

Ray Montes  
Ground Water Quality Bureau  
1190 St., St. Frances Dr.  
PO Box 26110  
Santa Fe, NM 87505

Ray,

On December 28, 1996 a vehicle hit a gas pump at the store that we lease to the Marrins and knocked it down. The driver of the car told the store operator immediately, and the store operator ran and shut the safety valve off at the above ground tanks. The store operator notified us and we immediately notified the Fire Marshal Mr. John Cherry. Upon removal of the wrecked gas pump which was knocked completely off for inspection, gasoline was noticed in the soil, we then began the process of removing the contaminated soil before it could seep down to the water table. We removed the soil atleast 10ft. X 10ft. and 4 ft. down, we went 2ft. X 2ft. X 1ft. more in order to assure that all the gas was removed from the ground. We then took the dirty soil to a secluded area that we own laying it out no more than 3 inches and raking it weekly for 3 months to assure that it was aired out.

- a. The owner is Tomasita Cordova, General Delivery, Jarales NM  
The people in charge or lessees of the property at the time of the accident are Pete and Carlene Marrin..
- b. The property is called Midway Grocery located at 414A Jarales Rd. Jarales NM
- c. December 28, 1996.
- d. Car ran into gas pump.
- e. Unleaded gasoline fuel.
- f. Approximately 50 gallons
- g. Soil was removed and aerated, with new soil placed at location.

Phillp Cordova  
1923 San Mateo NE  
ABQ, NM 87110  
505/265-5822

**JEFFRIES & RUGGE, P.C.**

Attorneys &amp; Counselors at Law

ERIC SCOTT JEFFRIES \*  
DALE R. RUGGE †  
DAVID RAY ROSALES  
RIPLEY B. HARWOOD  
JOSEPH ARCHULETA

Telephone  
(505) 243-3900

Fax  
(505) 243-8678

Mailing Address  
P.O. Box 27160  
Albuquerque, NM 87125-7160

Of Counsel: C. KRISTINE OSNES

\* Also licensed in Colorado  
† Also licensed in Texas

Email: [nmlaw@nmol.com](mailto:nmlaw@nmol.com)  
WEB Site: [www.nmol.com/users/nmlaw](http://www.nmol.com/users/nmlaw)

Street Address  
300 Central SW, Suite 1000E  
Albuquerque, NM 87102

**ALSO VIA TELEFAX - 827-2965**

August 1, 1997

Ray Montez  
New Mexico Environment Department  
Groundwater Bureau  
P.O. Box 26110  
Santa Fe NM 87501

RE: *Arthur Cordova vs. Christine Sanchez*  
Thirteenth Judicial District Court Cause No.: VA 97-1116 CV

Dear Mr. Montez:

Enclosed as we discussed this morning, please find a copy of Valencia County Fire Marshall's report dated December 28, 1996, and copy of letter from Reggie Chavez to Allstate Insurance dated February 12, 1997. Please call with questions.

Sincerely,



RIPLEY B. HARWOOD

Enclosures



## Valencia County Fire Marshal

JOHN W. CHERRY

P.O.Box 1119 Los Lunas, New Mexico 87031  
Office: (505) 866-2040 • Fax: (505) ~~866-2000~~ • Mobile: (505) 249-2850  
*864-3661*

April 3<sup>rd</sup>, 1997

Pete or Charlene Marrin  
Midway Grocery  
Jarales New Mexico 87023

Dear Marrins,

This office was notified on Dec. 28<sup>th</sup>, 1996 of a accident involving the gas pump at the Midway Grocery on Jarales Rd.

There was no fire at that time,however there was a spillage of approx. 50 gals. of unleaded gasoline.

At a later date of Dec. 30<sup>th</sup>, this office inspected the site for cleanup procedures and inspected the storage tank and piping from the tank to the pump area. During this inspection this office found that the effected soil had been removed and placed at a suitable area for the purpose of aeration . New soil had been placed in the effected area and complied with environmental standards.

The location of the Midway Grocery spill site is ready for the installation of new piping and pumps that meets the Environmental Codes.

Enclosed is a copy of this offices incident report for your records.

Sincerely

John W. Cherry  
Valencia County  
Fire Marshal



# Valencia County Fire Marshal

JOHN W. CHERRY

Office: (505) 866-2040 • Fax: (505) ~~866-2092~~ • Mobile: (505) 249-2850  
864-3661

P.O. Box 1119 Los Lunas, New Mexico 87031

## INCIDENT REPORT

ALARM TIME: 1004 ON SCENE 1051 DATE: 12-28-96

OWNER: Midway Grocery DOB: \_\_\_\_\_  
OCCUPANT: Charalene Marrin DOB: \_\_\_\_\_  
ADDRESS: Jarales Rd. PHONE: 864-8058  
CITY/STATE: Jarales N.Mex.

TYPE OF INCIDENT: FIRE \_\_\_\_\_ BOMB THREAT \_\_\_\_\_ EXPLOSION \_\_\_\_\_  
FIELD FIRE \_\_\_\_\_ OTHER Gasoline Spill  
TYPE OF STRUCTURE: HOUSE \_\_\_\_\_ MOBILE HOME \_\_\_\_\_ VEHICLE \_\_\_\_\_  
BUSINESS X OTHER \_\_\_\_\_

RESPONDING FIRE DEPT.: Fire Marshal Office  
MUTUAL AID DEPT. None  
FIRST IN UNIT FM-1 FIRST IN FIREFIGHTER John W. Cherry

FIRE REPORTED BY: Charalene Marrin PHONE: 864-8058  
ADDRESS: Jarales Rd. CITY/STATE: Jarales N Mex.

COMMENTS: Vehicle ran over a gas pump.  
Gasoline spillage of approx. 50 gals. unleaded gas.  
Contatned spill with soil at hand.  
Removed effected soil from site.

LAW ENFORCEMENT \_\_\_\_\_ OFFICER: \_\_\_\_\_  
INCIDENT UNDER INVESTIGATION \_\_\_\_\_ INCIDENT CLOSED XX  
SIGNED: John W. Cherry DATE: 12-30-96  
FIRE MARSHAL'S OFFICE

OF  
REGGIE C. CHAVEZ

P.O. Box 569  
502 Becker Avenue  
Belen, NM 87002

(505) 864-8756  
FAX (505) 864-8757

February 12, 1997

AllState Insurance Co.  
Attn: Mr. David Delgado

Your Insured - Andrew and Lucy Sanchez  
Policy # 629770954  
My client Arthur D. Cordova

Dear Mr. Delgado,

Please be advised as follows; I represent Arthur D. Cordova, owner and lessor of a gas station known as Midway Grocery/Service Station, located at 414 Jarales Road, Jarales, NM.

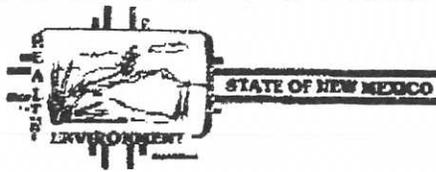
On the morning of December 28, 1996, Ms. Christine Sanchez (daughter of Andrew and Lucy Sanchez of Jarales) knocked down one of the gas pumps at the station with the car she was driving. This car, which belongs to her parents, is insured by AllState. As a result of the accident, gas spilled on the ground all around the area.

According to regulations regarding storage tanks from the New Mexico Environment Department, the Treatment of Highly Contaminated Soils' and Allowed Repairs are strictly regulated. The clean-up also needs to comply with EPA and Fire Department standards.

Mr. Cordova has already expended approximately six thousand two hundred ten dollars (\$6,210.00). In addition D&H Pump Services, Inc., has submitted a bid for eight thousand nine hundred eight-seven dollars (\$8,197.00). The total cost of the repairs to date is estimated at fifteen thousand one hundred ninety-seven dollars (\$15,197.00), a copy of the breakdown is included herein. This, of course, simply represents costs to date and does not include the losses of Pete and Charlene Marrin, the lessee and operators of Midway Grocery/Service Station. It is my understanding that over four hundred fifty (450) gallons of gas were lost. The Marrins continue to suffer loss of business on a daily basis as the pump has still not been restored to working order.

Please be advised that my client will accept the cost of repairs including out-of-pocket expenses and estimate from D&H Pump Services, Inc., at fifteen thousand one hundred ninety-seven dollars (\$15,197.00) as a full and final settlement of the

Ray M.



# MEMORANDUM

DATE: 7-30-97

TO: Ruben Baca

FROM: Dan Lopez

SUBJECT: Midway Grocery, Jarales, N.M.

I visually inspected this location on this date. I found that these tanks are aboveground type tanks.

The piping for these tanks is exposed in the trench and the suction pumps have been removed.

These tanks are housed in a roofless type shed on this property. Tanks are approximately 1,000 Gallon tanks.

Post-it™ Fax Note	7671	Date	7/30	# of pages	1
To	Ruben Baca	From	D Lopez		
Co./Dept.	USTB	Co.	USTB		
Phone #	827-2910	Phone #	841-9185		
Fax #	827-0310	Fax #	881-9465		

SPILL REPORT FORM

NMED Incident # 97-106 District Code 1 County: Valencia

\*Received by: Ray Montes \*Date received: 8-1-97 Time: 2 pm.

Date spill occurred 12-28-96 Time: 10am.

\*Date spill discovered 12-28-96 Time: 10am.

Date spill stopped 12-28-96 Time: 10am

CALLERS NAME Phillip Cordova (son of Arthur Cordova, facility owner) Title \_\_\_\_\_

Address 1923 1919 San Mateo, NE City Albq.

Telephone No. 265-5800 State NM Zip Code 87110

\*SPILLER (RP) Midway Grocery (Carlene Marris, facility operator)

Address 414 A Jarales Rd. City Jarales

Telephone No. 864-8058 State NM Zip Code 87023

\*SPILL LOCATION fuel dispenser on AST  
(such as highways, street names, etc.)

SOURCE/CAUSE Customer (Christine Sanchez) accidentally hit dispenser w/ her car.

Materials Spilled unt. gas Amount ≈ 50 gals.

2) \_\_\_\_\_ Amount \_\_\_\_\_

Weather Conditions — Injuries —

Environmental Damage Contam. soil

Mitigate Actions 16 yds.<sup>3</sup> of contam. soil excavated, replaced

Nearest waterbody affected: w/ clean fill Rio Grande 1 mile away

Depth to Groundwater 5'

\* soil sample to be taken from bottom of excavation at 5' and submitted to lab, as well as water samples from spill location and private well at Midway Grocery. Report pending.

MORE INFO MENU

1) NMED contacts

Offices contacted: SWQB \_\_\_\_\_ GWB \_\_\_\_\_ USTB \_\_\_\_\_ SWB \_\_\_\_\_

District/Field Office \_\_\_\_\_

NPDES PERMIT # \_\_\_\_\_ GROUNDWATER PERMIT # \_\_\_\_\_

2) Other contacts (other agencies)

U.S. Fish & Wildlife \_\_\_\_\_ NM Game & Fish \_\_\_\_\_ USEPA \_\_\_\_\_

Epidemiology \_\_\_\_\_ Downstream Users \_\_\_\_\_

Other \_\_\_\_\_

(Fire Department, Police, City Officials, Indian Pueblos, etc.)

3) Communications & Correspondence (comments) \_\_\_\_\_

4) HWB detail....(nothing in there)

5) SWQB 1-203 Detail

Agency Jurisdiction \_\_\_\_\_

(Private, Municipality, DOE, DOD, Parks etc...has a lookup)

Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

and/or

Township, Range, Section \_\_\_\_\_

very important for future GIS use.

Cleanup started: Yes \_\_\_ No \_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Cleanup completed: Yes \_\_\_ No \_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Comments: \_\_\_\_\_

1-203.A.3. Written report submitted within 1 week? Yes \_\_\_ No \_\_\_

1-203.A.6. Corrective action report submitted within 15 days? Yes \_\_\_ No \_\_\_

Bureau Chief approval? Yes \_\_\_ No \_\_\_ (within 30 days of receipt)

Modified corrective action report required? Yes \_\_\_ No \_\_\_

DATE CLOSED \_\_\_\_\_ / PROGRAM REFERRED & DATE \_\_\_\_\_

Comments: