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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

September 28, 2017

C. Michael Shyne
Westsource Corp LLC
500 Tenth Street, Suite 301
Alamogordo, NM 88311-1705

Re: Site Status of Uptown Chevron, 1400 Tenth Street, Alamogordo, New Mexico

Facility #: 1976

Release ID #: 3408

Dear Mr. Shyne:

The New Mexico Environment Department (Department) Petroleum Storage Tank Bureau is responding to your request for information with regards to the potential liability of future owners of the property located at 1400 Tenth Street, Alamogordo, New Mexico, and the related petroleum hydrocarbon release site known as Uptown Chevron. This letter clarifies the liability of property owners under the Petroleum Storage Tank Regulations (20.5 NMAC).

In accordance with 20.5.1.2 NMAC, the Petroleum Storage Tank Regulations apply to owners and operators of storage tanks as defined in 20.5.1.7 NMAC. The Department previously identified Ritchie Distributing Co., as the responsible party for the petroleum hydrocarbon contamination at the Uptown Chevron, Release ID #3408. Ritchie Distributing Co. is responsible for meeting all the applicable requirements under 20.5 NMAC.

Pursuant to 20.5.12 NMAC, any corrective action activities performed at this site will be conducted through the responsible party listed above. Future property owners and operators will not be held liable under the Petroleum Storage Tank Regulations for Uptown Chevron, Release ID #3408. However, the Department will request that future property owners and operators provide access to the property for corrective action activities that may need to be undertaken. The Department will communicate with future owners and lease holders in order to minimize the impact of remediation work on their business.

If you have any questions with regards to this information, please contact the project manager, Chris Hamilton at (505) 476-4398 or myself at (505) 476-4385.

Sincerely,



Lorena Goerger
Manager, Remedial Action Program
Petroleum Storage Tank Bureau

LG:CMH:cv

cc: Dana Bahar, Bureau Chief (via email)
Sarah McGrath, Geoscientist Supervisor (via email)
Chris Hamilton, Project Manager (via email)
PSTB Master File Santa Fe