

GW - 314

**GENERAL
CORRESPONDENCE**

YEAR(S):

2000 - 1999

Price, Wayne

From: Martin, Ed
Sent: Tuesday, August 29, 2000 11:05 AM
To: Price, Wayne; Ford, Jack
Subject: Infab

Denny Foust called this morning and told me that Infab, Inc. has declared bankruptcy. This affects GW - 157 and GW - 314.



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

January 18, 2000

CERTIFIED MAIL
RETURN RECEIPT NO. Z 142 564 926

Mr. Clayton Roberts
InFab Industrial Fabrication
5928 U.S. Highway 64
Farmington, NM 87401

Re: Western Tank Manufacturing facility Discharge Plan (GW-314).
503 E. Cedar Street
Farmington, NM

The New Mexico Oil Conservation Division (NMOCD) is in receipt of InFab's letter dated October 22, 1999 requesting cancellation of the discharge plan application submitted on June 22, 1999. The existing Western Tank Manufacturing facility has been combined with InFab's facility located at 5928 US Highway 64 Farmington, NM which is currently permitted under discharge plan GW-157.

The NMOCD inspected the Western Tank facility on October 05, 1999 and requested soil samples to be taken of the process areas. NMOCD received the analytical results of the soil samples taken with your October 22, 1999 letter. The results of the sampling revealed low levels of total lead ranging from 8.06 mg/kg to 17.6 mg/kg contained in the soil.

Your request to cancel the discharge plan application is hereby approved.

Please be advised that NMOCD approval of this request does not relieve InFab Industrial Fabrication of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD approval does not relieve InFab Industrial Fabrication of responsibility for compliance with any other federal, state, or local laws and/or regulations.

If you have any questions, please contact Wayne Price of my staff at (505-827-7155). On behalf of the staff of the OCD, I wish to thank you and your staff for your cooperation during this discharge plan review.

Sincerely,

Roger Anderson
Environmental Bureau Chief
RCA/lwp
xc: OCD Aztec Office

The Daily Times

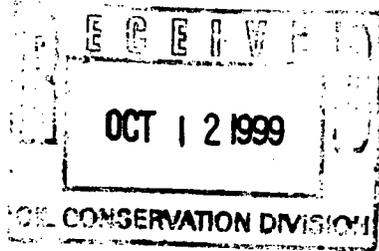
P.O. Box 450 • 201 N. Allen Ave.
 Farmington, New Mexico 87499
 Telephone 505-564-4575 Fax 505-564-4580

CLASSIFIED AD INVOICE

THANK YOU FOR
 YOUR BUSINESS!

NEW MEXICO ENERGY, MINERALS & NATURAL RESOURCES
 OIL CONSERVATION DIVISION
 PO BOX 1948
 SANTA FE, NM 87504

DATE OF INVOICE		SALES PERSON		CUSTOMER NUMBER		DUE DATE		
10/06/99		Melanie Jordan		01100062		10/21/99		
AD#	TEXT	CLASS	START	STOP	RUNS	AMOUNT	PREPAID	DUE
05502496	41764	999	9/24/99	9/24/99	1	81.20	0.00	81.20
05502498	41766	999	9/24/99	9/24/99	1	68.60	0.00	68.60



*OK APPROVED
 BY WAYNE PRICE
 10/22/99*

PLEASE PAY FROM THIS INVOICE

TOTAL DUE

150.80

Return REMITTANCE COPY with payment.

PLEASE MAKE CHECKS PAYABLE TO:

The Daily Times

P.O. Box 450
 Farmington, NM 87499

On 9/30/99 ALETHIA ROTH LISBERGER
 appeared before me, whom I know
 personally to be the person who signed the
 above document.

Christine S. Droy
 My Commission Expires May 3, 2003.

If no public hearing is held, the Director will approve or disapprove the proposed plan based on information available. If a public hearing is held, the director will approve or disapprove the proposed plan and information submitted at the hearing.
 GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 16th day of September, 1999.
 Legal No. 41766, published in The Daily Times, Farmington, New Mexico, Friday, September 24, 1999.

AFFIDAVIT OF PUBLICATION

Ad No. 41766

COPY OF PUBLICATION

STATE OF NEW MEXICO

County of San Juan:

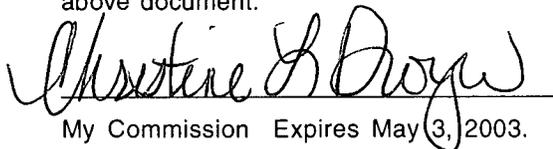
ALETHIA ROTH LISBERGER, being duly sworn says: That she is the Classified Manager of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication on the following day(s):

Friday, September 24, 1999

and the cost of publication is:\$68.60



On 9/30/99 ALETHIA ROTH LISBERGER appeared before me, whom I know personally to be the person who signed the above document.


My Commission Expires May 3, 2003.

918

Legals

NOTICE OF PUBLICATION

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

Notice is hereby given that pursuant to New Mexico Water Quality Control Commission Regulations, the following discharge plan application has been submitted to the Director of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505, Telephone (505) 827-7131:

(GW-314) - Western Tank Manufacturing, Mr. Clayton Roberts, 503 E. Curry Street, Farmington, New Mexico 87401, has submitted a discharge plan application for its Farmington tank manufacturing facility located in Northeast Quarter of the Southwest Quarter of Section 15, Township 29 North, Range 13 West, NMPM, San Juan County, New Mexico. Chemicals, paint and cleaning products and associated wastes generated will be stored in closed top above ground devices prior to usage, or before disposal/ recycling at an OCD approved site. Ground water most likely to be affected in the event of an accidental discharge is at a depth of approximately 10 feet with a total dissolved solids concentration of approximately 350 mg/l. Surface water most likely to be affected in the event of an accidental discharge is the Animas River. The discharge plan addresses how spills, leaks, and other accidental discharges to the surface will be managed to prevent surface and groundwater contamination.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The discharge plan application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday. Prior to ruling on any proposed discharge plan or its modification, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and a public hearing may be requested by any interested person. Requests for a public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines there is significant public interest.

If no public hearing is held, the Director will approve or disapprove the proposed plan based on information available. If a public hearing is held, the director will approve or disapprove the proposed plan and information submitted at the hearing.

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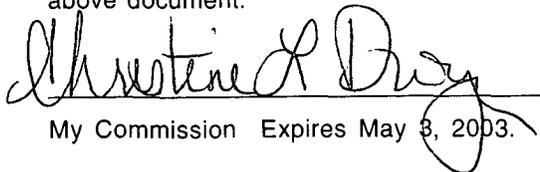
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My Commission Expires May 3, 2003.

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Legal No. 41766, published in The Daily Times, Farmington, New Mexico, Friday, September 24, 1999.

The Santa Fe New Mexican

Since 1849. We Read You.

NM OIL CONSERVATION DIV.

AD NUMBER: 109670 ACCOUNT: 56689
LEGAL NO: 66105 P.O.#: 0019900278
184 LINES 1 time(s) at \$ 81.01
AFFIDAVITS: 5.25
TAX: 5.39
TOTAL: 91.65

NOTICE OF PUBLICATION

STATE OF NEW MEXICO
ENERGY, MINERALS AND
NATURAL RESOURCES
DEPARTMENT

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If no public hearing is held, the Director will approve or disapprove the proposed plan based on information available. If a public hearing is held, the director will approve or disapprove the proposed plan based on information in the plan and information submitted at the hearing.

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on the 16th day of September, 1999.

STATE OF NEW MEXICO
OIL CONSERVATION
DIVISION
LORI WROTENBERY,
DIRECTOR

Legal # 66105
Pub. September 22, 1999

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

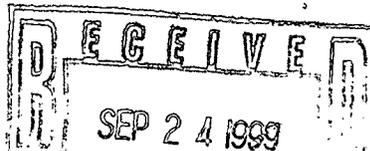
I, PAMELA BEACH being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTE FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a Newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication #66105 a copy of which is hereto attached was published in said newspaper 1 day(s) between 09/22/1999 and 09/22/1999 and that the notice was published in the newspaper proper and not in any supplement; the first publication being on the 22 day of September, 1999 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

151 Pamela Beach
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this
22 day of September A.D., 1999

Notary Laura E. Harding

Commission Expires 11/23/99



APPROVED BY W. P. RIFE
OCD- 10/18/99
[Signature]

ENVIROTECH LABS

PRACTICAL SOLUTIONS FOR A BETTER TOMORROW

Allowable lead

=

December 16, 1998

Mr. John Sonier
Western Tank
503 E. Cedar
Farmington, New Mexico 87401

Project No.: 98105-01

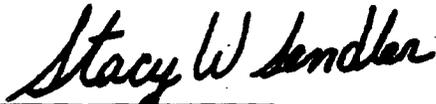
Dear Mr. Sonier,

Enclosed are the analytical results for the samples collected from the location designated as "503 E. Cedar". Five soil samples were collected by Envirotech personnel on 12/03/98, and received by the Envirotech laboratory on 12/03/98 for Total Lead analysis.

The samples were documented on Envirotech Chain of Custody No. 6457 and assigned Laboratory Nos. E270 (East Side), E271 (North Side), E272 (South Side), E273 (Dumpster Area), and E274 (Between AST's) for tracking purposes. The samples were analyzed on 12/11/98 using USEPA or equivalent methods.

Should you have any questions or require additional information, please do not hesitate to contact us at (505) 632-0615. It has been our pleasure doing business with you and we hope you will consider Envirotech, Inc. for any of your future environmental contracting needs.

Respectfully submitted,
Envirotech, Inc.



Stacy W. Sandler
Environmental Scientist/Laboratory Manager

enc.

SWS\sws

98105-01.lb2

TOTAL LEAD ANALYSIS

Client:	Western Tank	Project #:	98105-01
Sample ID:	East Side	Date Reported:	12-11-98
Laboratory Number:	E270	Date Sampled:	12-03-98
Chain of Custody:	6457	Date Received:	12-03-98
Sample Matrix:	Soil	Date Analyzed:	12-11-98
Condition:	Intact	Analysis Needed:	Total Lead

Parameter	Concentration (mg/Kg)	Det. Limit (mg/Kg)
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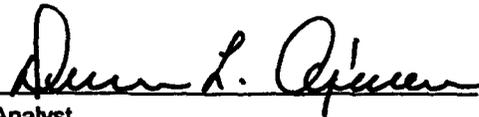
Lead	15.1	0.0025
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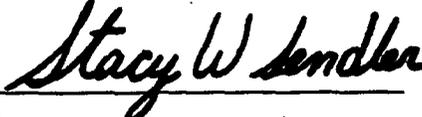
ND - Parameter not detected at the stated detection limit.

References: Method 3050A, Acid Digestion of Sediments, Sludges and Soils for Total Metals, SW-846, USEPA, July 1992.

Method 7421 Analysis of Lead (Atomic Absorption, Furnace Technique) SW-846, USEPA, September 1986.

Comments: 503 E. Cedar. Tank Fab. Area.


Analyst


Review

ENVIROTECH LABS

PRACTICAL SOLUTIONS FOR A BETTER TOMORROW

TOTAL LEAD ANALYSIS

Client:	Western Tank	Project #:	98105-01
Sample ID:	North Side	Date Reported:	12-11-98
Laboratory Number:	E271	Date Sampled:	12-03-98
Chain of Custody:	6457	Date Received:	12-03-98
Sample Matrix:	Soil	Date Analyzed:	12-11-98
Condition:	Intact	Analysis Needed:	Total Lead

Parameter	Concentration (mg/Kg)	Det. Limit (mg/Kg)
Lead	8.06	0.0025

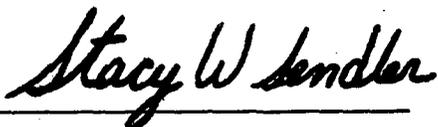
ND - Parameter not detected at the stated detection limit.

References: Method 3050A, Acid Digestion of Sediments, Sludges and Soils for Total Metals, SW-846, USEPA, July 1992.

Method 7421 Analysis of Lead (Atomic Absorption, Furnace Technique) SW-846, USEPA, September 1986.

Comments: 503 E. Cedar. Tank Fab. Area.


Analyst


Review

Client:	Western Tank	Project #:	98105-01
Sample ID:	South Side	Date Reported:	12-11-98
Laboratory Number:	E272	Date Sampled:	12-03-98
Chain of Custody:	6457	Date Received:	12-03-98
Sample Matrix:	Soil	Date Analyzed:	12-11-98
Condition:	Intact	Analysis Needed:	Total Lead

Parameter	Concentration (mg/Kg)	Det. Limit (mg/Kg)
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Lead	17.6	0.0025
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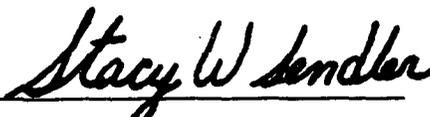
ND - Parameter not detected at the stated detection limit.

References: Method 3050A, Acid Digestion of Sediments, Sludges and Soils for Total Metals, SW-846, USEPA, July 1992.

Method 7421 Analysis of Lead (Atomic Absorption, Furnace Technique) SW-846, USEPA, September 1986.

Comments: 503 E. Cedar. Tank Storage Area.


Analyst


Review

ENVIROTECH LABS

PRACTICAL SOLUTIONS FOR A BETTER TOMORROW

TOTAL LEAD ANALYSIS

Client:	Western Tank	Project #:	98105-01
Sample ID:	Dumpster Area	Date Reported:	12-11-98
Laboratory Number:	E273	Date Sampled:	12-03-98
Chain of Custody:	6457	Date Received:	12-03-98
Sample Matrix:	Soil	Date Analyzed:	12-11-98
Condition:	Intact	Analysis Needed:	Total Lead

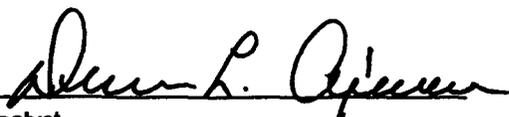
Parameter	Concentration (mg/Kg)	Det. Limit (mg/Kg)
Lead	12.8	0.0025

ND - Parameter not detected at the stated detection limit.

References: Method 3050A, Acid Digestion of Sediments, Sludges and Soils for Total Metals, SW-846, USEPA, July 1992.

Method 7421 Analysis of Lead (Atomic Absorption, Furnace Technique) SW-846, USEPA, September 1986.

Comments: 503 E. Cedar.



Analyst



Review

Client:	Western Tank	Project #:	98105-01
Sample ID:	Between AST's	Date Reported:	12-11-98
Laboratory Number:	E274	Date Sampled:	12-03-98
Chain of Custody:	6457	Date Received:	12-03-98
Sample Matrix:	Soil	Date Analyzed:	12-11-98
Condition:	Intact	Analysis Needed:	Total Lead

Parameter	Concentration (mg/Kg)	Det. Limit (mg/Kg)
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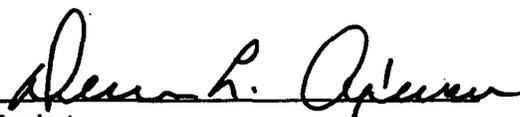
Lead	10.5	0.0025
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ND - Parameter not detected at the stated detection limit.

References: Method 3050A, Acid Digestion of Sediments, Sludges and Soils for Total Metals, SW-846, USEPA, July 1992.

Method 7421 Analysis of Lead (Atomic Absorption, Furnace Technique) SW-846, USEPA, September 1986.

Comments: 503 E. Cedar.


Analyst


Review

ENVIROTECH LABS

PRACTICAL SOLUTIONS FOR A BETTER TOMORROW

Total Lead Analysis Quality Control / Quality Assurance Report

Client:	QA/QC	Project #:	N/A
Sample ID:	12-11-Pb QA/QC	Date Reported:	12-11-98
Laboratory Number:	E245	Date Sampled:	N/A
Sample Matrix:	Soil	Date Received:	N/A
Analysis Requested:	Total Lead	Date Analyzed:	12-11-98
Condition:	N/A	Date Digested:	12-10-98

Lead ND ND 0.0025 29.3 29.3 0.0% 0% - 30%

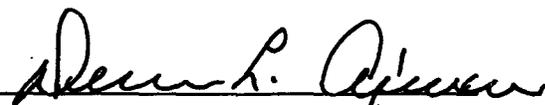
Lead 2.50 29.3 31.8 100% 80% - 120%

ND - Parameter not detected at the stated detection limit.

References: Method 3050B, Acid Digestion of Sediments, Sludges and Soils.
SW-846, USEPA, December 1996.

Methods 7060B, 7081, 7131A, 7191, 7470A, 7421, 7740, 7761 Analysis of Metals by
GFAA and Cold Vapor Techniques, SW-846, USEPA, December 1996.

Comments: QA/QC for samples E245 and E270 - E274.


Analyst


Review

CHAIN OF CUSTODY RECORD

6457

Client / Project Name			Project Location			ANALYSIS / PARAMETERS			
Western Tank			503 E. Cedar						
Sampler: <i>Harold M. Brown</i>			Client No. 98105-01			Remarks			
Sample No./ Identification	Sample Date	Sample Time	Lab Number	Sample Matrix	No. of Containers				
East Side	12.3.98	11:45	E270	Soil	1	TOTAL Pb	TANK FAB. AREA		
North Side	12.3.98	11:50	E271	Soil	1		TANK FAB. AREA		
South Side	12.3.98	11:55	E272	Soil	1		TANK STORAGE AREA		
Dumpster Area	12.3.98	11:58	E273	Soil	1				
Between AST's	12.3.98	12:03	E274	Soil	1				
Relinquished by: (Signature) <i>Harold M. Brown</i>			Date	Time	Received by: (Signature) <i>J. P. Green</i>	Date	Time		
Relinquished by: (Signature)			12.3.98	16:25	Received by: (Signature)	12.3.98	11:25		
Relinquished by: (Signature)			Received by: (Signature)						
ENVIROTECH INC. 5796 U.S. Highway 64 Farmington, New Mexico 87401 (505) 632-0615						Sample Receipt			
						Received Intact	Y	N	N/A
						Received Intact	Y	N	N/A
						Cool - Ice/Blue Ice	Y	N	N/A

Price, Wayne

From: Foust, Denny
Sent: Wednesday, January 19, 2000 7:18 AM
To: Price, Wayne
Subject: WESTERN TANK MANUFACTURING YARD
Importance: High

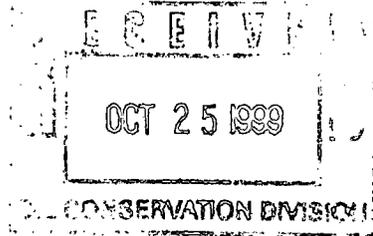
JANUARY 19, 2000

ON OCTOBER 5, 1999, AT THE REQUEST OF CLAYTON ROBERTS I WENT BY THE YARD AT 503 EAST CEDAR ST. FARMINGTON, NM AND DID A WALK THRU AT THE REQUEST OF CLAYTON ROBERTS. DURING PREVIOUS CONVERSATIONS WITH MR. ROBERTS I HAD STRESSED THE NEED FOR TESTING UNDER THE SADDLE FUEL TANKS, THEY DID THIS BY DIGGING AND EVALUATING VISUALLY AND BY SMELL. NO APPARENT CONTAMINATION. THE SOUTH SIDE OF THE MAIN BLDG HAD BEEN USED AS A LUBE OIL, CUTTING OIL, ETC BARREL STORAGE, NO SIGNIFICANT SURFACE CONTAMINATION WAS VISIBLE. A PAINT SHACK WAS LOCATED ON THE FAR SOUTHWEST CORNER OF THE PROPERTY, NO PROBLEMS WERE APPARENT IN THIS AREA.

5928 U.S. Highway 64
Farmington, NM 87401



Office: (505)632-2200
Fax: (505)632-8070



October 22, 1999

New Mexico Energy, Minerals
& Natural Resources Department
Oil Conservation Division
2040 South Pacheco Street
Santa Fe, New Mexico 87505

Ref: Western Tank Manufacturing facility
Discharge Plan:

Attn: Mr. Roger Anderson

As of September 29, 1999 the Western Tank Manufacturing operation at 503 E. Cedar street in Farmington, New Mexico was closed. We are requesting in writing, that our discharge plan for that facility be terminated as of the above date.

We are also enclosing a copy of an soil analytical results that was preformed by Envirotech Labs on 12-03-98 for total lead analysis.

If you have any questions please feel free to contact Clayton Roberts at (505) 632-2200.

Thank You

A handwritten signature in cursive script that reads "Clayton Roberts".

Clayton Roberts
Quality Control Manager

XC: OCD Aztec Office

attachments - 1



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

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ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

Notice is hereby given that pursuant to New Mexico Water Quality Control Commission Regulations, the following discharge plan application has been submitted to the Director of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505, Telephone (505) 827-7131:

(GW-314) - Western Tank Manufacturing, Mr. Clayton Roberts, 503 E. Curry Street, Farmington, New Mexico 87401, has submitted a discharge plan application for its Farmington tank manufacturing facility located in Northeast Quarter of the Southwest Quarter of Section 15, Township 29 North, Range 13 West, NMPM, San Juan County, New Mexico. Chemicals, paint and cleaning products and associated wastes generated will be stored in closed top above ground storage devices prior to usage, or before disposal/ recycling at an OCD approved site. Ground water most likely to be affected in the event of an accidental discharge is at a depth of approximately 10 feet with a total dissolved solids concentration of approximately 350 mg/l. Surface water most likely to be affected in the event of an accidental discharge is the Animas River. The discharge plan addresses how spills, leaks, and other accidental discharges to the surface will be managed to prevent surface and groundwater contamination.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The discharge plan application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday. Prior to ruling on any proposed discharge plan or its modification, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and a public hearing may be requested by any interested person. Requests for a public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines there is significant public interest.

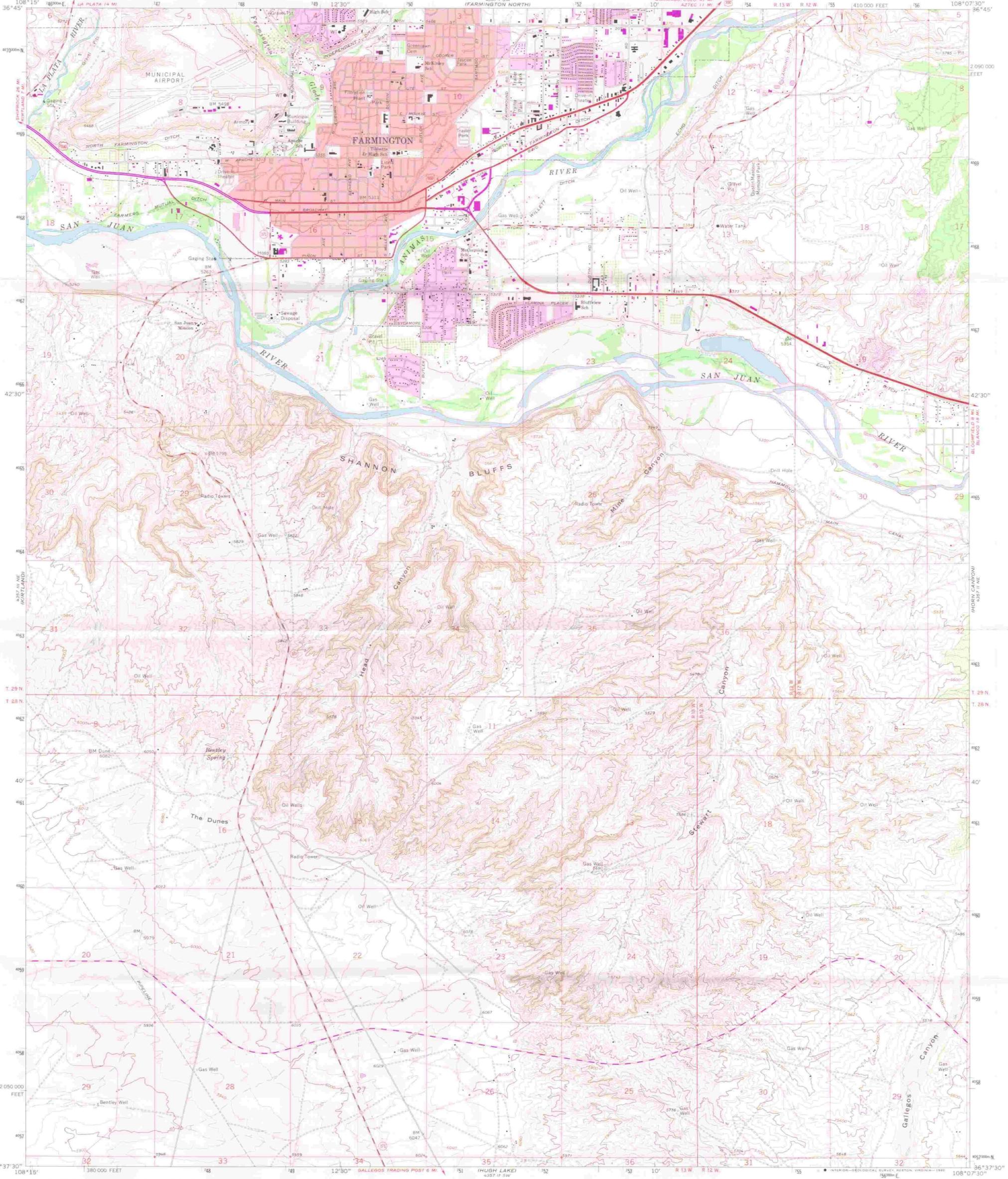
If no public hearing is held, the Director will approve or disapprove the proposed plan based on information available. If a public hearing is held, the director will approve or disapprove the proposed plan based on information in the plan and information submitted at the hearing.

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 16th day of September, 1999.

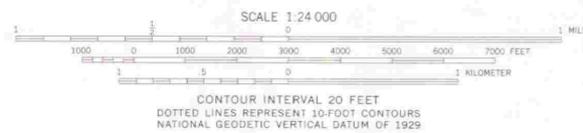
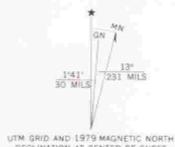
STATE OF NEW MEXICO
OIL CONSERVATION DIVISION


LORI WROTENBERY, Director

SEAL



Mapped, edited, and published by the Geological Survey
Control by USGS, NOS/NOAA, and U. S. Bureau of Reclamation
Topography by photogrammetric methods from aerial
photographs taken 1964 and by planetable surveys of the
Bureau of Reclamation 1965. Field checked by USGS 1965
Polyconic projection. 1927 North American datum
10,000-foot grid based on New Mexico coordinate system,
west zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue
Red tint indicates areas in which only landmark buildings are shown
Fine red dashed lines indicate selected fence lines
Revisions shown in purple compiled from aerial photographs
taken 1978 and other source data. This information not
field checked. Map edited 1979
Purple tint indicates extension of urban areas
To place on the predicted North American Datum 1983
move the projection lines 2 meters north and
56 meters east as shown by dashed corner ticks



ROAD CLASSIFICATION

Heavy-duty	Light duty
Medium-duty	Unimproved dirt
U. S. Route	State Route

FARMINGTON SOUTH, N. MEX.
N3637.5—W10807.5/7.5
1965
PHOTOREVISED 1979
DMA 4357 II NW—SERIES Y881

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ACKNOWLEDGEMENT OF RECEIPT
OF CHECK/CASH

I hereby acknowledge receipt of check No. [REDACTED] dated 6-22-99

or cash received on _____ in the amount of \$ 50.00

from WESTERN - InFab

for Farmington Facility GW-314

Submitted by: WAYNE PRICE Date: 8/6/99

Submitted to ASD by: R. Cluder Date: 8/6/99

Received in ASD by: _____ Date: _____

Filing Fee NEW New Facility _____ Renewal _____

Modification _____ Other _____

Organization Code 521.07 Applicable FY 99

To be deposited in the Water Quality Management Fund.

Full Payment _____ or Annual Increment _____



INDUSTRIAL FABRICATION

8828 U.S. HIGHWAY 64 FARMINGTON, NM 87401 PH. 505-832-2200

NATIONSBANK, N.A.
95-32-1070

CHECK DATE	CONTROL NO.	CHECK AMOUNT
06/22/99	15226	*****50.00

***** FIFTY & 00/100 DOLLAR

PAY
TO THE
ORDER
OF

NMED WATER QUALITY MGMT
2040 S PACHECO ST

SANTA FE NM 87505

[Handwritten signature]

GW-314



INFAB

CONTROL # 150



OUR REF. NO.	YOUR INV. NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
	0052199	06/21/99	50.00	50.00	0.00	50.00
					66314	
NNE600	TOTALS	06/22/99	50.00	50.00	0.00	50.00

Discharge Plan Application for Service Companies,
Gas Plants, Refineries, Compressor, and Crude Oil Pump Stations

This is a new application. No previous plan exists.

1. Type: Oil Field Service Company; Tank Manufacturing
2. Operator: Spurgin Curry Industries LLC, DBA Western Tank Manufacturing
Address: 503 E. Cedar St.
Farmington, NM 87401

Contact Persons:

1. Clayton Roberts, Safety and Environmental Coordinator
Office phone (505) 632-2200
Phone at Western Tank Manufacturing (505) 325-2804
Home phone (505) 325-3078
2. Carol Cannon, Plant Manager (505) 325-2804
3. Mike Lewis, General Manager (505) 632-2200

3. Location

Western Tank Manufacturing is located in the NE 1/4 of the SW 1/4 of section 15, township 29, range 13. It includes two parcels of land. A detailed legal description as well as a plat drawing is enclosed. See Appendix A.

4. Land Owner

This property is a rented facility. The landowner has an office in the building, but is generally not there. The landowner's name, home address and telephone are as follows:

Ray Padilla
446 CR 3000
Aztec, NM 87410
(505) 334-2345

The owner of Western Tank Manufacturing wishes to be notified of violations which may result in fines, a shut down, or other repercussions that may endanger the ability of the company to continue doing business, or in the event of major emergencies. His home address and telephone are:

Bruce Curry
18 Cumberland Circle
El Paso, TX 79903
Home Phone (915) 566-2567

5. A drawing of the subject property is attached, including the location of tanks, barrels, pits, work areas, paint areas, the dike along the river, fences, and storage areas. See Appendix B. As shown on the drawing, the property is fenced on three sides with a berm on the riverside. The close proximity of the river has been addressed with a berm and a yard clean up plan. The berm is constructed of heavy, low permeability soil. The height of the berm is 1 1/2 to 2 feet in height and 2 1/2 to 3 feet across. An additional six feet of level land exists on the river side of the berm, before the bank drops off. No future improvements to the property are planned at this time.

The tanks on this location are as follows:

Two 500 gallon above ground saddle tanks (AST) for diesel and gasoline located along the northern edge of the property. Secondary containment for these tanks are two welded steel pans measuring 6 feet by 7 feet by 6 inches each. The pans are approximately 3 feet from the fence, and another 5 feet exists between the fence and the street.

A 1000-gallon AST used motor oil tank is located near the southwest corner of the property. The tank is set up from its' containment pan approximately 6 inches using steel skids. Secondary containment for this tank is a welded steel pan measuring 8 feet by 8 feet by 1 foot.

The only pit is a crawl area for workers at the stack pack to crawl through to enter tanks from the bottom. This pit is approximately 3 feet deep and covered with 3/8-inch steel plate and a 3/8-inch steel hatch door for workers to enter. The crawl space is T shaped. The depth averages 32 inches. The width is 4 feet. The longest portion of the pit is 18feet and the leg is 13 feet. Grading covers the long section to allow for fresh air exchange. A drawing is enclosed to show the specific location of these dimensions. See Appendix C.

6. Materials Stored At the Facility

Type	General Makeup Or Specific Brand Name	Liquid or Solid	Container Type	Estimated Volume	Location
1. Drilling Fluids	None				
2. Brines	None				
3. Acids/ Caustics	None				
4. Detergents/ Soaps	None				
5. Solvents & Degreasers	Xylene	Liquid	55 gallon drum	110 gallons	Outside the paint shop in a welded steel pan
	Safety Kleen Parts Washer	Liquid	parts washer/bath	10 gallons	Inside the tool room
6. Paraffin Treatment/ Emulsion Breakers	None				
7. Biocides	None				
8. Others	Motor Oil,	Liquid	55 gallon drum	40 gallons	Behind the paint shop.
	Hydraulic Oil,	Liquid	55 gallon drum	20 gallons	Behind the paint shop.
	Tractor hydraulic Fluid,	Liquid	55 gallon drum	20 gallons	Behind the paint shop.
	Ethylene Glycol Antifreeze	Liquid	55 gallon drum	10 gallons	Behind the paint shop.

7. Effluent and Waste Solids

Waste Type And General Composition		Volume/ Month	Major Additives
1. Truck Wastes or Hydro test water		None	
2. Truck, tank, and drum washing		None	
3. Steam cleaning of parts		None	
4. Solvent/ Degreaser Use	Safety Kleen Parts Cleaner	One Gallon/Mo.	Petroleum Hydrocarbons Metal shavings from worn parts
5. Spent Acids, Caustics, or Completion Fluids		None	
6. Waste Shop Oil	Pipe Threading Oil	None	
7. Waste Lubrication and Motor Oil	Motor Oil From Forklifts And Crane	10 Gallons	
8. Oil Filters	From Forklifts And Crane	58	
9. Solids and sludge from tanks		None	
10. Painting Waste	Xylene paint thinner	55 to 110 gallons/mo.	Oil based paints
11. Sewage		None	
12. Other waste liquids		None	
13. Other waste solids	Oil Spotted Soils	55 gallon drum	

8. Summary Description of Existing Liquid and Solid Waste Collection and Disposal

Waste Type	Tank or Drum	Floor Drain Or Sump	Pits	On Site Injection Well	Leach Field	Offsite Disposal
1. Truck wastes		None	None	None	None	
2. Truck, tank, and drum washing		None	None	None	None	
3. Steam cleaning		None	None	None	None	
4. Solvent/Degreaser	Parts washing table/bath	None	None	None	None	Safety Kleen
5. Spent Acids, caustics, or completion fluids		None	None	None	None	
6. Waste slop oil		None	None	None	None	
7. Waste lubrication and motor oils	Tank	None	None	None	None	Safety Kleen
8. Oil filters	Dumpster	None	None	None	None	WMI landfill
9. Solids and Sludge	None	None	None	None	None	
10. Paint waste	Drum	None	None	None	None	Perma Fix
11. Sewage No floor drains		None	None	None	None	
12. Other waste liquids		None	None	None	None	
13. Other waste solids	Drum	None	None	None	None	Perma Fix Or Envirotech

9. Proposed Modifications

None

10. Routine Inspection and Maintenance Plan

At Western Tank Manufacturing, a weekly yard clean up has been implemented. The crew takes time to clean up any soil from the ground that has drips from equipment leaks and puts the soil into empty barrels. Fertilizer is raked into smaller spots. Checks are made to insure that all covers are on containers on clean up days, and the crew has had training stressing the importance of keeping the yard clean and all liquids contained and covered. At the time of yard clean up, any potential leaks in containers are reported and corrected.

Used Xylene is filtered and re-used in primer coats on the tanks. Perma-Fix stops by on a monthly basis to pick up any paint waste that can no longer be used. They also look at any other waste streams and supply Western Tank Manufacturing with empty barrels and labels as needed. Both Perma-Fix and Enviortech have run tests on the oil soaked soil and found it within limits for land farming. One of these licensed facilities picks it up at least monthly.

Empty barrels are stored on their side with the bungs horizontal on the west end of the paint shop. The used motor oil is hauled away by Safety Kleen. Due to the small volume that is generated, this is done about every two years and the tank never gets past half full. Consideration has been made for finding a smaller storage system.

All tanks and drums have containment pans under them and are checked during weekly yard clean up. Extra effort has been implemented on the part of the maintenance personnel to stop fluid leaks from equipment. Paint is stored inside a steel welded building, which offers containment by itself, and the steel building is inside of the paint shop.

11. Contingency Plan for reporting and clean up of spills or releases

All spills at the site must be reported to the plant manager and the environmental coordinator immediately. If the spill is over five gallons, Denny Foust at the Aztec OCD office will be notified.

Spills will be cleaned up by creating earthen berms with the soil at the site, then by shoveling contaminated soil into barrels for disposal. Because of the small quantity of liquids stored at the site as well as the existing containment, clean up can be implemented swiftly and efficiently.

Should the spill be gasoline, the crew will need to take precautions such as a fire watch, to insure the safety of the personnel involved in a clean up. With a gasoline spill of over five gallons, the fire department will also be notified.

12. Geological/ hydrological information for the facility

Attached is a topographic map of the area including and surrounding Western Tank Manufacturing Appendix D. The ground water under the facility will vary in depth, depending upon the amount of moisture in the soil. The level and quality is fairly well expressed by the river. At the time of this report, the distance measured from the riverbank to the water level was ten feet. For future reference, this depth should be noted as the measurement during a very dry spring season.

Total Dissolved Solids (TDS), as tested by the City of Farmington upstream from Western Tank Manufacturing in April 1999 ranged from 318.5 mg/l to 325.5 mg/l. According to Judy Bird of the city lab, over the course of the year TDS is generally between 325 and 350 in the Animas River at their test site and much higher downstream from the sewer plant. Western Tank Manufacturing is between the test site and the sewer plant.

13. Facility Closure Plan

Should the facility be closed, sold or operations are changed in any significant way, OCD will be notified within 30 days.

14. Certification

I hereby certify that the information submitted with this application is true and correct to the best of my knowledge and belief.

NAME: M. Clayton Roberts

TITLE: Acting Safety and Environmental Coordinator

Signature:

M Clayton Roberts

Date:

6-22-99

APPENDIX A

LEGAL DESCRIPTION

PLAT DRAWING

APPENDIX A

QUAD 2
Q3-2

EAST CEDAR

STREET

80'
391-245
JONES,
LAVERNE H
1270/897
#28969
310'

400'
369-245
WESTERN MANUFACTURING
& SUPPLY CO, INC
718/438
#31374

85'
343-245
WESTERN
MANUFACTURING
SUPPLY CO.
1111/24
#22862

70'
15'
338-245
STEINER
CORP.
1233/700
#28566
311'
Z 292'

184'
321-245
STEINER CORPORATION
594/205
#20196

350'
305-242
STEINER
CORPORATION
1179/628
#22864

296-
TRIP
WILL
ET A
1223
#306

(SEE NOTE 4)

(SEE NOTE 4)

A N I M A S

R I V E R

334-207
BRIMHALL, LEROY
1033/389
#21210

N 72°20'30"
100.75

1999 S A N J U A N C O U N T Y P R O P E R T Y D E S C R I P T I O N
 NEW TAX ID. 31374 School District 5IN Tax Year 99 Total Tax _____

PROPERTY DESCRIPTION	BLOCK/SECT TOWNSHIP RANGE		
Line 1 BEG AT A PT S 40 FT & W	—	—	0
Line 2 740 FT FROM NE COR OF	—	—	0
Line 3 SW1/4	15	29	13
Line 4 W 500 FT; S TO CENTER OF	—	—	0
Line 5 ANIMAS RIVER; ELY ALONG	—	—	0
Line 6 CENTER OF RIVER TO PT S OF	—	—	0
Line 7 PT OF BEG; N TO BEG.	—	—	0
Line 8 APPROX 400X500 FT	—	—	0
Line 9 LESS THE E 100 FT IN	—	—	0
Line 10 B.669 P.448 B.718 P.438	—	—	0
Line 11 _____	—	—	—
Line 12 _____	—	—	—
Line 13 _____	—	—	—
Line 14 _____	—	—	—
Line 15 _____	—	—	—

Press RETURN to continue -->

1999 S A N J U A N C O U N T Y P R O P E R T Y D E S C R I P T I O N
 NEW TAX ID. 22862 School District 5IN Tax Year 99 Total Tax _____

PROPERTY DESCRIPTION	BLOCK/SECT	TOWNSHIP	RANGE
Line 1 THE W 85 FT OF THE E 100	---	---	---
Line 2 FT OF THE FOLLOW BEG 40 FT	---	---	---
Line 3 S AND 740 FT W	---	---	---
Line 4 FROM NE COR SW1/4	15	29	13
Line 5 W 500 FT, S TO CENTER OF	---	---	---
Line 6 ANIMAS RIVER, ELY ALONG	---	---	---
Line 7 CENTER OF RIVER TO PT S OF	---	---	---
Line 8 PT OF BEG. N TO BEG.	---	---	---
Line 9 B.1111 P.24	---	---	---
Line 10 _____	---	---	---
Line 11 _____	---	---	---
Line 12 _____	---	---	---
Line 13 _____	---	---	---
Line 14 _____	---	---	---
Line 15 _____	---	---	---

Press RETURN to continue -->

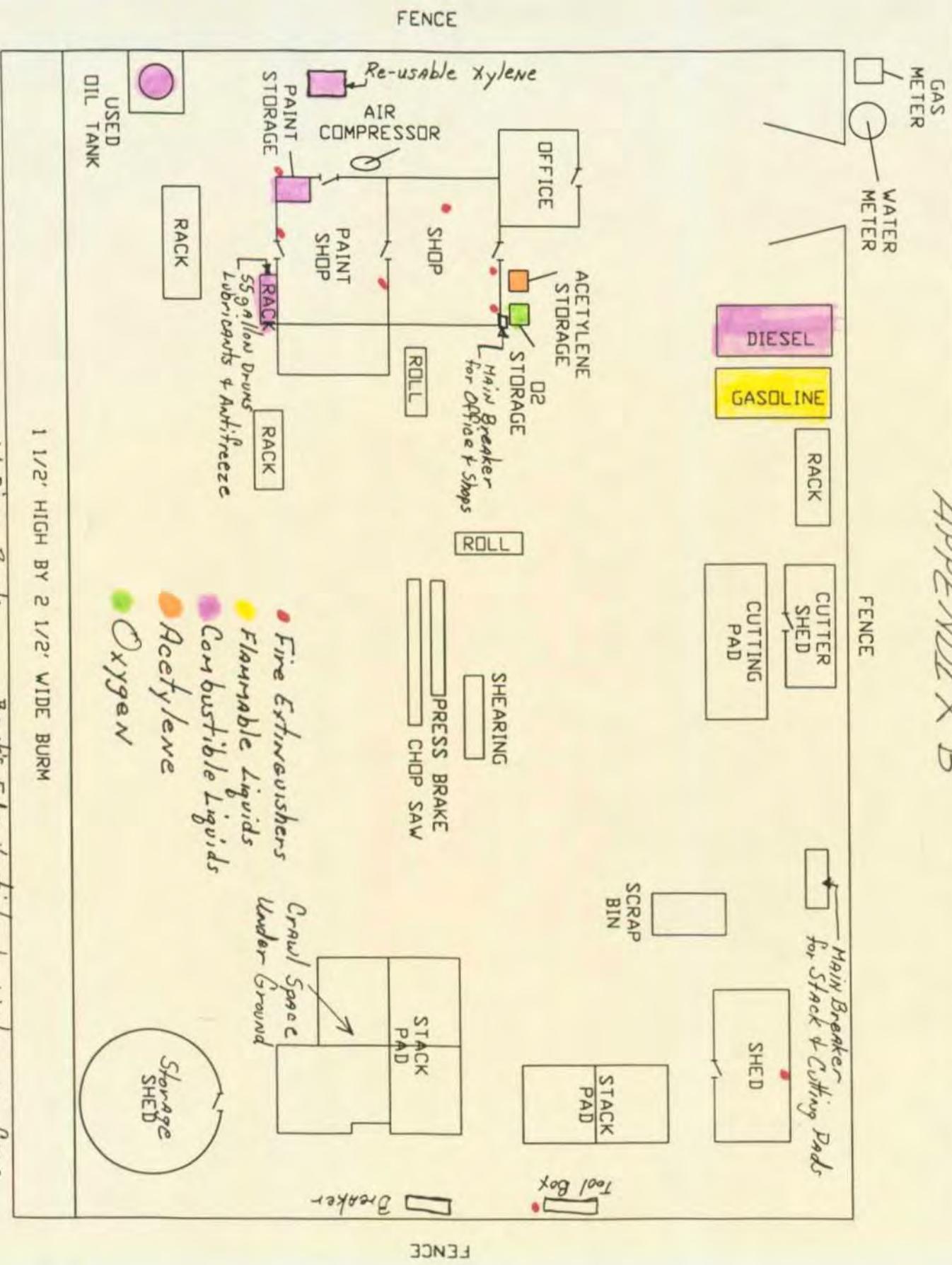
APPENDIX B

PLANT DRAWING

LOCATION OF AREAS OF CONCERN

East Cedar

APPENDIX B



Animas River

1 1/2' HIGH BY 2 1/2' WIDE BURM

6' River Bank

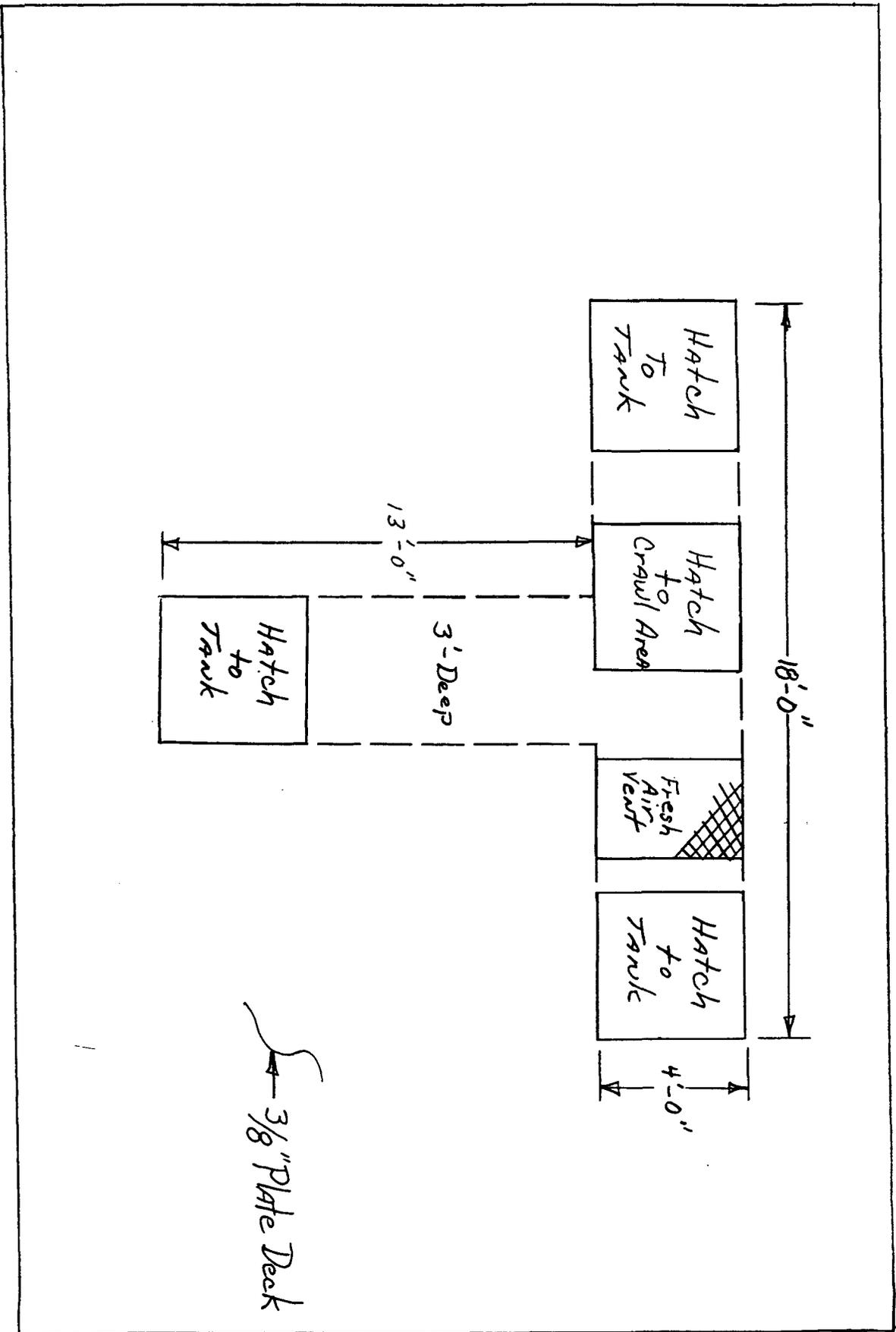
Bank's Edge Vertical to Water surface

MAY 1999 (Dry Year) = 10 FT

APPENDIX C

CRAWL SPACE

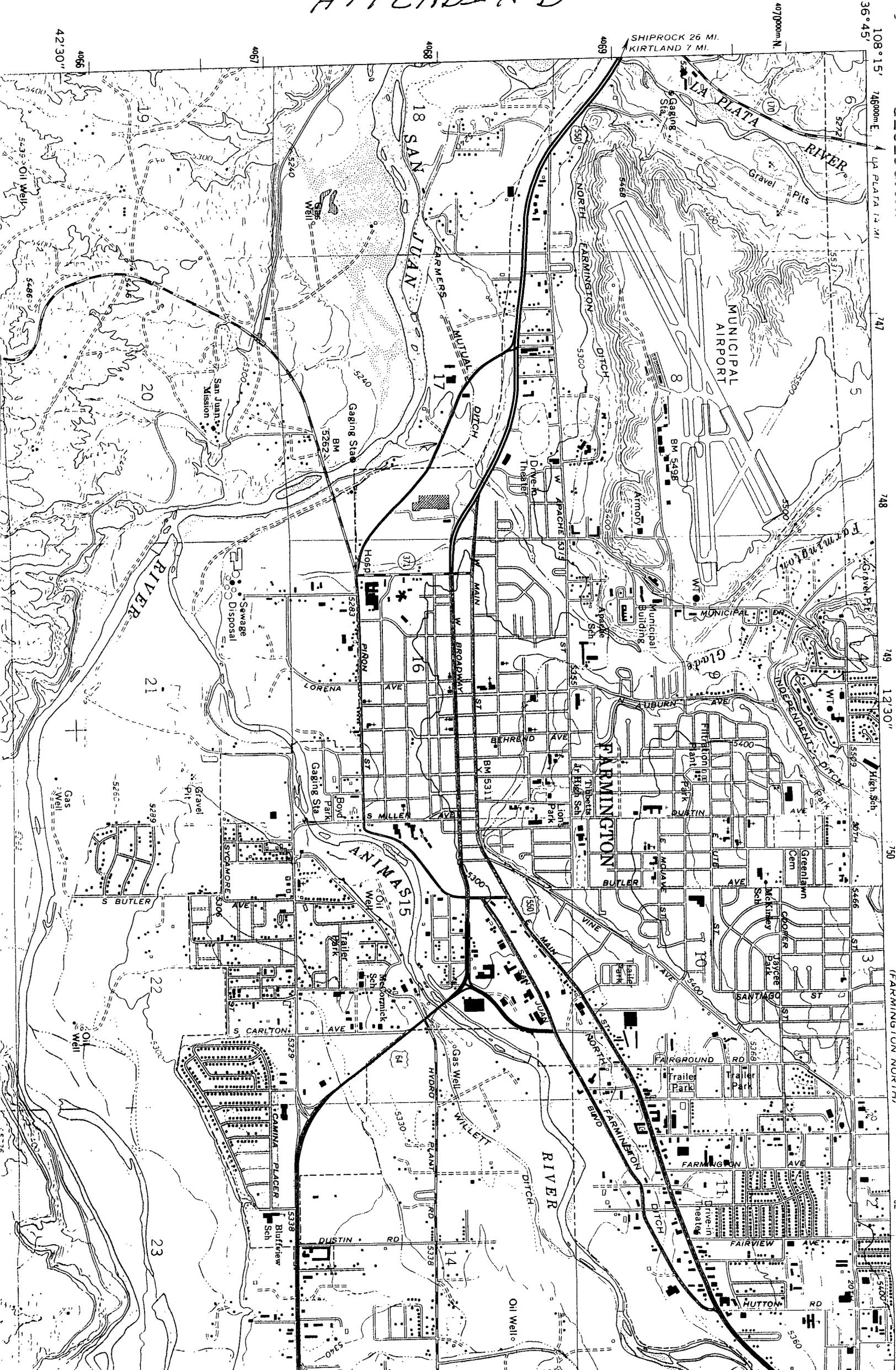
STACK PACK



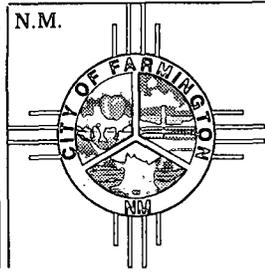
Large Stack Pad
 Crawl Area
 Appendix C

APPENDIX D
TOPOGRAPHIC MAP

APPENDIX D



UTAH COLO.
ARIZ. N.M.



CITY OF FARMINGTON

800 Municipal Drive
Farmington, NM 87401-2663
e-mail: mayor@cyberport.com
(505) 599-1100
Fax (505) 599-1113

March 11, 1999

Mr. Roger Anderson
Bureau Chief
Oil Conservation Division
2040 S. Pacheco St.
Santa Fe, NM 87505

Dear Mr. Anderson:

After receiving a complaint from a nearby resident, the Farmington City Attorney, Jay Burnham, conducted an investigation into the operations of Western Tank Manufacturing, located at 503 E. Cedar, here in Farmington.

At our March 2, 1999, City Council meeting, Mr. Burnham reported to us that he had not found sufficient evidence of specific city code violations to pursue any action directly against Western Tank on behalf of the City. He did report, however, that he had obtained information that New Mexico Oil Conservation Division employees conducted an inspection at the site and did find contaminated soil to be present. This is of particular concern because the property is located immediately adjacent to the Animas River. A copy of the November 30, 1998, report documenting this inspection is enclosed.

The Council directed me to write letters to all agencies dealing with environmental hazards notifying them of this problem. Our request is that you, to the extent of your jurisdiction, investigate and take proper action to ensure that any contamination is contained and remediated. I would also request that you keep me informed, to the extent you are allowed by law, as to the progress of any investigation or enforcement action. As the City is very involved in the beautification and preservation of the Animas River as it flows through Farmington, and in the interest of the public in general, we hope that any contamination will be properly remediated.

Thank you for your help and consideration.

Sincerely yours,

William E. Standley
Mayor

cc: City Council
Dan Dible, City Manager
Jay Burnham, City Attorney
Mary Banks, City Clerk
Herb Tiley, 500 E. Cedar St.

OFFICE OF THE MAYOR

Foust, Denny

To: Anderson, Roger; Price, Wayne
Subject: WESTERN TANK MANUFACTURING, 503 E. CEDAR, FARMINGTON, NM

NOVEMBER 30, 1998

BRUCE CURRY AND JOHN SONNIER OF WESTERN TANK MANUFACTURING PRESENT--OPERATION IS A DIVISION OF "SPURGIN-CURRY LLC"

DENNY FOUST AND CHARLIE PERRIN PRESENT FROM NMOCD

COMPLAINTS FROM THE PUBLIC INVOLVING NOISE, FUMES AND DUST LED TO THIS INSPECTION. CHECKING WITH ROGER POLISAR LOCAL AIR QUALITY INSPECTOR REVEALED THERE IS AN EXISTING AIR QUALITY PERMIT FROM NMED.

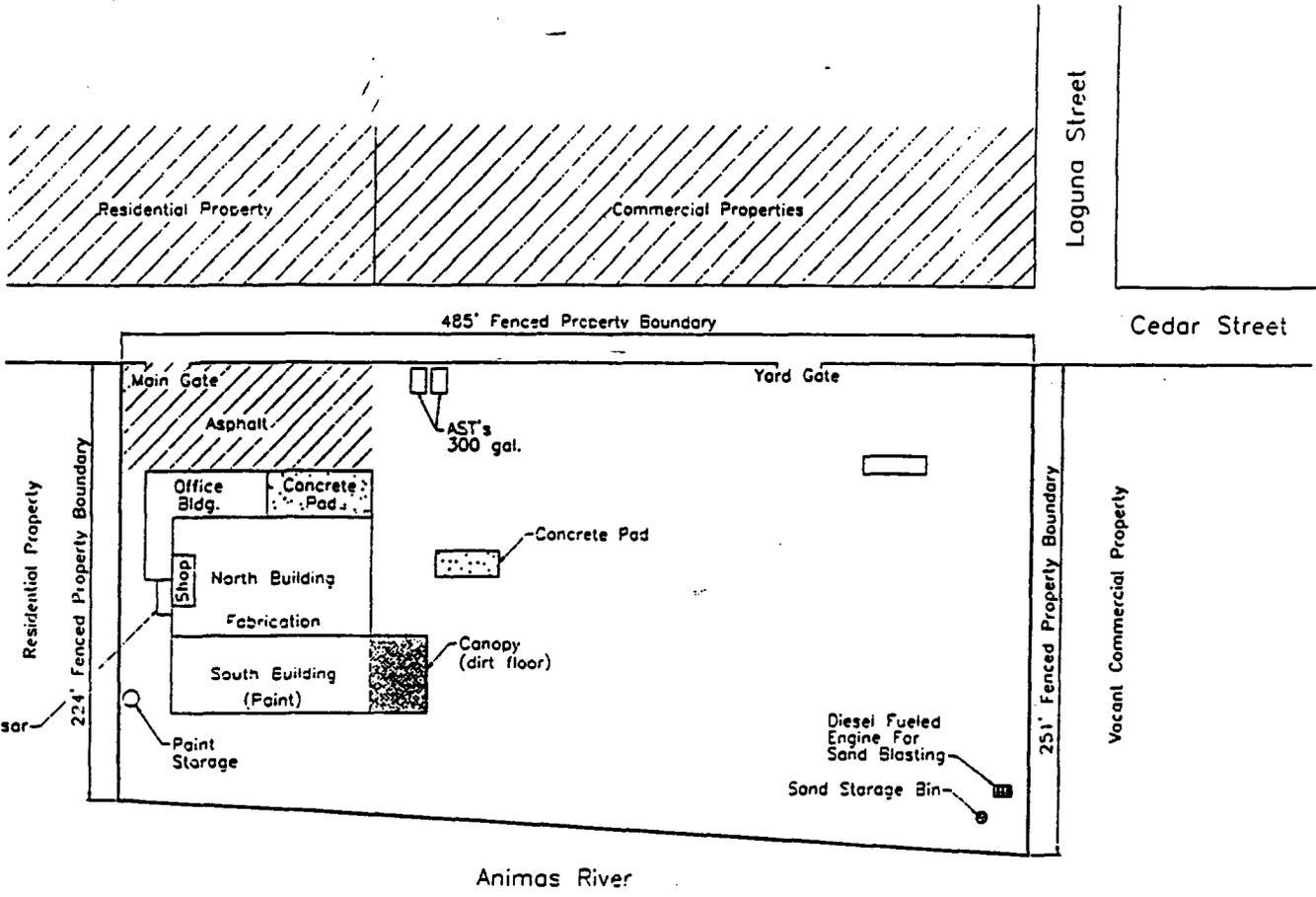
THE ANIMAS RIVER IS ALONG THE SOUTH BOUNDARY OF THE PROPERTY. OPERATIONS HAVE NOT CHANGED SIGNIFICANTLY AT THE SITE IN EXCESS OF 20 YEARS. TYPICALLY IT WAS SAND BLASTING, PAINTING AND EPOXY COATING DURING FABRICATING OF NEW TANKS AND RE-CONDITIONING OLD TANKS.

PRIMARY CONCERN IS THE ELIMINATION OF A DRAINAGE BARRIER TO THE ANIMAS RIVER SINCE THE ORIGINAL INSPECTION IN DECEMBER 1992. HAVE DIRECTED OPERATER TO STOP DRAINAGE DIRECTLY TO THE RIVER AND BUILD A MINIMUM 18" BERM.

NEED CONTAINMENT TO STORE CONTAMINATED SOIL. NEED CONTAINMENT FOR WASTE OIL STORAGE, NEED BETTER LABELING OF BARRELS.

OPERATOR NEEDS TO CHECK ON SAFETY CLEAN SOLVENT IN USE, MSDS AVAILABLE INCONCLUSIVE. SAND BLASTING EQUIPMENT NOT IN USE DUE TO AIR QUALITY PERMIT SHOULD BE SEALED OR MOVED OFF THE PROPERTY.

EXPLAINED REGULATORY LIABILITY FOR EXISTING CONTAMINATION. RECEIVED FAVORABLE RESPONSE FROM MR. CURRY, HE WILL BE CONTACTING A CONSULTANT TO HELP WITH COMPLIANCE. IN GENERAL HOUSE KEEPING NEEDS TO BE IMPROVED, FOLLOW UP INSPECTIONS HAVE BEEN REQUESTED BY WESTERN MANUFACTURING.



Scale: 1 in. = 100 ft.



Drawn by	Date	Checked by	Date
LPH	7/2/96	JSF	8/8/96

Site Map

Air Quality Permit Application
 Western Tank Manufacturing
 503 E. Cedar Street
 Farmington, New Mexico

Project No.
962102

Figure No.

2

Foust, Denny

To: Anderson, Roger; Price, Wayne
Subject: WESTERN TANK MANUFACTURING, 503 E. CEDAR, FARMINGTON, NM

NOVEMBER 30, 1998

BRUCE CURRY AND JOHN SONNIER OF WESTERN TANK MANUFACTURING PRESENT--OPERATION IS A DIVISION OF "SPURGIN-CURRY LLC"

DENNY FOUST AND CHARLIE PERRIN PRESENT FROM NMOCD

COMPLAINTS FROM THE PUBLIC INVOLVING NOISE, FUMES AND DUST LED TO THIS INSPECTION. CHECKING WITH ROGER POLISAR LOCAL AIR QUALITY INSPECTOR REVEALED THERE IS AN EXISTING AIR QUALITY PERMIT FROM NMED.

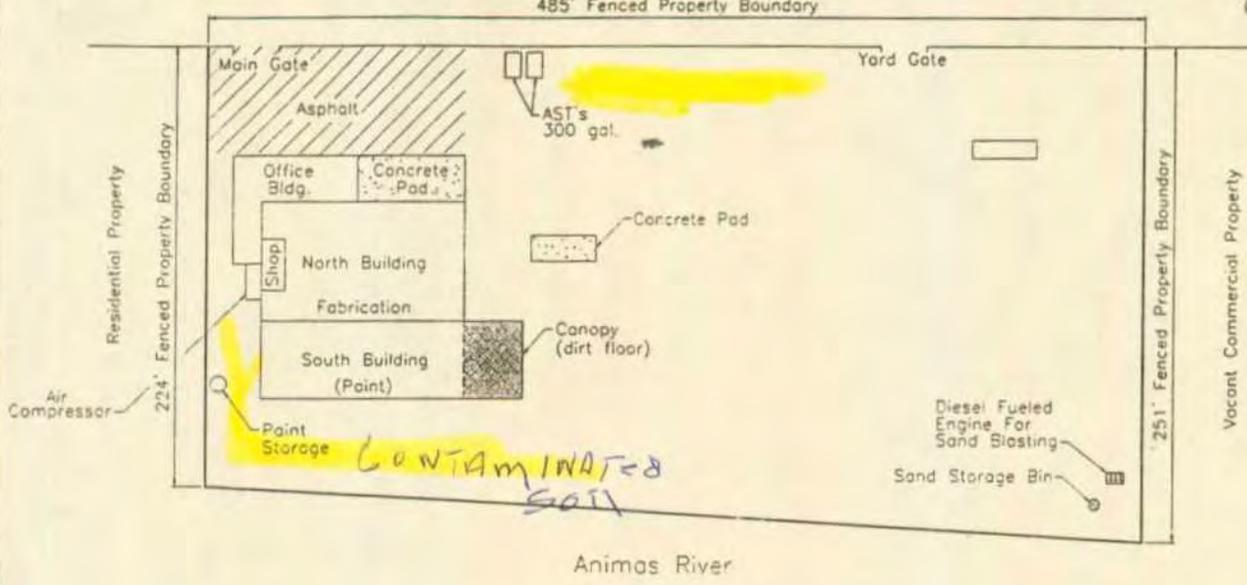
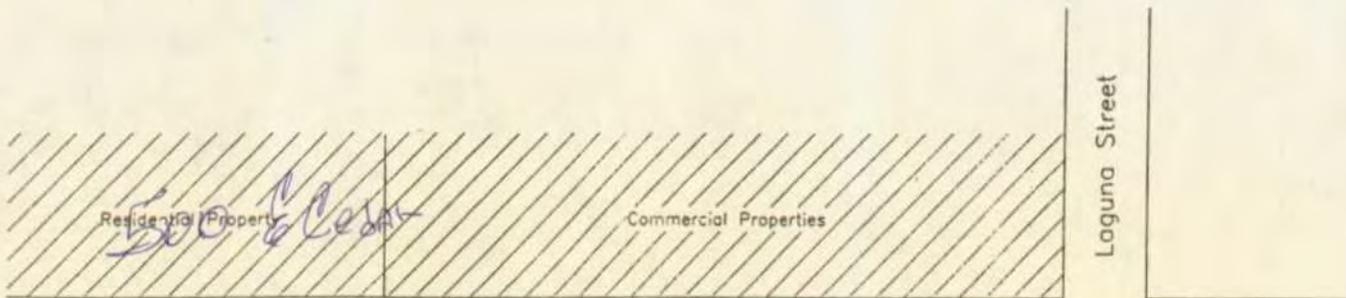
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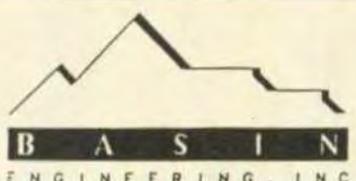
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OPERATOR NEEDS TO CHECK ON SAFETY CLEAN SOLVENT IN USE, MSDS AVAILABLE INCONCLUSIVE. SAND BLASTING EQUIPMENT NOT IN USE DUE TO AIR QUALITY PERMIT SHOULD BE SEALED OR MOVED OFF THE PROPERTY.

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Scale: 1 in. = 100 ft.



Drawn by LPH	Date 7/2/96	Checked by JSF	Date 8/8/96
-----------------	----------------	-------------------	----------------

Site Map
 Air Quality Permit Application
 Western Tank Manufacturing
 503 E. Cedar Street
 Farmington, New Mexico

Project No
962102

Figure No
2

Mr. and Mrs. Herb Tiley
500 E. Cedar
Farmington, NM 87401
(505) 325-6160

March 3, 1999

Mr. Jay Burnham:

This letter is in reference to Western Tank Manufacturing, 503 E. Cedar, Farmington, NM. We are going to try and cover some of the topics from previous meetings starting October 28, 1998, when you, Mr. Peterman, myself and Betty were present. Zoning, over spray, noise, fire hazard, dust, off street parking, occupancy.

The reason I canceled the last meeting March 2, 1999 was because we feel like we have not accomplished anything in 4 meetings, numerous visits to your office and phone conversations. I feel like we only accomplished 2 things, spent tax payers money on wasted time and heard nothing but excuses from all head departments at City Hall.

It has been established there is over spray from witness of neighbors to City Officials, through their turning in Insurance Claims and Insurance Company Adjustor contacting us on December 4, 1998, wanting to settle property damage. The reason we haven't settled, is because we know it will continue happening as it has in the past.

Mr. Burnham, this information came from the Webster Dictionary from the City Library. Do we not use the dictionary for definition, punctuation, pronunciation, for the English language we use everyday?

OCCUPANCY

1. The act, state or condition of being or becoming a tenant or of living in or taking up quarters or space in or on something.
2. The possession or tenancy of a property.
3. The act of taking possession, as of property.
4. The term during which one is an occupant.

In the Farmington City Code and Zoning Ordinance book revised 10-98, Section 27-2-78

CERTIFICATE OF OCCUPANCY.

No change in the use or occupancy of land and no change of use or occupancy in an existing building, other than for single-family dwelling purposes shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the building inspector. Every certificate of occupancy shall state that the new occupancy complies with all sections of this chapter. No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

The first 3 definitions from the dictionary explaining occupancy pertains to Section 27-2-78.

As we know at the 2nd meeting November 19, 1998 it was established it was a change of City Licence and they were operating under Mr. Padilla's City License, found out by records pulled by Code Compliance Officer Andrea. I feel like they knew if Western Tank got city licenses under their name, that would be a change of occupancy then they and Mr. Padilla knew they would have to meet all State, Federal, and City codes. Mr. Padilla knows this because he has a G B -98 Contractors License.

I went to Aztec to the County Court House on 2/23/99 to find what information that was public for future reference. I took my copy of Western Tank's Air Quality Permit #1908 with me. I know if you got township range, section and name of property owner it saves time. I showed the County Clerks #1908 for reference and gave them property owners name, after searching for awhile, they wanted to know what county road Western Tank was on. I told them they were not on a county road, that I lived at 500 E. Cedar and Western Tank was at 503 E. Cedar across from my property, a clerk asked me "if they were using permit 1908 at the Cedar location"? I told her "yes, because I live across the street and getting all the effects of the over spray". She looked at the permit, it was totally wrong for the area of where they are located, that description is out by Magee Park in the county. I came home, got the legal description of my property at 500 E. Cedar, this is it. Block 6 Triplett Subdivision #2, NW 1/4 Section (31), township 29 North range 11 west. So therefore permit 1908 is not legal at 503 E. Cedar. I want the City to check into this and I want a written report on your findings.

Western Tank has been given a N.O.V. for sandblasting outside and for use of Coal Tar Epoxy which states in permit 1908, they can not use it. It has been admitted by their attorney from a letter dated October 22, 1998 to the State Air Quality they used Coal Tar Epoxy at the time of application, he has admitted it is necessary for them to use Coal Tar Epoxy. We know they have used Coal Tar Epoxy from day one, by the smell and by the burning of my eyes and nose, from the over spray when out in the yard, garden. The fumes from over spray at times they were spray painting, when the wind was in our direction or no wind at all, there were times we could not use air conditioning or open windows because of paint odors. We are assuming they are still using Coal Tar Epoxy by the odors we at times smell and by the statement the attorney used "it was necessary to build tanks".

Our property is approximately 150 feet from the source of paint. The neighbors from the east end of source said they "had property damage". The river is approximately 30 feet from source of paint, you can guess what the river is getting from over spray when the wind is in direction of the river.

That building was put up in 1989, by a court order for the purpose of painting, if that building would have been brought up and inspected for Uniform Fire Code Article 5, before Certificate of Occupancy was issued, we would not have the problems we now have, and in the past.

There is a body shop, catty corner across the street from us that went in approximately 15 years ago and there has been no problems, what so ever from their painting, because they were made

to bring up to Article 5 of U.F.C. What do you have; 2 standards for everyone that spray paints at a business?

The O.C.D. did an inspection dated November 30, 1998 by Denny Foust, on the report I received, there was existing contamination.

For the violation they have been issued on permit 1908 and the letter written by their attorney that they used Coal Tar Epoxy and need to use it in order to build tanks and the problems it causes to the health of the general public with the chemicals in the paint and solvent and the toxic of coal Tar Epoxy, and the environmental problems.

It is a safety hazard to the public, with the stored paint not being up to U.F.C. under Article 5 for fire and explosion. The paint building is a public safety and health hazard being it was never brought up to U.F.C. Article 5.

With these problems and with the environmental problems, we believe this is definitely the reason they should be moved or closed down.

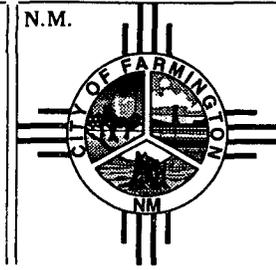
We expect a letter of reply by certified mail to our address within a reasonable amount of time. Anything over 14 days is not acceptable to us. We appreciate your cooperation.

Thank you.

Sincerely,

Mr. and Mrs Herb Tiley

cc: Jay Burnham
City Council



CITY OF FARMINGTON

800 Municipal Drive
Farmington, NM 87401-2663
(505) 599-1120
Fax (505) 599-1113

March 12, 1999

Mr. and Mrs. Herb Tiley
500 E. Cedar
Farmington, NM 87401

Re: Western Tank Manufacturing

Dear Mr. and Mrs. Tiley:

I have received your letter dated March 3, 1999. This letter is sent to you in response to your March 3, 1999 letter and to report to you on my discussion with the City Council on March 2, 1999.

Certificate of Occupancy and Fire Code:

In your letter, you refer me to Sec. 27-2-78 of our City Code which requires a certificate to be issued upon a change in occupancy. I assume you are arguing that the city should have inspected Western Tank when it changed hands some time ago. You cite several definitions of "occupancy" you found in a dictionary. These definitions support your theory that when a new person or entity gains possession of a building, that is a new occupancy.

It is my opinion, however, that the city's zoning ordinance is using the term as it is used in the uniform codes. "Occupancy" is defined identically in the Uniform Building Code and Uniform Fire Code. That definition is "the purpose for which a building or part thereof is used or intended to be used." (See Sec. 216 in both the UBC and the UFC, 1997 editions.) Using that definition, Sec. 27-2-78 requires a certificate to be issued if the purpose for which a building is used changes. In the case of Western Tank, although it has changed owners, the use is basically the same—the manufacture of tanks.

Your other concerns about the Fire Code are addressed in the enclosed March 1, 1999 memo from Assistant Fire Marshall Herb Veasey, who conducted another inspection on February 25, 1999. I specifically asked the Fire Chief, Tom Aurnhammer, to assign a different inspector to look at it so it would get a "fresh look". However, as you can see, Mr. Veasey came to the same conclusion as Mr. Lewis, that there is no fire code violation at Western Tank.

CITY ATTORNEY

Mr. and Mrs. Herb Tiley
Page 2
March 11, 1999

Overspray Problem:

Evidently, paint overspray from Western Tank continues to damage the personal property of its neighbors. Claims have been filed. This is as it should be. Damage to property (unless done intentionally) is a personal matter between Western Tank and the damaged parties. If the claims are not properly handled, those parties have recourse through the courts. If a court determines that the damaged parties have not been fully compensated, it can award damages. It can also enjoin future activities likely to continue to cause harm as the Eleventh Judicial District Court did in its previous Order we discussed.

Air Quality Permit Violations:

As you know I am aware that the New Mexico Environment Department has determined that Western Tank has violated its Air Quality Permit issued by the Air Quality Bureau. The Environment Department is pursuing its enforcement actions against Western Tank. As you also know, I have written and talked with the Environment Department asking to be kept informed about these enforcement actions. According to my last conversation with officials in charge of the matter, settlement negotiations are continuing.

It sounds from the information in your letter that there is a question whether Western Tank has obtained an air quality permit on their Cedar Street location at all. It may be that they only listed their Bloomfield Highway property on the permit and not the Cedar Street site. If this is the case, I would think the Environment Department should have this information. It would change the violation from exceeding their permit to operating without one.

I encourage you to follow up with the Environment Department. As I told you at our first or second meeting, I think this is your best tool to use in making Western Tank clean up their act.

My report to the City Council:

On March 2, 1999, I reported what I had learned so far about this situation to the City Council. I reported that the Fire Department had determined that the property met the Fire Code; that the Code Compliance Officers had made several noise level checks and had been unable to record a violation of the Noise Ordinance (see Jack McQuitty's memo dated March 1, 1999); that the Environment Department had issued a Notice of Violation to Western for violations of their air quality permit; and, that OCC officials had conducted an inspection and ordered Western to reconstruct an earthen berm to protect the river from contaminated runoff.

I told the Council that without a showing that any City ordinances were being violated, I didn't feel that I could successfully prosecute a public nuisance action against Western Tank, and that the filing of such an action at this time would be a waste of time and money. However, I did tell

Mr. and Mrs. Herb Tiley

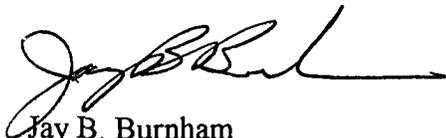
Page 3

March 11, 1999

them that I would continue to monitor the situation and that if circumstances changed, I would be ready to act.

The Council was very concerned that there might be ground and water contamination present on the site. Therefore, they directed me to draft a letter for the mayor's signature notifying the United States Environmental Protection Agency and the New Mexico Environment Department of our concerns. I was instructed to convey our particular concern that contamination may be reaching the river, either directly or in stormwater runoff. I will be writing those letters this week. I will see that a copy goes to you.

Sincerely,



Jay B. Burnham
City Attorney

cc: Mayor and City Council
Dan Dible, City Manager
Mary Banks, City Clerk
Tom Aurnhammer, Fire Chief
Jack McQuitty, Code Compliance

Herb and Betty Tiley
500 E. Cedar
Farmington, NM 87401
(505) 325-6160

March 17, 1999

In regards to the letter you received from Mr. Burnham concerning Western Tank at 503 E. Cedar, he did not address the main issue of our problems that we went to see him with.

The summer of 1998 the dust, over spray and paint fumes were so bad we could not open the windows of our house at times. Now we found out the dust was contaminated, also some of the paint they were not supposed to use by their Air Quality Control permit.

The City of Farmington and its fire marshal refuses to make them paint inside a building with proper spray booth, that meet U.F.C.

We grow our vegetables and do not want chemicals from over spray and contaminated dust because of health problems it can cause.

There has been vapors and fumes confirmed by City Police Dept on the date of 3/3/99 at 6:45 PM by Officer Martinez.

We would appreciate your investigation and a reply.

Thank you.

Sincerely,

Herb & Betty Tiley

Herb and Betty Tiley

Herb and Betty Tiley
500 E. Cedar
Farmington, NM 87401
(505) 325-6160

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We would appreciate your investigation and a reply.

Thank you.

Sincerely,

Herb and Betty Tiley

OIL CONSERVATION DIVISION

**2040 South Pacheco
Santa Fe, NM 87505
(505) 827-7133
Fax: (505) 827-8177**



(PLEASE DELIVER THIS FAX)

To: J BURNHAM 505-599-1113

From: WAYNE PRICE - OCD 827-7155

Date: 3/12/99

Number of Pages (Includes Cover Sheet) 4

Message: _____

(sent copy of file)
(INTERVIEW)

**If you have any trouble receiving this, please call:
(505) 827-7133**



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

February 24, 1999

CERTIFIED MAIL
RETURN RECEIPT No. P 288 259 100

Mr. Bruce Curry
Western Tank Manufacturing
503 E. Cedar
Farmington, NM 87401

**RE: Discharge Plan Requirement
Farmington Facility
San Juan County, New Mexico**

Dear Mr. Curry:

Under the provision of the Water Quality Control Commission (WQCC) Regulations, Western Tank Manufacturing is hereby notified that filing of a discharge plan is required for the Western Tank Manufacturing's Farmington facility located at 503 E. Cedar street in Farmington, New Mexico.

The discharge plan is required pursuant to Section 3-104 and 3-106 of the WQCC regulations. The discharge plan, defined in Section 1.101.Q of the WQCC regulations should cover all discharges of effluent or leachate at the facility site or adjacent to the facility site. Included in the plan should be plans for controlling spills and accidental discharges at the facility, including detection of leaks in buried underground tanks and/or piping.

Pursuant to Section 3-106.A, a discharge plan should be submitted for approval to the OCD Director within 120 days of receipt of this letter. Three copies of the discharge plan should be submitted.

Enclosed are copies of the discharge plan application form and guidelines to aid you in preparing the application. The guideline addresses berming of tanks, curbing and paving of process areas susceptible to leaks or spills and the management of any solid wastes. A complete copy of the WQCC regulations is also available on the New Mexico Environment Department's website at (www.nmenv.state.nm.us/).

Mr. Bruce Curry
February 24, 1999
Page 2

The discharge plan is subject to the WQCC Regulation 3-114 discharge plan fee. Every billable facility submitting a discharge plan will be assessed a fee equal to the filing fee of fifty (50) dollars plus the flat rate of one thousand, three hundred and eighty (\$1380) dollars for oil & gas service companies. The fifty (50) dollar filing fee is due when the discharge plan is submitted. The flat rate fee is due upon approval of the discharge plan.

Please make all checks payable to: **NMED Water Quality Management** and addressed to the OCD Santa Fe office.

If there are any questions on this matter, please feel free to contact Wayne Price of my staff at 505-827-7155.

Sincerely,



Roger Anderson
Environmental Bureau Chief

RCA/lwp

XC: OCD Aztec Office

attachments-2



**NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT**

Price, Wayne

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

From: Foust, Denny
Sent: Monday, November 30, 1998 2:29 PM
To: Anderson, Roger; Price, Wayne
Subject: WESTERN TANK MANUFACTURING, 503 E. CEDAR, FARMINGTON, NM

NOVEMBER 30, 1998

BRUCE CURRY AND JOHN SONNIER OF WESTERN TANK MANUFACTURING PRESENT--OPERATION IS A DIVISION OF "SPURGIN-CURRY LLC"

DENNY FOUST AND CHARLIE PERRIN PRESENT FROM NMOCD

COMPLAINTS FROM THE PUBLIC INVOLVING NOISE, FUMES AND DUST LED TO THIS INSPECTION. CHECKING WITH ROGER POLISAR LOCAL AIR QUALITY INSPECTOR REVEALED THERE IS AN EXISTING AIR QUALITY PERMIT FROM NMED.

THE ANIMAS RIVER IS ALONG THE SOUTH BOUNDARY OF THE PROPERTY. OPERATIONS HAVE NOT CHANGED SIGNIFICANTLY AT THE SITE IN EXCESS OF 20 YEARS. TYPICALLY IT WAS SAND BLASTING, PAINTING AND EPOXY COATING DURING FABRICATING OF NEW TANKS AND RE-CONDITIONING OLD TANKS.

PRIMARY CONCERN IS THE ELIMINATION OF A DRAINAGE BARRIER TO THE ANIMAS RIVER SINCE THE ORIGINAL INSPECTION IN DECEMBER 1992. HAVE DIRECTED OPERATER TO STOP DRAINAGE DIRECTLY TO THE RIVER AND BUILD A MINIMUM 18" BERM.

NEED CONTAINMENT TO STORE CONTAMINATED SOIL. NEED CONTAINMENT FOR WASTE OIL STORAGE, NEED BETTER LABELING OF BARRELS.

OPERATOR NEEDS TO CHECK ON SAFETY CLEAN SOLVENT IN USE, MSDS AVAILABLE INCONCLUSIVE. SAND BLASTING EQUIPMENT NOT IN USE DUE TO AIR QUALITY PERMIT SHOULD BE SEALED OR MOVED OFF THE PROPERTY.

EXPLAINED REGULATORY LIABILITY FOR EXISTING CONTAMINATION. RECEIVED FAVORABLE RESPONSE FROM MR. CURRY, HE WILL BE CONTACTING A CONSULTANT TO HELP WITH COMPLIANCE. IN GENERAL HOUSE KEEPING NEEDS TO BE IMPROVED, FOLLOW UP INSPECTIONS HAVE BEEN REQUESTED BY WESTERN MANUFACTURING.



WESTERN
MFG & SUPPLY CO.
MFG. & SUPPLY CO.
MFG. & SUPPLY CO.



75 12:55

western Tank

1/19/99

<NO. 184>022 23+00 PNPNN -9RU 3021



western Tank

W-SW across yard

<No. 15RD>035 23+00 PNHNN-14RU 3021



Western Tank

West Boundary

1/19/99

(No. 149) 031 23+00 RNRNN -4RU 3021



Western Tank

1/19/99

East Along River

NO. 119024 23+00 RHPNN -SBU 3021



19 12:58

western Tank
1/19/99
west Along River

<No. 129> 626 23+00 RNFNN+00AU 3021



WASTE
OIL

18 12:56

Western
Tank

SW corner

1/19/99

<No. 13R>029 23+00 RHRNN +6RU 3021