	-	DRY	261.70	-
4" D	-	327.33	347.60	-
BW-10 s	-	DRY	224.7	-
I	-	281.89	281.90	-
4" D	-	324.96	351.20	-

Attachment 2
Signed Access Agreements

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: Clovis Grocery Owners, LLC

Location of Property: 1905 North Prince Street, Clovis, NM

This is my consent to the New Mexico Environment Department (Department) and its authorized officers, employees, contractors, and representatives for access to the above-described Property for the following purposes:

Corrective action consistent with the requirements of 20.5.119 NMAC and approved by the Department. Activities may include but are not limited to the following:

- Drilling and monitor well installation on the property. Monitor wells will be installed to facilitate ongoing investigation activities associated with hydrocarbon contamination at or near the site. Wells will be installed flush with the ground surface with minimal impact to pedestrian and vehicular traffic. The Property Owner will be contacted and Property Owner permission will be obtained prior to commencement of any specific well installation work on the property. The property will be restored, as close as possible, to pre-entry conditions following removal and/or plugging and abandonment of any installed wells.
- Trenching on the property. If needed, conveyance lines will be buried below grade in trenches and run from remediation equipment to monitor and/or remediation wells. Trenches dug in concrete or asphalt pavement will be covered with pavement materials and at a thickness to match existing. Any landscaping disturbed during construction activities will be replaced.
- Routine groundwater and vapor monitoring and general well maintenance or repair, if required. Monitoring activities will include gauging fluid levels in the monitor well(s) and collecting groundwater and/or vapor samples for laboratory analysis on a regular basis.

All work will be conducted in an efficient, courteous manner and with minimal disruption and inconvenience to the tenants, patrons, employees, agents, and representative of the Owner. The Department will use its best efforts to schedule its work on the Property to avoid its presence on Property during peak selling periods of the tenants.

The Department or its representative will provide the Property Owner written notice at least 3 business days prior to each entrance onto Property. This notice shall be given to both:

1. Property Owner: Clovis Grocery Owners, LLC

Owner's Address: 421 7th Avenue., NY, NY 10001

Telephone: 212-564-7250

Email: ebalazs@aagmgmt.com

2. Tenant: United Supermarkets, L.L.C.

Tenant's Address: 7830 Orlando Ave., Lubbock, Texas 79423

Telephone: 806-791-8110

Email: jrollins@unitedtexas.com


Property Owner may observe activities on the Property, consistent with Occupational Health and Safety Regulations (see 29 CFR § 1910.120). Should the property owner choose to collect and analyze split samples, the Property Owner is responsible for the provision of, and costs associated with any equipment, accessories and laboratory costs required for such split samples.

Installations on the Property will be placed to minimize interference with the movement of vehicles and regular activities on the Property. Following completion of the project, the Department or its representative will properly abandon all wells, remove equipment, all materials, trash, fencing, and other associated items. The Department or its representative will otherwise return the property as close as possible to the pre-entrance condition.

The Department's Contractor will obtain and maintain a commercial general liability insurance policy in the amount of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate naming Property Owner and its tenant United Supermarkets, L.L.C. as loss payees and additional insureds, as appropriate, issued by a reputable insurer.

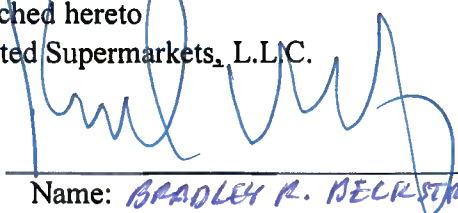
All installed wells will be plugged and abandoned as soon as groundwater samples from the wells meet applicable New Mexico groundwater standards for constituents of concern, as determined by the Department.

This permission is given by me voluntarily with knowledge of my right to refuse and without coercion. I have had an opportunity to ask questions and all my questions have been answered to my satisfaction.


Signature-Property Owner

4/16/19
Date

Accepted and Agreed to with the approved location of the monitor well shown on Figure 1 attached hereto
United Supermarkets, L.L.C.

By: 
Name: BRADLEY R. NECKSTROM
Title: AUTHORIZED SIGNATORY

4/17/2019
Date:

BCC



Source: Google Earth, September 28, 2013

**FORMER Y STATION STATE LEAD SITE
CLOVIS, NEW MEXICO
Proposed Wells - Albertson's**

Explanation






-  Proposed multi-zone remediation well
-  Proposed single-zone monitor well
-  Manhole
-  Single completion monitor well
-  Nested monitor well

Figure 1



Daniel B. Stephens & Associates, Inc.

3/28/2019

DB18.1157.00

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: Allsup Convenience Stores

Location of Property: #320 21ST + P-R-V-T

This is my consent to the New Mexico Environment Department (Department) and its authorized officers, employees, contractors, and representatives for access to the above-described Property for the following purposes:

Corrective action consistent with the requirements of 20.5.119 NMAC and approved by the Department. Activities may include but are not limited to the following:

- Drilling and monitor well installation on the property. Monitor wells will be installed to facilitate ongoing investigation activities associated with hydrocarbon contamination at or near the site. Wells will be installed flush with the ground surface with minimal impact to pedestrian and vehicular traffic. The Property Owner will be contacted and permission will be obtained prior to completion of any specific well installation work on the property. The property will be restored, as close as possible, to pre-entry conditions following removal and/or plugging and abandonment of any installed wells.
- Routine groundwater and vapor monitoring and general well maintenance or repair, if required. Monitoring activities will include gauging fluid levels in the monitor well(s) and collecting groundwater and/or vapor samples for laboratory analysis on a regular basis.
- All work will be conducted in an efficient, courteous manner and with minimal disruption and inconvenience to the patrons, employees, agents, and representative of the Owner.

The Department or its representative will provide the Property Owner written or oral notice prior to each entrance onto Property. This notice shall be given to:

Property Owner: _____

Owner's Address: _____

Telephone: 575 791 3193

Email: Jeff.Scarbrough@allsups.com

Property Owner may observe activities on the Property, consistent with Occupational Health and Safety Regulations (see 29 CFR § 1910.120). Should the property owner choose to collect and analyze split samples, the Property Owner is responsible for the provision of, and costs associated with any equipment, accessories and laboratory costs required for such split samples.

Installations on the Property will be placed to minimize interference with the movement of vehicles and regular activities on the Property. Following completion of the project, the Department or its representative will properly abandon all wells, remove equipment, all

materials, trash, fencing, and other associated items. The Department or its representative will otherwise return the property as close as possible to the pre-entrance condition.

This permission is given by me voluntarily with knowledge of my right to refuse and without coercion. I have had an opportunity to ask questions and all my questions have been answered to my satisfaction.



Signature-Property Owner

2/28/19

Date

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: Walter Bradley

Location of Property: 709 Commerce Way

This is my consent to the New Mexico Environment Department (Department) and its authorized officers, employees, contractors, and representatives for access to the above-described Property for the following purposes:

Corrective action consistent with the requirements of 20.5 119 NMAC and approved by the Department. Activities may include but are not limited to the following:

- Drilling and monitor well installation on the property Monitor wells will be installed to facilitate ongoing investigation activities associated with hydrocarbon contamination at or near the site. Wells will be installed flush with the ground surface with minimal impact to pedestrian and vehicular traffic. The Property Owner will be contacted and permission will be obtained prior to completion of any specific well installation work on the property The property will be restored, as close as possible, to pre-entry conditions following removal and/or plugging and abandonment of any installed wells.
- Routine groundwater and vapor monitoring and general well maintenance or repair, if required. Monitoring activities will include gauging fluid levels in the monitor well(s) and collecting groundwater and/or vapor samples for laboratory analysis on a regular basis.
- All work will be conducted in an efficient, courteous manner and with minimal disruption and inconvenience to the patrons, employees, agents, and representative of the Owner

The Department or its representative will provide the Property Owner written or oral notice prior to each entrance onto Property This notice shall be given to

Property Owner: Walter Bradley
Owner's Address: 709 Commerce Way
Telephone: 575-763-5463
Email: lance_bradley@hotmail.com

Property Owner may observe activities on the Property, consistent with Occupational Health and Safety Regulations (see 29 CFR § 1910.120). Should the property owner choose to collect and analyze split samples, the Property Owner is responsible for the provision of, and costs associated with any equipment, accessories and laboratory costs required for such split samples.

Installations on the Property will be placed to minimize interference with the movement of vehicles and regular activities on the Property Following completion of the project, the Department or its representative will properly abandon all wells, remove equipment, all

materials, trash, fencing, and other associated items. The Department or its representative will otherwise return the property as close as possible to the pre-entrance condition.

This permission is given by me voluntarily with knowledge of my right to refuse and without coercion. I have had an opportunity to ask questions and all my questions have been answered to my satisfaction.

Rebbie Bradley
Signature-Property Owner

3-13-19
Date

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: DENNIS MATSUI

Location of Property: 1820 N. PRINCE ST. CLOVIS, NM

This is my consent to the New Mexico Environment Department (Department) and its authorized officers, employees, contractors, and representatives for access to the above-described Property for the following purposes:

Corrective action consistent with the requirements of 20.5.119 NMAC and approved by the Department. Activities may include but are not limited to the following:

- Drilling and monitor well installation on the property. Monitor wells will be installed to facilitate ongoing investigation activities associated with hydrocarbon contamination at or near the site. Wells will be installed flush with the ground surface with minimal impact to pedestrian and vehicular traffic. The Property Owner will be contacted and permission will be obtained prior to completion of any specific well installation work on the property. The property will be restored, as close as possible, to pre-entry conditions following removal and/or plugging and abandonment of any installed wells.
- Routine groundwater and vapor monitoring and general well maintenance or repair, if required. Monitoring activities will include gauging fluid levels in the monitor well(s) and collecting groundwater and/or vapor samples for laboratory analysis on a regular basis.
- All work will be conducted in an efficient, courteous manner and with minimal disruption and inconvenience to the patrons, employees, agents, and representative of the Owner.

The Department or its representative will provide the Property Owner written or oral notice prior to each entrance onto Property. This notice shall be given to:

Property Owner: DENNIS MATSUI

Owner's Address: 89 OLD AGUA FRIA Rd-W, SANTA FE, NM 87508

Telephone: 505) 989-4228

Email: dnmatsui@gmail.com

Property Owner may observe activities on the Property, consistent with Occupational Health and Safety Regulations (see 29 CFR § 1910.120). Should the property owner choose to collect and analyze split samples, the Property Owner is responsible for the provision of, and costs associated with any equipment, accessories and laboratory costs required for such split samples.

Installations on the Property will be placed to minimize interference with the movement of vehicles and regular activities on the Property. Following completion of the project, the Department or its representative will properly abandon all wells, remove equipment, all

materials, trash, fencing, and other associated items. The Department or its representative will otherwise return the property as close as possible to the pre-entrance condition.

This permission is given by me voluntarily with knowledge of my right to refuse and without coercion. I have had an opportunity to ask questions and all my questions have been answered to my satisfaction.

Kenneth Matsui
Signature-Property Owner

Mar 22, 2019
Date

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: Raymond J. Montoya

Location of Property: 1908 N. Prince St.

This is my consent to the New Mexico Environment Department (Department) and its authorized officers, employees, contractors, and representatives for access to the above-described Property for the following purposes:

Corrective action consistent with the requirements of 20.5.119 NMAC and approved by the Department. Activities may include but are not limited to the following:

- Drilling and monitor well installation on the property. Monitor wells will be installed to facilitate ongoing investigation activities associated with hydrocarbon contamination at or near the site. Wells will be installed flush with the ground surface with minimal impact to pedestrian and vehicular traffic. The Property Owner will be contacted and permission will be obtained prior to completion of any specific well installation work on the property. The property will be restored, as close as possible, to pre-entry conditions following removal and/or plugging and abandonment of any installed wells.
- Trenching on the property. If needed, conveyance lines will be buried below grade in trenches and run from remediation equipment to monitor and/or remediation wells. Trenches dug in concrete or asphalt pavement will be covered with pavement materials and at a thickness to match existing. Any landscaping disturbed during construction activities will be replaced.
- Routine groundwater and vapor monitoring and general well maintenance or repair, if required. Monitoring activities will include gauging fluid levels in the monitor well(s) and collecting groundwater and/or vapor samples for laboratory analysis on a regular basis.
- All work will be conducted in an efficient, courteous manner and with minimal disruption and inconvenience to the patrons, employees, agents, and representative of the Owner.

The Department or its representative will provide the Property Owner written or oral notice prior to each entrance onto Property. This notice shall be given to:

Property Owner: Raymond J. Montoya

Owner's Address: 1114 OAKHURST Rd.

Telephone: 575-219-7739

Email: opticalsource01@gmail.com

Property Owner may observe activities on the Property, consistent with Occupational Health and Safety Regulations (see 29 CFR § 1910.120). Should the property owner choose to collect and analyze split samples, the Property Owner is responsible for the provision of, and costs associated with any equipment, accessories and laboratory costs required for such split samples.

Installations on the Property will be placed to minimize interference with the movement of vehicles and regular activities on the Property. Following completion of the project, the Department or its representative will properly abandon all wells, remove equipment, all materials, trash, fencing, and other associated items. The Department or its representative will otherwise return the property as close as possible to the pre-entrance condition.

This permission is given by me voluntarily with knowledge of my right to refuse and without coercion. I have had an opportunity to ask questions and all my questions have been answered to my satisfaction.

Permission for follow-up testing will be authorized if only completed ON SUNDAYS when Business is closed and we are notified prior.

Raymond J. May
Signature-Property Owner

5/8/2019
Date

* PENDING authorization from Jazmin Loya for parking.

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: NEW MEXICO BANK & TRUST

Location of Property: 2009 Ross Street Clovis NM 88101

This is my consent to the New Mexico Environment Department (Department) and its authorized officers, employees, contractors, and representatives for access to the above-described Property for the following purposes:

Corrective action consistent with the requirements of 20.5.119 NMAC and approved by the Department. Activities may include but are not limited to the following:

- Drilling and monitor well installation on the property. Monitor wells will be installed to facilitate ongoing investigation activities associated with hydrocarbon contamination at or near the site. Wells will be installed flush with the ground surface with minimal impact to pedestrian and vehicular traffic. The Property Owner will be contacted and permission will be obtained prior to completion of any specific well installation work on the property. The property will be restored, as close as possible, to pre-entry conditions following removal and/or plugging and abandonment of any installed wells.
- Routine groundwater and vapor monitoring and general well maintenance or repair, if required. Monitoring activities will include gauging fluid levels in the monitor well(s) and collecting groundwater and/or vapor samples for laboratory analysis on a regular basis.
- All work will be conducted in an efficient, courteous manner and with minimal disruption and inconvenience to the patrons, employees, agents, and representative of the Owner.

The Department or its representative will provide the Property Owner written or oral notice prior to each entrance onto Property. This notice shall be given to

Property Owner: NEW MEXICO BANK & TRUST

Owner's Address: 709 Pile St Clovis NM 88101

Telephone: 575-935-3133

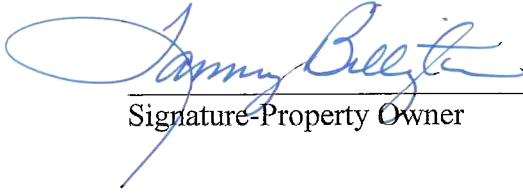
Email: tbillington@nmb-t.com

Property Owner may observe activities on the Property, consistent with Occupational Health and Safety Regulations (see 29 CFR § 1910.120). Should the property owner choose to collect and analyze split samples, the Property Owner is responsible for the provision of, and costs associated with any equipment, accessories and laboratory costs required for such split samples.

Installations on the Property will be placed to minimize interference with the movement of vehicles and regular activities on the Property. Following completion of the project, the Department or its representative will properly abandon all wells, remove equipment, all

materials, trash, fencing, and other associated items. The Department or its representative will otherwise return the property as close as possible to the pre-entrance condition.

This permission is given by me voluntarily with knowledge of my right to refuse and without coercion. I have had an opportunity to ask questions and all my questions have been answered to my satisfaction.

 UP Branch Operations 3-14-2019
Signature-Property Owner Manager Date

Attachment 3
Access for BW-8



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

May 16, 2019

VIA E-MAIL AND USPS FIRST CLASS MAIL

Jazmin Loya
1208 North Oak St.
Clovis, NM 88101
jazmin.loya@clovis-schools.org

Re: Access to Monitoring Well BW-8

Dear Ms. Loya:

The purpose of this letter is to inform you that the New Mexico Environment Department (NMED) or Daniel B. Stephens & Associates (the contractor performing work on behalf of NMED) will be performing drilling activities beginning on May 29th and continuing through Mid-August. A remediation well (BMW-8) is located on your property and access is required for the following activities throughout the period that investigation and remediation activities are taking place.

- Routine groundwater and vapor monitoring and general well maintenance or repair, if required. Monitoring activities will include gauging fluid levels in the monitor well(s) and collecting groundwater and/or vapor samples for laboratory analysis on a regular basis.
- Trenching on the property. If needed, conveyance lines will be buried below grade in trenches and run from remediation equipment to monitor and/or remediation wells. Trenches dug in concrete or asphalt pavement will be covered with pavement materials and at a thickness to match existing pavement. Any landscaping disturbed during construction activities will be replaced.
- During the installation of remediation well RW-2, the parking area for the Optical Source business will be unavailable on June 17, 18, and 19. Customers will need to be able to park in the vacant lot, west and behind the store on those particular dates only.

These activities will require accessing your property at or behind 719 Commerce Way, Clovis, New Mexico. NMED and its contractor will be accessing that property for the sole purpose of the activities listed above pursuant to the New Mexico Hazardous Waste Act. NMSA 1978, Section 74-4-4.3.B:

“Any person owning property to which access is necessary in order to investigate or clean up a facility where hazardous waste is generated, stored, treated or disposed of, or where storage tanks are located, shall: (1) permit the secretary or his authorized representative to obtain samples of soil or ground water, or both, at reasonable times; and (2) provide access to such property for structures or equipment necessary to monitoring or cleanup of hazardous wastes or leaking from storage tanks; provided that: (a) such structures or equipment do not unreasonably interfere with the owner's use of the property; or (b) the owner is adequately compensated for activities that unreasonably interfere with his use or enjoyment of such property.”

NMED (Renee Romero) and/or Daniel B. Stephens & Associates (Tom Golden) have contacted you or attempted to contact you with respect to this matter on the following dates:

- March 13, 2019: In person meeting;
- March 22, 2019: Follow up phone call and email;
- April 4, 2019: Follow up email;
- April 5, 2019: Extensive correspondence on proposed activities, including discussion and a photo of the Bennett pump;
- April 12, 2019: Follow up email;
- April 15, 2019: Short response email;
- April 24, 2019: Follow up email;
- May 2, 2019: Email notifying you of public meeting.

As you can see, we have attempted multiple times over the course of the last two months to provide you with information regarding this project, and to obtain your consent. At this point, the project schedule is in jeopardy of being delayed, as a result we are exercising our right to access the property pursuant to the Hazardous Waste Act as cited and quoted above.

As you are aware, the overall purpose of the project is to clean up hydrocarbons resulting from years of fuel spills from service stations to the West of your business. It is in the interest of everyone for this project to proceed so these hazardous materials can be removed permanently.

Should you have any questions, please contact me at (505) 383-2063, or john.verheul@state.nm.us.

Sincerely,



John Verheul
Assistant General Counsel
New Mexico Environment Department

cc: Justin A. Howalt, P.E., City Manager (via email: jhowalt@cityofclovis.org)