

SANTA FE

BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

May 5, 2009

Mike Anaya, Chair
Harry Montoya, Vice Chair
Kathleen Holian
Liz Stefanics
Virginia Vigil

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This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 6:00 p.m. by Chair Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Mike Anaya, Chair
Commissioner Harry Montoya, Vice Chair
Commissioner Kathleen Holian
Commissioner Liz Stefanics
Commissioner Virginia Vigil

Members absent:

[None]

V. INVOCATION

An invocation was given by Stephen Ulibarri, Public Information Officer.

VI. APPROVAL OF THE AGENDA

ROMAN ABEYTA (County Manager): Mr. Chair, we have no changes to the agenda. We do have one order of business on the Consent Calendar, a brief update on the swine flu and our response to it as a County, and then a presentation and discussion of the environmental issues with the new judicial courthouse complex property.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Commissioner Stefanics. Any further discussion?

The motion passed by unanimous [5-0] voice vote.

VII. APPROVAL OF CONSENT CALENDAR

- A. Request Authorization to Enter into a Memorandum of Understanding with the City of Santa Fe for Reallocation of the Justice Assistance Grant (“JAG”) Funds in the Amount of \$318,119. this is a Joint City and County Grant Award whereby the County Will Receive \$115,445 and the City will Receive \$202,674 (County Sheriff’s Office)**

COMMISSIONER HOLIAN: I move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Second by Commissioner Montoya. Any further discussion?

The motion passed by unanimous [5-0] voice vote.

IX. Update on the Swine Flu (Community Services/Emergency Management)

MARTIN VIGIL (Emergency Management Director) Thank you, Mr. Chair, members of the Commission. Just today’s update: We have still reporting three confirmed cases here in New Mexico with 24 probably cases representing nine counties. Nothing confirmed here in Santa Fe County. There was a late press release out of the Department of Health this afternoon addressing school closures no longer necessary for health reasons.

Texas, however, has confirmed seven in El Paso with one additional death this afternoon for a total of two in the United States and still 38 are reporting confirmed cases at a total of 403.

I’d like to just share with the Commission, we started out pandemic flu preparedness back in 2004 with some initial discussions within our staff. We rolled out some briefings and workshops, and we engaged the St. Vincent’s Hospital at that time, also the Indian Health Service Hospital, and we were the first county to roll out a full-scale drill that addressed a mass surge respiratory presentation. We also included the City and County EMS departments with that. We were able to really get some good lessons learned out of that.

We also assembled a group of people that were clinician based. In other words these were bedside healthcare providers that came under our Local Emergency Planning Committee. And we were able to look at, as we were participating in a lot of the state planning, the medical validation of some of those plans and got a lot of really good insight

and we shared that with the Department of Health.

I want to kind of move forward to time that this news first broke. We immediately came together and started just touching base with people, trying to get a little bit more current intel through the first weekend. I talked to a lot of people and we basically ramped up our intel gathering. We're really locked into a lot of the national news reporting. We've done two county briefings with the County Manager and County department heads, and they've been very well attended. We distributed the COOP document that you have, which is the Continuity of Operation sort of plan. And we really started to have the conversation, if we were to see widespread illnesses within Santa Fe County, particularly if it affected our workforce, how would we mobilize and really address critical services, and what were some strategies of moving staff into those critical areas if we needed to.

We also had some emergency operations center triggers – what would require us to actually activate, and just kind of had the discussion of what was really accurately being reported versus what was kind of floating around in the community. Right now I think if you listen to a lot of the experts we are optimistically cautious about what is the presentation currently. I think we'll still see a spread in the United States for at least some time, maybe in the next week or so. We are getting reports that Mexico is seeing kind of a tapering off of a plateauing and we are about two weeks behind Mexico in their initial outbreak.

So we're still really looking at this and looking at what other counties might be affected. One of the things that I would also like to just really leave. We've had a lot of planning on this and the written documents that have been produced are really important but it was actually the planning process that was the really big thing that we were able to tap into in the last week. We've made literally personal relationships with all of our partners at all levels of government and throughout many, many agencies, and it's been nice to be able to pick up the phone, know exactly who you're talking to and have a first name contact. That was the result of all of those years of participating and plans and some of the drills and what have you.

I think it's still a little bit early to tell what the final course will take, but if anybody in our community was apprehensive about their own preparedness, particularly at their family level, I would encourage you to take this summer to really address those gaps. I know there was a big run on hand sanitizer in our community, but if we were to have seen really a widespread illness you'd probably see the same on tissue and all those cough and cold preparations and so on. So it's probably reasonable to make sure that sure that your family is prepared. It's hard to come to work and do your job if you're worried about what's going on at home. So, I'm open for questions.

CHAIRMAN ANAYA: Any questions of Martin Vigil? Martin, thank you very much for the briefing. Commissioner Montoya.

COMMISSIONER MONTOYA: Not a question but just a comment. Martin, I think that the work that you do in terms of the emergency preparedness and informing the public is certainly critical to the County and I really appreciate all that you do for us. Is there another mechanism or how are we updating people on a daily basis or at least informing

them? Is it pretty much through the local media?

MR. VIGIL: I think in this case, since the media has done really an outstanding job of reporting, and in fact, very early on, we were getting almost all of our intel off of the media feeds. We're streamlining some of those communications with the Department of Health now, but I haven't seen anything really out of the norm, although there's obviously been a lot of coverage, and that constant sort of message. I think you just have to weigh – our seasonal flu can produce up to 30,000 deaths in the United States and we've had two with this. So it's really good to keep that in perspective, although I don't want to really downplay that this can potentially have and continues to have some significant threat.

But I think my encouragement is that people have specific questions, the Center for Disease Control website has a lot of information. The Department of Health has a lot of information, but I think the media is really on top of changing events and there for a while it was changing almost by the several hours, it would be a different presentation. So that's I think, at least in this incident is a really good source for information.

COMMISSIONER MONTOYA: So it's good to know that we can rely on the media for this particular bit of information.

MR. VIGIL: I've been really pleased with how this has been handled.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chair. Thank you, Martin.

CHAIRMAN ANAYA: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Following up on Commissioner Montoya's comments, Martin, I do believe that the public looks to local experts, local organizers, local people in charge for some messages, so I hope that we will not rely totally upon the mass media, and that when it's appropriate that you would work with Stephen to make sure that we at the Santa Fe County are transmitting our own message.

MR. VIGIL: We actually have loaded releases ready to go if we should see those triggers in the community. And they kind of parallel some of the EOC triggers.

COMMISSIONER STEFANICS: Okay. And Mr. Chair, Martin, I read in the paper the other day that the Sheriff was starting his new twitter. Are we going to coordinate with that at all?

MR. VIGIL: Yes. We've already had some discussions with him, so yes, that is in the works.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: What's a twitter?

COMMISSIONER STEFANICS: Well, Mr. Chair, I think the public who read that in the newspaper who don't know are going to have to find out. When you sign up for twitter you can either direct the messages to come to your blackberries or to your phone. You don't really want it to come to your phone as a text message unless you are paying already for a mass package for texting. Otherwise you'll have extra charges on your phone for texting. But by signing up for twitter, with the Sheriff's office you will get notices to your blackberry

or your PDA or your Motorola about any emergency issues. And, I have to say to the public and to you all, I just learned all this at our national conference in Washington this year, from an 80-year old county commissioner. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay, Martin. Thank you very much for your presentation.

X. Presentation and Discussion of the Environmental Issue with the New Mexico Judicial Courthouse Property

CHAIRMAN ANAYA: I'd also like to recognize the judges that are here with us today, Judge Ortiz, Judge Barbara Vigil, Judge Michael Vigil, Judge James Hall, and Judge Steven Pfeffer who is the chief judge. Then we also have District Attorney Spence Pacheco here, and Steven Pacheco in the back. Who's going to do the talking, Roman?

MR. ABEYTA: Thank you, Mr. Chair. Before we get started I'd like to also let the Commission know that we have members from the New Mexico Environment Department staff with us this evening. Jim Norton, who is the director of the Environmental Protection Division, Jim Davis, who is the Petroleum Storage Tank Bureau Chief, Bill Olson, Groundwater Quality Bureau Chief, and Alex Puglisi, who is the Remediation Oversight Section manager. So they're here this evening also, Mr. Chair. The item before you is just as the caption reads. The purpose of this evening is to provide you with a presentation and an update on the environmental issues with the courthouse site that we have encountered to date.

I think you'll find that it's a little premature to talk about the courthouse or changes to the courthouse or what could be potential changes because there's still a lot of unknowns. Again, the purpose for tonight is to let the Commission and the public know what we have encountered so far with that site and what the next steps are going to be. And as I stated at our last Commission meeting, I have added to the agenda a standing item which will be a courthouse update that you will get every two weeks from me and if there's a need for another special meeting then we would of course schedule another special meeting.

And so tonight is for informational purposes only. And with that, Mr. Chair, I would like to introduce to you our environmental consultants from Intera, Mr. Joe Galemore, and Joe Tracy.

CHAIRMAN ANAYA: So Roman, you mentioned Jim Norton?

MR. ABEYTA: Jim Norton, Jim Davis, Bill Olson and Alex Puglisi, with the New Mexico Environment Department are also with us.

CHAIRMAN ANAYA: Where are you all? Over there. Okay. Thank you for being here. Joe.

JOSEPH TRACY: Mr. Chair and members of the Commission. Thank you for the opportunity to present here. My name is Joseph Tracy. I'm with Intera, Incorporated. I'm a senior geologist there. Thank you for the opportunity to present here. The gentleman behind me is Mr. Joe Galemore. We've been retained as the environmental consultants on the Santa

Fe Judicial Complex site. We're a national environmental firm that has several offices. Our local office is here in – oh, I'm sorry. It's in Albuquerque, New Mexico. It consists of approximately 25 people in Albuquerque, about 100 people nationwide specializing in environmental engineering and science.

As we stated, we are a national environmental firm. We've got seven offices in the United States consisting of about 100 people, and 25 here in Albuquerque, New Mexico. We've been in business 33 years, 21 of those years here in New Mexico. We have three primary service areas, which is environmental science, water resources and waste isolation. We've worked – a predominant amount of our work in Albuquerque is for state and local governments and we've been working with and for the Petroleum Storage Bureau at NMED since 1991. We've worked in the voluntary remediation program, either for that group or with that group since voluntary remediation started. That program started in 1999.

Some of our municipal clients include Los Alamos County, Bernalillo County, City of Albuquerque and Santa Fe County. Essentially our role at the judicial complex, we became the environmental consultant on record since March of 2009. We were asked to come in, assess the current environmental data and what had been done to date, and then provide additional site investigation work, and then help the County, assist them with the VRP and PSTB process. Essentially – we'll go into that a little bit later, but that consists of the investigation work that we're doing now and then the remediation work plan and then a remediation work plan implementation.

Our presentation is organized into three phases. What we know, what we don't know, and where we're going from here. And with that, I'll turn it over to Joe Galemore, who is going to discuss our investigation work today. Thank you.

JOE GALEMORE: Mr. Chair, Commissioners, thank you for allowing us an opportunity to present today. Like Joe was saying, my name is Joe Galemore. I'm also with Intera. The investigation that we've done at the judicial complex to date consists of three components. The first component was evaluation of the regional hydrogeology. The second component was identification of sources in the area. And then the third component was to evaluate the nature, extent and magnitude of the contamination that's been discovered to date.

Concerning the regional hydrogeology, we first looked at a geologic map of the Santa Fe 7.5 minute quadrangle. And what that is showing us, you can first see that the site is illustrated in blue and it is located atop the terraced deposits of the paleo-Santa Fe River, and also crosses into the Santa Fe Formation that's illustrated to the north of the site and kind of in a pinkish color on this geologic map. And what that is telling us is illustrated in this subsurface column of the sediments that have been encountered at the site. First, at the surface down to a depth of about 15 feet is a clayey, gravelly cobble zone, and again, this is all part of the Santa Fe River terrace deposits. Below that cobble zone or cobble unit is a silty sand from 15 to 20 feet, and then from 20 to 40 feet is a nice, fine-grained sand that is well sorted.

The water table, and that's the blue triangle symbol, exists at about 30 feet below

ground surface at the site. And this data comes from not only the geologic map that I showed you earlier but also some work that had been done for geotechnical purposes and investigations that we've done at the judicial complex. Below the sand layer is the Santa Fe Group Formation. The regional aquifer is located within the Santa Fe Group.

CHAIRMAN ANAYA: Joe, what's the triangle for?

MR. GALEMORE: That's the water table, depth to water in other words. As you drill down through those sediments, Mr. Chair, until you hit that zone, the soils are – they have some moisture, but once you get to that zone water will come into the bore hole or the well that you've drilled.

CHAIRMAN ANAYA: Thirty feet.

MR. GALEMORE: Approximately 30 feet, yes. It varies a little bit from location to location, but that's a good general number to work with.

CHAIRMAN ANAYA: Okay.

MR. GALEMORE: The next part of the investigation was to identify sources in the surrounding area. And the way we went about doing that was looking at historical aerial photographs, looking at historical Sanborn maps, which are fire insurance maps. We reviewed files at the Petroleum Storage Tank Bureau and then we interviewed persons that are familiar with the site and the vicinity. And what we found from that – here's a good example – here's a Sanborn map from 1930. I know it's kind of hard to read this but what I was really hoping to draw your attention to is the site is located – here's Montezuma. The site, the judicial complex site is in here. We found that there was an auto sales and service center located on the site in the 1930s, but we also had found is that there was an adjacent gasoline service station to the east, and there was another gasoline service station to the south of Montezuma.

Similarly, in 1948 – let me show you the site for reference. It is in this area. Here is the former – we're referring to this as the former Texaco that's located adjacent to the site. The Montezuma site, as I'll refer to it later, 218 Montezuma is located here, and then there's another former filling station site that is located here. Another one in this area, and a fifth one in this area. And all of that information is summarized in the next slide. For reference, the judicial complex is illustrated here in red. The former Texaco is illustrated in blue, to the east side, and then the circles, the yellow circles that are indicated there are underground storage tanks that were formerly located on site.

So the former Texaco had four underground storage tanks. Across the street at Montezuma, 210/218 Montezuma there are three underground storage tanks, and then across the street, across Cerrillos at the Capitol, 66, there was also three underground storage tanks. South of Montezuma, at the current Design Center there was four underground storage tanks, and then at the Garfield site there was two underground storage tanks. That's what we've learned through the historical and source identification portion of the investigation.

In the data that was contained in the files that we reviewed at the Petroleum Storage Tank Bureau revealed the following: The red circles that you see over this symbol indicate the presence of product.

CHAIRMAN ANAYA: The presence of what?

MR. GALEMORE: Gasoline. Gasoline is floating on the water table. And I've got a slide that I think illustrates that pretty well. I think it's immediately following this slide. And also at the Capitol 66 there's gasoline floating on the water table in one of the monitoring wells located there. The yellow circles that I have indicated to the south of the Montezuma site and also at the former Texaco, those indicate that there's high concentrations of dissolved phase contaminants, gasoline, in those monitoring wells. And again, the next figure I have will show that.

The Garfield site is a no-further-action site that was – I think that status was issued by the Petroleum Storage Tank Bureau in 2001. The Montezuma site is an active leaking underground storage tank site that is being assessed, as is the Capitol site. These two sites, the Design Center that is, and the former Texaco, and have not had any investigations done and they don't have a Petroleum Storage Tank Bureau release ID.

Just a quick slide on terminology that you'll hear me using. When gasoline is released either through a rupture or maybe some overfilling, or maybe even from the lines that connect the underground storage tank to the dispensers, when that's released it moves by gravity downward until it hits the water table, which is again illustrated by this triangle symbol. And once that gasoline gets on the water table it starts spreading out laterally. And what I'm referring to as the product plume is this area of gasoline that's floating right on the water table. There's two other plumes that also exist. There's the vapor plume that comes off of the product area as is illustrated here, the NAPL, and then there's a dissolved phase plume that gets into the groundwater and then will move as the groundwater moves in the subsurface.

The contaminants that have been released at the adjacent sites consist of leaded gasoline and unleaded gasoline, and I'll go over the exact chemicals that are contained in those in a little bit.

Now I want to talk about the extent and the magnitude of the contamination that exists not only at the adjacent properties but also on site. And what I mean by extent is the area in the subsurface interval that contains the contamination. And what I mean by magnitude is the value and the location of the highest concentrations of the contamination.

To recap, we've got five potential sources in the area. We haven't found anything on site that would indicate that there was a source onsite. There was the auto sales and service, but we haven't found any underground storage tanks, any evidence of underground storage tanks on the judicial complex site itself. Oh, and one more thing before I get off of this slide. Notice the arrows that I have up here. Those are groundwater flow direction arrows. The green arrow is the interpretation of the groundwater flow at the Montezuma site. The orange arrow is the interpretive groundwater flow direction at the Capitol 66, and the yellow arrow is the interpretive groundwater flow direction at the Garfield site. Notice they're in a lot of different directions, and as I'll talk about later, that's one of the things that we'd like to get a little bit better handle on as the investigation moves forward.

COMMISSIONER MONTROYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Is there no flow from that one corner, where the *Journal* building is right now? There's no arrow.

MR. GALEMORE: There hasn't been any investigation done there, Commissioner Montoya, so that's one of the things that we'd like to determine in the future.

COMMISSIONER MONTOYA: Oh, okay. Thank you.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Could you just clarify again, the Garfield site has been deemed to require no further work?

MR. GALEMORE: Yes, ma'am.

COMMISSIONER STEFANICS: The Capitol site and the Montezuma site are still being assessed?

MR. GALEMORE: Yes, ma'am.

COMMISSIONER STEFANICS: Thank you.

MR. GALEMORE: On site, the investigation that has been done, the early investigation consisted of the sample locations that I've illustrated on this slide. For reference, the brown outline is the judicial complex property. The earliest work that was done back in 2005 consisted of some soil vapor points and that's these three dots in the southwest corner at the old Paramount building. And then there was a series of wells that were installed that I'll illustrate here. There's a square and then several wells that oriented in a northwest-southeast direction that come off of there. Those were installed as part of a pumping test, and the pumping test was done in support of a dewatering plan that was deemed necessary for the construction purposes.

And then in addition to that, there were some geotechnical borings and that's the symbols I have illustrated in half yellow-half black. Those were actually done before the pumping test wells, but after the soil vapor wells. The geotech borings were done in 2007. The pumping test wells were done in I think August of 2008. And then finally there was an exploratory borehole that was done in January of 2009.

And here's what we found from this early investigation onsite. The geotechnical borings had a strong – had a hydrocarbon odor roughly at the water table. And then one of the wells that was installed in support of the pumping test had high dissolved phase contamination and then the exploratory borehole that's in here had some product, and also high dissolved phase contamination.

The next step that was done consisted of investigation work from – I think it was January and February of 2009, and that investigation consisted of the installation of all of these borings that you see around the perimeter of the site. Those were installed to install I-beams that were part of the shoring that you see at the site. And what was done at these locations was as flow was coming up off of the auger, that flow was collected and screened in the field for the presence of hydrocarbons. So we've got basically 170 points with data.

In addition to that there were six monitoring/observation wells that were installed around the east side and the north side of the judicial complex, and again, that was done I think in February of 2009.

CHAIRMAN ANAYA: Here's a question, Joe. Just so I understand. The exploratory boreholes, I know what those are. I saw those. The geotechnical boring – what is that?

MR. GALEMORE: One of the first steps that's done in a construction project is to investigate the subsurface soils to see what kind of construction may be required. Do you need slab on grade? Do you need piers? Exactly what does the foundation consist of? And until you get that geotechnical information you're not sure exactly how to construct your building.

CHAIRMAN ANAYA: So how deep and how big? The hole?

MR. GALEMORE: The borehole – I think they were done I think with six- or eight-inch solid-stem auger, and then the soils were sampled with split screens roughly every two feet.

CHAIRMAN ANAYA: Okay, so then what is the soil vapor points? What kind of drilling is that?

MR. GALEMORE: That was done with a combination of a hollow-stem auger, I believe. One was a hand auger boring and it was only installed down to roughly I think three or four feet.

CHAIRMAN ANAYA: And then the observation well, those are similar to the exploratory?

MR. GALEMORE: Are you referring to these, Mr. Chair?

CHAIRMAN ANAYA: Yes.

MR. GALEMORE: Those – I'm not sure of the exact depth. I can look at some reference material if you'd like me to.

CHAIRMAN ANAYA: Well, we could get to it but I would like to know at what depth those observation wells went to.

MR. GALEMORE: They were drilled into the water table I think approximately 20 feet but I'm not sure of that exact amount. But they were installed so that you could monitor draw-down of the water table as you're pumping from this extraction well.

CHAIRMAN ANAYA: Okay. All right. Thank you.

MR. GALEMORE: Yes, sir. Mr. Chair, those wells were installed between 45 and 60 feet below ground surface.

CHAIRMAN ANAYA: Thank you.

MR. GALEMORE: So what we found in this phase of investigation was that there was free products in the wells illustrated by the red circles here, in each one of these six wells and the borings that are illustrated in orange, the larger the diameter of the orange circle the higher the concentration of hydrocarbons in the soil samples. So we're starting to home in on the contamination. As you can see it seems to be located in this area.

And then the latter phases of the investigation that were done by Intera included the installation of 16 direct push borings. That's these black triangles, and the installation of temporary monitoring wells located within the excavation, and by that I mean the areas inside the white dots, the [inaudible] locations. And then also the installation of three permanent

monitoring wells which were installed here, here and here.

By the way, those were just recently installed and we're still actually out in the field collecting data from those monitoring wells. But what we found so far is that these locations, illustrated with the red dots had products or they had very high concentrations of hydrocarbons in the soil samples that were collected. These well locations had high concentrations of dissolved phase concentrations. And I've put a question mark by that particular location because the other wells that were installed along this transect had no contaminant concentration, so this data point is a little bit suspect, and that's why we installed this new well right beside. And then also we found high – we haven't actually got the lab test back yet but we think there's going to be high dissolved phase contaminants or gasoline in this well at the north side of the site.

So that was the horizontal extent of contamination. Now the vertical extent of contamination. What we think now is that you get into contamination at the site at approximately 20 to 24 feet below grade, and then the contamination exists in the areas where we have contamination down to the top of the Santa Fe Group. And I've got a question mark here because of the hard nature of the Santa Fe Group. We haven't been able to collect a lot of data below that. But we have seen a significant decrease in contaminant concentrations as you get close to that boundary.

Magnitude of contamination: The contaminants that we're investigating that are typically found in gasoline are illustrated on the left-most column here, and then the maximum concentrations, and these are based on lab analysis, are indicated in the column next to that. And these concentrations are in milligrams per kilogram. And then the next four columns are any B soil screening levels. And what I was hoping to point out here is – what I'd like to point out here is that the concentrations, the maximum concentrations are above the different standards that are illustrated in this column for sure and then a couple of the other columns to the right.

That was soil. Groundwater, similar situation. The contaminants that are in gasoline that we're analyzing for are above – these are the maximum concentrations that we observe. I should point out that these concentrations, the sample that these were collected from were in the areas where we had free product. And this is what you would typically expect from a ground water sample that's collected right below free product. It would be like taking some gasoline, putting it into water and then you sample the water immediately underneath that gasoline. You would expect high concentrations, especially of those contaminants that have higher solubilities, like benzene for example, and some of the compounds – toluene, ethyl benzene, and total xylenes.

So that's what we do know for now. What we don't know is the following: We need to refine the groundwater flow direction. We need to know the extent of the dissolved phase gasoline that is onsite. We've got a pretty good handle on the free product but we need some more information about dissolved phase. We need to know the extent of contamination off site; that's going to impact what kind of efforts we have moving forward. And then we need a little bit better handle on the vertical extent. We think we've got a good handle, at least we

have a working model, but that needs to be confirmed.

And now I'd like to give the presentation back over to Joe Tracy to talk about the Voluntary Remediation Program and what we do next.

CHAIRMAN ANAYA: Thank you, Joe. It's easy when everybody has the same name.

MR. TRACY: We planned it that way. Mr. Chair, members of the Commission, thank you. Our steps forward from this point, on April 29th we submitted a Voluntary Remediation Program or VRP application to the Environment Department. When we were originally asked to come in we were asked to evaluate this site from a voluntary remediation perspective and it does fit well. The Voluntary Remediation Program is set up for cases of trespass contamination and to promote redevelopment, clean up the redevelopment. Basically, it's a cooperative process that the County and NMED will be working together on how best to remediate the site.

So our plan now is to complete our assessment work by the end of May and submit a report to the Environment Department.

CHAIRMAN ANAYA: What is the VRP?

MR. TRACY: The VRP is the Voluntary Remediation Program. Again, it's a voluntary step that the County's taking to conduct the remediation.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Back on the last slide, so if you would complete a report and submit a VRP by the end of May 2009 to the Environment Department, you indicated?

MR. TRACY: Yes, ma'am.

COMMISSIONER STEFANICS: Then we would be dependent upon the Environment Department approving that and indicating to move forward?

MR. TRACY: Not necessarily. They may look at it and ask for some additional assessment work. We hope not. We hope that our investigation has been thorough enough that we can go right to remediation planning from that point.

COMMISSIONER STEFANICS: Mr. Chair, earlier, at the beginning of the presentation, you indicated that you had done work for the Environment Department before?

MR. TRACY: Yes, we have.

COMMISSIONER STEFANICS: So you're familiar with their expectations?

MR. TRACY: Yes, we are.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you.

MR. TRACY: So as we mentioned, we are going to complete the ongoing investigation. In the end, essentially it starts an interactive process with the VRP personnel at that point, and what VRP can offer us is a single point of contact at the Environment Department. There's going to be – there's Air Quality Bureau will need to be involved in this, in the remediation work. Petroleum Storage Tank Bureau of course, as well as Surface Water

Bureau. So essentially we can talk to the VRP folks and they offer us a single point of contract, dedicated staff for the projects to help things move forward quicker.

Again, that's a preliminary work plan. Once that preliminary work plan is in place there's a public comment period and if there's a very significant public interest there'll be a public meeting, at which time you can discuss what the remediation plans are for the site. After that point, basically you move to the final remediation work plan, which is you address people's comments and then go forward with the remediation work.

That basically concludes our presentation.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Joe, regarding the timeline, beginning with the remediation plan and on to the implementation of it, what are we looking at?

MR. TRACY: Well, our hope is to be able to have a final remediation work plan in place by the end of August. So our hope is to be able to start remediation work September 1st.

COMMISSIONER MONTOYA: Okay. Is that like a best-case scenario?

MR. TRACY: It could be a bit aggressive, yes. We've had some preliminary conversations with the VRP folks and have been encouraged by – they're eager to help and assist us. So again, it's hard for us to put a timeline on that but that's what our goal is.

COMMISSIONER MONTOYA: Okay. And then in the interim, while this assessment is taking place, what's happening? Nothing, right? Essentially we have to stop what we're doing?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, there is a little bit of work that's taking place but it's mainly just removal of soil. But we will reach a point, sooner rather than later, where we need to talk about any delays that we'll need to put into place.

COMMISSIONER MONTOYA: Okay. And then, Mr. Chair, regarding the tanks, those storage tanks, the ones that were identified, are they all gone? Have they all been removed or are some of those still –

MR. TRACY: From what I understand I think the ones from Texaco have been – on Montezuma – I think from the three petroleum storage tank sites that Joe mentioned that are directly to the southeast, those tanks have been removed. If you look at that map again there's actually some additional tanks that are located at what's known as the Design Center. It's the building just to the south. There's four, two on the east end and two on the west end and we don't know what the status of those tanks are, if they're still there or not.

COMMISSIONER MONTOYA: How would we find out? Of course that was flowing south, right?

MR. TRACY: There's some – we can do some investigation work with some geophysics to determine if those tanks are still in place. If that's something we decide we want to do.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. From your experience with other typical sites like this, what does a remediation program actually consist of? What do you actually do?

MR. GALEMORE: There's several different methods. Again, we don't have the plan in place, but I think that because of the construction work and there's so much of the clean overburden that's been already removed that I think certainly one component of the remediation will be some contaminant soil removal. And also certainly there's going to have to be work done to address the free gasoline product that's certainly going to have to come out of the ground. I think at that point the dissolved phase contamination can be treated but perhaps we can do that after construction begins.

COMMISSIONER HOLIAN: So you would pump – you would sort of determine the extent of the gasoline and then try to pump it out? Or something like that?

MR. GALEMORE: Yes, one of the issues is the extent of the gasoline and when we complete our investigation work we'll have a pretty good handle on where it is on our property. But we are going to talk to the Environment about helping us about characterizing the extent of that plume off site, because it would be important to know how much product is actually there in the ground.

COMMISSIONER HOLIAN: And I know this is sort of a wild guess, but do you have any sort of a timeframe for what it might take? Are we talking months or years? Decades?

MR. GALEMORE: Actually, I think the initial remediation could go quite quickly potentially, but it's probably too early to tell how long it would take. The contaminated soil removal certainly could be really quick. The free product removal is a little bit more complicated but that would be quicker than cleaning up the dissolved phase. That could take some time.

COMMISSIONER HOLIAN: And I had another question about the groundwater. Now it's about 30 feet below the surface. Can that vary a lot, depending on rainy conditions?

MR. GALEMORE: Yes, there is – we had a hydrograph there we presented in a meeting a couple weeks ago. I think groundwater most recently has been at a level of 26 feet, but if you looked at Joe's map, there was that smear zone. And so at one time groundwater was a little higher. We don't expect it to rise that much but there could be a two or three-foot fluctuation.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Back to the timeframe before I ask my other questions. So when you were talking about this you didn't really get into a time factor. So even if we could start – even if you could start the remediation in September, the best-case scenario, best case? Three months? Six months? A year?

MR. GALEMORE: I'm sorry, it's –

COMMISSIONER STEFANICS: Okay. So it's unknown.

MR. GALEMORE: It is unknown. Yes.

COMMISSIONER STEFANICS: Okay. That's what I really want to kind of put on the table what factors we're dealing with. Second issue is if there still are tanks below ground at these different sites, and those tanks are the site of leakage, who is responsible for cleaning that up?

MR. GALEMORE: Well, it would be the responsible parties, the tank owners.

COMMISSIONER STEFANICS: So it leads us to the question of what our role as Santa Fe County will be in working with the Environment Department in identifying the original owners of those tanks, if they haven't been removed. The second thing is let's talk about any health issues whatsoever. We have people working in buildings that are related to us, the County, and the state and the judicial district. So fumes? Water? What else? What are the possible things that could happen?

MR. GALEMORE: Well, vapor migration is certainly a big concern to the building. Any sort of design for the building would have to be protected and make sure that vapors do not enter the building. I think that's probably the biggest hazard for anybody occupying the site. The groundwater issue, because people aren't actively pumping out of it, the chances of exposure are little. So I think the soil vapor is the issue is the biggest. Yes.

COMMISSIONER STEFANICS: Okay, so the soil vapor issue could be an issue right now today? Not just in the future?

MR. GALEMORE: Potentially, yes.

COMMISSIONER STEFANICS: Okay. And I think that I alluded to the question of money when I said who would be responsible to move this along, but as we talk with you about remediation in the future, one of the things we're going to want to know is what additional cost this will be for the County. Because we do have a finite pot of money to work with here that the taxpayers are very concerned about, so we are going to want to be able to project.

MR. GALEMORE: Absolutely. I should have mentioned – as a remediation plan process is in place and we're working with NMED, at the same time we're certainly developing costs for what these different methods – what's going to happen as far as what it's going to cost the County if you do the soil removal, the free product removal, what not. That's why again, we do need some help on defining extent. I think that that's certainly the big unknown and certainly would have the most impact on how we would develop costs. But there's some unknowns there.

COMMISSIONER STEFANICS: And I think this might be my last question, but when I visited the site recently and I was looking at the monitoring wells, I understand that the – for lack of a better word – effluent? What would we call it?

MR. GALEMORE: The water?

COMMISSIONER STEFANICS: The water with the gas. Would it be sent off to some refinery to clean and then reuse for product?

MR. GALEMORE: I don't think so. My guess is it would just be incinerated. I don't think that – maybe a refinery would work, but it just depends on how much water is in the product and what not and what they could do with it. But there's – are you asking if there's any sort of a fuel source here?

COMMISSIONER STEFANICS: Well, you just raised another question. Where in the state do they incinerate this?

MR. GALEMORE: I'm not sure where it would go, actually, to be honest with you. Joe, maybe you could help.

MR. TRACY: We've got a hazardous material contractor, Wincam, and I believe they have a facility. Basically, what they do is they collect fuel from different remediation sites in the state and they send it wherever their facilities are. I'm not quite sure.

COMMISSIONER STEFANICS: Okay, well, your question back to me about the suggestion of fuel was part of my question, until you said that about incineration. And if in fact we're going to pay anybody in the state to remove the fuel from the water and then it gets reprocessed for use, my question was to the County, is there some way that we can reuse that fuel somehow here. And I understand that that's a very preliminary question based upon what's sound and how it's handled. But if we're going to have to put out money to get something – to take care of something, is there somehow we can bring that back in as an asset?

MR. TRACY: There are remediation systems that do use fuel on site to maybe power a generator or something like that, but typically you end up – you have to stoke it with another fuel source, like a natural gas or something like that. So typically it costs you more to do it that way then just to send the material out. There's really not a whole lot. We'll certainly look into that and find the best way and the most economical way to deal with the product.

COMMISSIONER STEFANICS: What I'm also asking for you all to look into is the quantity of fuel that we end up removing, what our cost/benefit analysis would be to any reuse. If it's negligible or if it would cost too much, I totally understand, but if we're talking about a large quantity of fuel then I think that's something else we would want to look at.

MR. TRACY: Certainly.

COMMISSIONER STEFANICS: At this point we're really talking about – we're using taxpayers' money. We're talking about if we continue on in this vein, spending more than what we had already planned and we just need to look at the best use for the County.

MR. TRACY: Absolutely. Yes, I understand.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: I think I'm going to ask a question that you've been asked perhaps from a different angle. Based on Intera's experience, do you have a model with the current monitoring that you've done, the current monitoring that the Department of the Environment has done? Is there anything else in the state that you could

compare this particular project with? Or what is the closest project you could compare it to?

MR. TRACY: I'll see if Joe Galemore could answer that.

MR. GALEMORE: I guess the first point to make is that until we define the extent it's tough to compare it. I've worked on some sites that – I don't think this site is as large, but there is potential impact. There's the Hobbs city well site. I don't think it's quite – I don't think it's that big, but has similar problems with product and gasoline dissolved in the groundwater. And there's numerous sites around that have the different phases of contamination that we're seeing at this site and at approximately this depth. So it's not necessarily unique and there are some experiences that we can gain from what has been done at these other sites.

COMMISSIONER VIGIL: And are they here in Santa Fe or somewhere else in the state?

MR. GALEMORE: Somewhere else, but there's been some remediation efforts done in Santa Fe that we can definitely look at as guides. In terms of exact models to use within the city, I'm not aware of any.

COMMISSIONER VIGIL: Okay. The next question I have is related to the vapor migration. Will the data that you collect provide the extent of the vapor migration?

MR. GALEMORE: It will help in that assessment. The environmental media that's being sampled will consist of the groundwater, but what we will be able to determine from that is – I don't know if you remember the slide that I had with the underground storage tank and then the different phases coming off that. So once we know where that highest degree of contamination is, where the dissolved phase contamination is, we'll be able to determine within reason how far out the vapor may go from that. We don't have any plans at this point but it's definitely something we can add to our investigation to actually collect soil vapor samples and have those analyzed.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. I just wanted to say thank you for the presentation. I know there's probably people that have questions and what we're going to do is email or write letters to Roman, and give us your comments and questions and concerns on what you might have or see or what to hear. But I know Santa Fe County, after hearing the problem, the Commission has been very concerned about this issue and we're going to do everything we can to work with the Environment Department and Intera to try to resolve this issue and try to make this a clean and safe place.

I want to go to the judges. Did you want to comment, Judge Pfeffer, anybody? Did you want to say a few words?

JUDGE STEVEN PFEFFER: Mr. Chair, members of the Commission, we thank you for this effort. We're on a fact-gathering mission here ourselves at this point. It may be early; ultimately we'll be curious about whether, if full remediation is made whether one can build a lower level or a lower two levels of parking, but in any event, we're very interested that it be a safe building, that it be environmentally sound and we appreciate your efforts. Thank you.

CHAIRMAN ANAYA: Thank you, Judge, for coming. Thank all the judges for coming. Does anyone else want to comment, Judges? Okay. So with that, we want to thank you for attending the meeting and bringing us up to speed. We'll look forward to more briefings from our County Manager, and work closely with the ED Department.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I had a question for ED, and if one of you could come forward. It doesn't matter. But the question is based on what we've been told here this evening and the information, our plan of action, is there anything that we're missing that we should address? Any idiosyncrasies or nuances that may come up, based on your past experience of these types of remediation programs?

JIM NORTON: Mr. Chair, Commissioners, my name is Jim Norton. I'm the director of the Environmental Protection Division at New Mexico Environment Department. We're very pleased that Intera is doing this thorough analysis of the extent of the problem, and we're very much looking forward to working with the County and with Intera to identify the extent of the problem and figure out what needs to be done to clean it up and make sure that it is a healthy and safe building.

Also, we can assure you that we will dedicate the staff to quickly analyze this material and be standing by to work closely with the County to address the problem. It is a difficult issue and it will take some time, unfortunately, to sort out these problems but we stand ready to do whatever we can to make sure that it happens quickly and safely.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics, then Commissioner Vigil.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and Mr. Norton, thank you and your colleagues for coming this evening. We really appreciate it. Do you know whether or not there are underground storage tanks that are still in the area that have not been removed or remediated?

MR. NORTON: We don't know for sure, and that's one of the things we'll also be wanting to work with Intera on and certainly want to find any other tanks that may be there on the sites that are known leaking sites that were mentioned earlier. I believe all those tanks have been removed.

COMMISSIONER STEFANICS: So, Mr. Chair, I guess then I'm a little confused. If you think that all the tanks have been removed, what's the source of contamination?

MR. NORTON: Well, there are several sites that have been identified that have had leaks, and on those sites, those tanks have been removed and there's been assessments and work that's gone on. There were some others that were identified tonight, for example at the Design Center, that are not known leaking sites. We want to go back and double-check on those, and if there are any tanks on those sites, get rid of them.

COMMISSIONER STEFANICS: So, Mr. Chair, this is not a loaded question. It's just like I'm fishing, I guess. What does that mean for the other business owners in that

area?

MR. NORTON: I would guess that the known leaking sites are where the problem is coming from. We don't know that for sure, and that's why we want to again work with Intera, identify where there may be some other sources. But it's too early to tell for sure but it's quite likely that the known leaking sites are where this is coming from.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

CHAIRMAN ANAYA: So, Commissioner, I think that the tanks, from the way I'm understanding it. The tanks that were there are gone. There might be some there, but they're probably empty, and the gas is already down above the water. That's the way I understand it.

MR. NORTON: That's right.

CHAIRMAN ANAYA: The tanks are empty. There could be a tank there, but it's probably empty, and the gas is just floating on top of the water.

COMMISSIONER STEFANICS: But Mr. Chair and Mr. Norton, when the laws changed and every – some of these gas stations closed down way before our current laws about how gas stations had to be closed down and remediated and tanks removed, etc. So we have no assurance that a great deal of fuel is not left in the ground in all of these sites, because it was so long ago. Is that possible?

MR. NORTON: It is possible. There of course were gas stations there way back into the twenties and as you point out, there were many decades that went by where there was very little oversight and very little regulation. Leaks from these gas tanks at one point was the biggest source of groundwater pollution in all of New Mexico. But fortunately, laws have been passed, beginning in the nineties, in order to identify these sites and make sure that the leaks don't continue. There's much more stringent regulation now of these tanks to prevent these kind of problems from happening in the future.

But looking back into the past there were those many decades, absolutely, there were a lot of problems and lot of leaks and certainly what we're looking at here today in part results from those tanks of many decades ago.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Mine is straightforward and it's about money. To what extent is the Department of Environment able to assist a local government entity with this kind of problem? Is there a balance in the underground storage tank fund? Is that fund used for these purposes, and are there any other sources of funding to assist in remediation?

MR. NORTON: There is a fund available for cleaning up these sites. It's called the corrective action fund. It applies to the owners and operators of the site, and applies when the owner and operator was in compliance with all the various rules and regulations to prevent leaks. We're very anxious to complete the investigation so that we can identify, to the extent possible, what the source of this contamination is. We'll be working with the County and with Intera on that as well. And there is a possibility that if it can be

traced back to some of these tanks that are in compliance that there may be a possibility of some sort of access to the corrective action fund. But it's too early to tell, prior to having all the information that Intera is now gathering.

COMMISSIONER VIGIL: Are there any other sources of funds?

MR. NORTON: Not that I'm aware of.

COMMISSIONER VIGIL: Stimulus dollars, coming to the Department of Environment for cleanup?

MR. NORTON: This would really be the single fund. I'm not aware of any other – Bill or Jim? – any other source of cleanup funds?

BILL OLSON: I'm Bill Olson. I'm the bureau chief for the Groundwater Quality Bureau. We have the Voluntary Remediation Program as well as implement the brownfields programs through with EPA. There is a possibility that there may be some brownfields money available. There has been some that's been coming around, and that's something that we will be looking at as well. But you have to look at it as eligibility towards those EPA programs and if it meets the eligibility criteria then there's some ways we can try to help get some money for that as well.

COMMISSIONER VIGIL: Okay. Thank you very much gentlemen. Thank you for being here. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair, and thank you all again for your good work and all this information that we're getting. Is there any documentation that exists on the five – I think it's the five neighboring sites that had gasoline storage tanks, about when they were decommissioned, how they decommissioned them? What they did at that time? Or is it so long ago that people just didn't do that in those days?

MR. NORTON: I've asked Jim Davis, who's the Petroleum Storage Tank Bureau Chief to come up and answer that question to the extent possible. And as has been mentioned, three of these are sites are sites that had been known leaking sites and we know more about those than the others.

JIM DAVIS: Mr. Chair, Commissioners, my name is Jim Davis. I'm bureau chief of the Petroleum Storage Tank Bureau. The sites that we're aware of, which are the 210/218 Montezuma, the Capitol 66, and the garage that was NFA-ed some time in the past, we are – we know when the tanks came out of the 210/218 Montezuma site. I don't have the information in front of me so I'm working off of memory. I might ask Mike McVay, if you could – early eighties they came out. Capitol 66 was approximately the same time. So these tanks were removed in the early eighties. The Texaco site, so-called Texaco site, which is where the *Journal North* is, information we have available, those tanks were removed in 1985.

COMMISSIONER HOLIAN: So when they did remove the tanks, did they have to do any testing for whether there was gasoline left behind?

MR. DAVIS: Frankly, no. This pre-dates the regulatory framework. We do have information that when, again, speaking from memory, when the tanks came out of the

Texaco site at the *Journal North*, there was a Santa Fe City fire official, Fire Department official, at the tank removal and we do have a statement and an environmental assessment report that indicates this official was there. They observed the tanks. There were no visible holes in the tanks. There were no visible signs of leaking. There was no staining of the soil in the tank pit. There was no odor. So that indicates, at least in the tank pit that there was not a leak. That doesn't answer the questions could there have been a leak from a different part of the system. The piping, the dispenser, what have you.

So again, this work was done long enough ago so that, first of all, we were not present, we being our predecessors were not present. And we don't have really detailed information.

COMMISSIONER HOLIAN: And it was mentioned that there was leaded gas and unleaded gas found. So that sort of sounds like it's either coming from more than one site or it was something that happened –

XI. ADJOURNMENT

Due to a medical emergency, Chairman Anaya declared this meeting adjourned at 7:15.


Approved by:

Board of County Commissioners
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501