

**Phase I Environmental Site
Assessment Final Report**
for the
Vacant Undeveloped Parcel
4700 Sundt Road NE
Rio Rancho, New Mexico

April 24, 2020

PREPARED FOR:

Gamma Development
Attn.: Mr. Chris Scott
9798 Coors Blvd NW – Suite 400
Albuquerque, New Mexico 87114

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April 24, 2020

Gamma Development
Attn.: Mr. CK Scott
9798 Coors Blvd NW – Suite 400
Albuquerque, New Mexico 87114

RE: Phase I Environmental Site Assessment for the Property located at 4700 Sundt Road NE, Rio Rancho, New Mexico

Dear Mr. Scott:

Rhoades Environmental has completed a Phase I Environmental Site Assessment of the above referenced location. The findings of this assessment with conclusions and recommendations are presented in the enclosed report.

This assessment conforms with the American Society for Testing and Materials (ASTM) Standard E 1527-13 for Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. I declare that, to the best of my professional knowledge and belief, I meet the definition of environmental professional as defined in 40 CFR 312.10 and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR 312.

Thank you for the opportunity to provide my environmental inspection / consulting services to Gamma Development on this project. If you have any questions concerning this report or require any additional services, please do not hesitate to contact my office at (505) 892-7211.

Sincerely,
Rhoades Environmental

Ronald K. Rhoades, CRS, CEI, CTS
Certified Environmental Specialist / President

E-mail: ron@rhoadesenv.com

Phase I Environmental Site Assessment
of the property known as the
Vacant Undeveloped Land – 4700 Sundt Road NE
Tract Number 27-A-1-B Industrial Park West
Rio Rancho, New Mexico
Project No. 20129.128

Executive Summary

Rhoades Environmental has performed a Phase I Environmental Site Assessment (ESA) of the vacant undeveloped property located at 4700 Sundt Road NE, Rio Rancho, New Mexico, hereafter referred to as the subject site. The subject site is situated on the southern side Sundt Road NE just west of NM Highway 528. The on-site inspection was performed on March 11, 2020.

Historical research conducted for the subject property indicated that the subject facility has historically been a vacant undeveloped parcel. Approximately twenty-five (25) years ago it was used as a soccer park, with the entire site covered in grass. All of the adjacent properties were historically similar to the ones noted during the on-site inspection. Nothing was noted at this time to indicate that an adverse environmental impact occurred at the subject property from historical uses.

The subject property was noted, at the time of the on-site inspection, to be a vacant undeveloped land covered with natural vegetation. Access to the subject property is from Sundt Road NE on the northern side of the subject property. A dirt access road runs around the perimeter and down the center of the subject property. A surface water drainage arroyo is located along the southern side of the subject property. Residential houses are located on the western and northern sides of the subject property. The Ask Academy charter school is located on the eastern side of the subject property.

Federally registered facility research indicated that the subject site and the adjacent properties were not reported on the information reviewed. There are two (2) listed underground storage tanks (UST) in this research and are located over 0.25 miles from the subject site and do not appear to pose an immediate adverse environmental threat to the subject site at this time.

The purpose of this assessment was to identify, to the extent feasible, recognized environmental conditions in connection with the property by means of interviews, review of record information, and the on-site inspection.

Conclusions

This assessment has revealed no evidence of recognized environmental conditions in connection with the subject site, with exception of the following concerns:

The subject property is not secure and can directly be accessed from Sundt Road NE. This kind of access makes it possible for the illegal dumping of waste onto the subject property. Other than loose and blowing trash, evidence of illegal construction / landscaping debris dumping was noted on the subject property at the time of the onsite inspection.

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1.0 INTRODUCTION / OBJECTIVES

Introduction

Rhoades Environmental was retained by Gamma Development to perform a Phase I Environmental Site Assessment (ESA) of the property located at 4700 Sundt Road NE, Sandoval County, Rio Rancho, New Mexico. The purpose of the assessment was to evaluate the potential for environmental impact from past and present use. The assessment was conducted of the site and the vicinity within confirmation with the scope and limitations of the American Society for Testing and Materials (ASTM) Standard E1527 and the U.S. Environmental Protection Agency (EPA) standards for all appropriate inquiry as found in 40 CFR 312 to include a review of publicly available data for evidence of the existence of recognized environmental conditions (REC). RECs include, but are not limited to, hazardous materials or regulated substances on the surface, in the subsurface profile, or in the groundwater beneath the vicinity.

This standard is expected to be recognized by the U.S. Environmental Protection Agency (EPA) as satisfying its All Appropriate Inquiry (AAI) rule. Key differences between the existing E1527-13 standard and the E 1527 standard include: (1) the change in the definition of Historical Recognized Environmental Conditions (HRECs); (2) the new concept of Controlled Recognized Environmental Conditions (CRECs); (3) potentially expanded regulatory file reviews; (4) the need to address the vapor migration pathway; and (5) the need to include the user-required information.

Under the ASTM E1527 standard, a Phase I ESA of a property typically involves a review of regulatory records pertaining to the site and surrounding properties, field reconnaissance and interviews with individuals who may have knowledge about the site, including past and present owners, operators and occupants, as well as certain state and/or local government officials. A Phase I ESA does not represent an exhaustive environmental investigation of the site. Nevertheless, since 2005, EPA has accepted the procedures set forth in E1527 as constituting "all appropriate inquiries" (AAI) for purposes of satisfying one of the threshold requirements for establishing one or more of the landowner liability protections (LLPs) provided in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). In a Direct Final Rule that was subsequently withdrawn.

Sampling and analysis of specific presumed asbestos containing building materials, lead based paint, and indoor air quality issues were not included as part of this assessment and final report. Additionally, the chemical analysis of groundwater or soils at the subject site or on-site radiometric surveys for Radon gas was also not included.

Scope of Work

Rhoades Environmental's scope of work for this Phase I ESA are within the guidelines of the ASTM Standard E1527 and the EPA standards for all appropriate inquiry as found in 40 CFR 312. To accomplish this objective our scope includes the following:

- A visual assessment of the subject site.
- A historical review of past land uses.
- A site reconnaissance to observe existing conditions in the field.
- A review of documents pertaining to the environmental condition of the subject site and the adjacent properties.
- A review of documents pertaining to remediation activities at the subject site and the adjacent properties.

Search distances for facilities of potential environmental concern in the vicinity of the subject property are in conformance with ASTM Standard E1527.

Rhoades Environmental's site inspection included a walking inspection of areas that were accessible by foot, and a drive-by inspection of surrounding and adjacent properties, including those properties identified in the environmental database search. No conditions that would limit Rhoades Environmental's ability to complete the scope of work were encountered during the performance of this ESA.

The scope of services performed during this investigation may not be appropriate for other users, and any use or Rhoades Environmental's use of this document, or the findings, conclusions, or recommendations presented herein is at the sole risk of said user. This study was not intended to be a definitive investigation of possible contamination at the subject property. The purpose and scope of this investigation was to determine if there is reason to suspect the possibility of contamination at the site. No exploratory borings, soil or groundwater sampling, asbestos sampling, or laboratory analysis were performed at the subject property and, therefore, the conclusions set forth herein are made without the benefit of such investigation.

Purpose

This assessment report was prepared for the exclusive use of Gamma Development and is not intended for use by unauthorized persons not approved by Gamma Development. Gamma Development and Rhoades Environmental thereof must authorize reproduction of this report or excerpts. Gamma Development may use the report in its normal course of business, which may involve sharing the information contained herein with its business partners.

The purpose of this assessment was to identify recognized environmental conditions in connection with the property by means of interviews, review of reasonably obtainable record information, and the on-site inspection. This report may be used within a reasonable time from its issuance. Land use, site conditions (both off- and on-site) or other factors may change over time and additional work may be required. Any other use of this report may be inappropriate. Reliance upon this report by any third party shall be (a) at such third party's sole risk; and (b) strictly limited to the terms and conditions of the contract between Rhoades Environmental and the client and the limitations set forth above and in other sections of this report.

The objective of Rhoades Environmental and this Phase I Environmental Site Assessment was to evaluate whether current or historical activities on or adjacent to the subject property may have resulted in significant contamination by hazardous materials or wastes that is subsequently referred to in this report as a "*Recognized Environmental Condition*". A Recognized Environmental Condition is defined as: "the presence or likely presence of any hazardous substances or petroleum product in, on or at a property (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment". The term includes hazardous substances or petroleum products even under conditions in compliance with the applicable laws or regulations.

The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies".

The Phase I Environmental Site Assessment

This Phase I Environmental Site Assessment was prepared in accordance with guidelines of ASTM Standard Practice E 1527, with the following clarifications:

~ Rhoades Environmental identified and researched the PCB classification of significant electrical equipment located at the subject property. For purposes of this assessment, light duty capacitors such as fluorescent light ballasts may have been excluded.

~ This assessment addressed obvious sources of potential contamination but, for the purpose of evaluation, may have excluded (a) materials that were identified as marketable products manufactured or handled for purposes of sale, resale, or distribution by the current on-site operations, and (b) materials present on the property that are used for the purposes of routine custodial and maintenance activities.

The Environmental Site Assessment included the following tasks:

1. Past and present property information was gathered from a variety of sources, when available, such as City directories, Sanborn maps, and aerial photographs.
2. Reasonably available and obtainable public records were researched to identify known environmental concerns associated with the property.
3. The on-site inspection was performed in accordance with Sections 8.2.1 and 8.2.2 of ASTM E 1527 and personal interviews were conducted with persons who may have knowledge pertinent to the assessment.

The Environmental Site Assessment addressed the subject site, adjacent properties and nearby Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) sites.

Opinions and recommendations presented in this report apply to site conditions and features as they existed at the time of Rhoades Environmental's site visit, and those reasonably foreseeable. They cannot necessarily apply to conditions and features of which Rhoades Environmental is unaware and has not had the opportunity to evaluate.

All findings, observations, conclusions, and recommendations stated in this report are based on facts; circumstances; applicable federal, state and local laws, rules, and regulations; and generally accepted national standards for such services in existence at the time that the report was prepared. Topics not explicitly discussed within this report should not be assumed to have been investigated or tested. This report does not guarantee current compliance with federal, state, or local laws, rules, or regulations. The findings, observations, conclusions, and recommendations presented herein, unless otherwise stated, are based solely on the information obtained and presented herein. Implementation of the recommendations contained in this report does not ensure that all environmental risks will be eliminated or that all legal obligations will be met.

The ASTM Standard Practice E 1527-13 states, "...the user should check or engage a title company or title professional to check reasonably ascertainable recorded land title records for environmental liens or activity and use limitations currently recorded against the property." (ASTM 2000).

Existing data on the hydrogeologic setting, past land ownership, and environmental incidences within the subject site area were used to evaluate the environmental condition of the subject site. The following information was reviewed, where available:

- A series of aerial photographs depicting the subject site and the adjacent area.
- Interviews with persons familiar with the site (when available).
- Review of historical city directories, Sanborn Fire Insurance maps, and topographic maps.
- Published literature on the geology and hydrology of the subject site.
- A site reconnaissance by Rhoades Environmental personal.

2.0 SITE OVERVIEW

Location of site:	4700 Sundt Road NE, Rio Rancho, Sandoval County, New Mexico.
Year built/developed:	Historically a vacant undeveloped parcel.
Legal description:	Tract number 27-A-1-B, being a part of tract numbered twenty-five-A one (25-A-1), summary plat industrial park west, as the same is shown and designated on the plat entitled "summary plat tracts 26-A-2 and 27-A-1 industrial park west, being a replat of tracts 26-A and 27-A, industrial park west, Rio Rancho Estates, town of Alameda Grant, Sandoval County, New Mexico, October 2008", filed in the office of the County Clerk of Sandoval County, New Mexico on December 1, 2008 in plat book 3, folio 2980-B (Rio Rancho Estates Book 22, page 75A).
Latitude / Longitude:	35.2588669 / -106.64767.
Subject site zoning:	Special Use.
Adjacent zoning:	The property located to the east is currently zoned as Special Use. The adjacent properties to the west and north are currently zoned as residential.
Elevation:	5,212 feet above sea level.
Current property use:	The subject site is currently a vacant undeveloped parcel of land.
Property improvements:	The subject property was noted, at the time of the on-site inspection, to be a vacant undeveloped land covered with natural vegetation. Access to the subject property is from Sundt Road NE on the northern side of the subject property. A dirt access road runs around the perimeter of the subject property. A surface water drainage arroyo is located along the southern side of the subject property. Residential houses are located on the western and northern sides of the subject property. The Ask Academy charter school is located on the eastern side of the subject property.
Site area topography:	0 to 1 percent (0-1%) slope to the west southwest towards Sundt Road NE to the north and the drainage arroyo located the south of the subject property.
Utilities:	No active utilities are utilized at the subject property at the time of the onsite inspection.

Local street maps and a topographic map of the subject site are presented in **Appendix A**.

3.0 SITE BACKGROUND / OPERATING HISTORY

3.1 Current Ownership

Neither the City of Rio Rancho nor current owners provided information regarding any environmental liens against the subject site. A 40-year title search was not provided for this assessment at this time. A separate project memorandum will be prepared with this information when the title search is available.

3.2 Current and Historical Site Use

3.2.1 City Directories Review

Current Tenants:

Subject Site:	4700 Sundt Road NE, Vacant Lot.
North:	Residential Houses.
South:	Drainage Arroyo.
East:	45580 Sundt Road NE, Ask Academy (charter school).
West:	Residential Houses.
Northeast:	Residential Houses.
Northwest:	Residential Houses.
Southeast:	Drainage Arroyo.
Southwest:	Drainage Arroyo.

Sundt Road NE, a 2-lane undivided paved road, separates properties to the north from the subject site. All other adjacent properties are directly adjacent to the subject property.

Review of City Directories revealed no potential environmental concerns on the subject site at this time. See **Appendix D** for the city directory research provided as part of this report.

3.3 Aerial Photograph Review

Aerial photographs for the years 2016, 2014, 2011, 2009, 1996, 1990, 1986, 1981, 1975, 1967, 1954, and 1935 were obtained of the subject property and surrounding area. The dotted line that is supposed to surround the subject property is mismarked. A portion of the adjacent property to the east is included inside this dotted line. The additional parcel was historically and is currently undeveloped and is used for sand volleyball courts at the Ask Academy. This adjacent parcel has always been a vacant undeveloped parcel.

The 2016 aerial photograph depicts the subject site and the adjacent properties as they appeared at the time of the onsite inspection. The 2014, 2011, and 2009 aerial photographs depict the subject property area as in the previous photograph, with only the YMCA building present to the east. In the 1996 and 1990 aerial photographs depict the subject property as occupied by the Cibola Little League, with the adjacent properties as they appear in previous photographs.

In the 1986 aerial photograph the subject property and the adjacent properties to the west and northwest are vacant undeveloped land. The 1981 and 1975 aerial photographs depict the subject property and all adjacent properties as vacant undeveloped land, with NM Highway 528 the only paved road visible.

The 1967, 1954, and the 1935 aerial photograph depicts the subject property and all adjacent properties as vacant undeveloped land, with no paved roads visible in this photograph.

3.4 Sanborn Map Review

The Sanborn map research provided for this project is presented in **Appendix D**. The results from this research reported that no Sanborn Fire Insurance Maps were found for the subject site area.

3.5 User Provided Information

To constitute all appropriate inquiry to satisfy one of the requirements to qualify for the CERCLA LLPs, one of the responsibilities of this Phase I ESA's User is to provide certain, specific information required by the ASTM standard to the environmental professional conducting the assessment to assist in the identification of RECs in connection with the subject property. This Phase I ESA's User is the Gamma Development (client) a legal entity which is the property's bona fide prospective purchaser and whose representatives are without any specialized knowledge regarding the property's previous uses or environmental condition.

This Phase I ESA's User is unaware of any environmental concerns associated with the property.

3.6 Current and Historical Use Conclusions

The subject property has historically been a vacant undeveloped parcel, with only a partial occupation by the Cibola Little League (soccer park). Nothing was noted at this time to indicate that an adverse environmental impact occurred at the subject property from historical uses.

4.0 GEOLOGIC SETTING

The subject site lies to the west of the Albuquerque basin. The Albuquerque basin is in the Rio Grande Rift Valley and is characterized by thick sedimentary deposits, diverse Laramide orogenic events and late Cenozoic era uplifts. The Albuquerque basin fill consists of approximately 12,000 feet of sandstone's, mudstone's and gravel deposited during the Miocene and Pliocene epochs. Late Pliocene epoch deformations widened the basin, elevated the uplifts, and locally faulted the basin. The deformation was followed by widespread pedimentation producing the Ortiz surface during the late Pleistocene epoch. Late Pleistocene and Holocene epoch rejuvenation, deformation and widespread dissection destroyed much of the surface.

The surface beds have been dissected by pedimentation once again from the base of the Sandia uplifts and are generally salmon-colored conglomerates, sandstone's and mudstones. Lithology is predominantly non-volcanic and consists of tannish-brown sandstone fragments. Detrital material (Precambrian era rocks, i.e., granites, shcists and gneiss) from the Sandia uplifts west to the Rio Grande River can be found in surface deposits.

4.1 Hydrogeologic Characteristics

Topography and Surface Water

The topography of the subject site area has a approximate 0 to 1 percent (0-1%) slope to the west southwest. Runoff from the subject site is anticipated to flow east toward Sundt Road NE and the drainage arroyo. Surface water was not observed on or adjacent to the subject site. Visual environmental concerns associated with drainage or erosion were not observed during the on-site inspection.

Flood Zone

The subject site is not located within 100-year flood zones, according to Flood Insurance Rate Map, prepared by the Federal Emergency Management Agency.

4.2 Soil Information

The subject site soils are classified as Grieta fine sandy loam, according to the Soil Survey of Sandoval County, New Mexico.

This deep, well-drained soil is on summits of various mesas. It formed in eolian materials. Slope is one (1) to four (4) percent. Areas are irregular in shape and are 100 to 1000 acres in size. Typically, the surface layer is light brown fine sandy loam about three (3) inches thick. The upper eight (8) inches of the subsoil is light brown fine sandy loam. The lower 23 inches is brown sandy clay loam. Permeability of this Grieta soil is moderate. Available water capacity is high, with runoff slow and the hazard of water erosion is slight. The hazard of soil blowing is severe.

Nothing was discovered or reported to indicate there is a potential for impacted soil vapor to migrate onto the subject site. Collection of indoor air samples was outside of the scope for this investigation; therefore, indoor air was not sampled to evaluate potential vapor intrusion into the subject property.

5.0 ON-SITE INSPECTION

Rhoades Environmental has performed a Phase I Environmental Site Assessment (ESA) of the vacant undeveloped property located at 4700 Sundt Road NE, Rio Rancho, New Mexico, hereafter referred to as the subject site. The subject site is situated on the southern side Sundt Road NE just west of NM Highway 528. The on-site inspection was performed on March 11, 2020.

Historical research conducted for the subject property indicated that the subject facility has historically been a vacant undeveloped parcel. Approximately twenty-five (25) years ago it was used as a soccer park, with the entire site covered in grass turf. All of the adjacent properties were historically similar to the ones noted during the on-site inspection. Nothing was noted at this time to indicate that an adverse environmental impact occurred at the subject property from historical uses.

The subject property was noted, at the time of the on-site inspection, to be a vacant undeveloped land covered with natural vegetation. Access to the subject property is from Sundt Road NE on the northern side of the subject property. A dirt access road runs around the perimeter of the subject property. A surface water drainage arroyo is located along the southern side of the subject property. Residential houses are located on the western and northern sides of the subject property. The Ask Academy charter school is located on the eastern side of the subject property.

Rhoades Environmental physically inspected the subject site and the adjacent properties (as access allowed) for the purpose of identifying RECs or evidence of RECs as specified in Section 9.4.2 of ASTM Standard E1527-13. Conditions observed are presented below. Any condition identified with a bullet indicates that Rhoades Environmental observed evidence of the item during the on-site inspection:

- Hazardous substances and / or petroleum products in connection with identified property uses.
- Storage tanks.
- Odors
- Pools of liquid
- Drums / Containers
- Hazardous substances and / or petroleum product containers
- Unidentified substance containers
- PCBs
- Drains and Sumps
- Pits, Ponds, or lagoons
- Stained soil or pavement
- Stressed vegetation
- Solid waste
- Wastewater
- Wells
- Septic systems

None of the above listed items were noted on the subject property at the time of the onsite inspection.

ASTM E1527-13 requires interviews to obtain information indicating recognized environmental conditions in connection with the property. Interviews are conducted, if available, with present owner, operators, and occupants of the property, the User and state and local government officials.

No occupants were present to interview and no one was available on the adjacent properties with historical information about the subject property. Rhoades Environmental has personnel experience with the subject property since 1990 and can verify that the subject property has been vacant undeveloped land since that time.

5.1 Hazardous Chemical / Substance Inventory

No hazardous chemicals were noted to be present or reported to have historically been stored on the subject property.

5.2 Presumed Asbestos Containing Materials

Asbestos refers to six (6) naturally occurring fibrous minerals, which were used to enhance the strength of various building materials because of its physical characteristics. When asbestos is mined and blended into a building material, the asbestos is typically separated into very thin fibers. When those building materials become damaged, the potential exists for the asbestos fibers to be released and become airborne. When inhaled, asbestos fibers can result in various serious health problems.

The EPA defines a presumed asbestos containing material (PACM) as one that contains greater than 1% (>1%) asbestos or any combinations of asbestos types. An independent accredited laboratory using Polarized Light Microscopy (PLM) analytical methods performed all laboratory analysis. The EPA classified ACM into two (2) separate classification categories: friable and non-friable. A friable ACM is one which when dry can be easily crumbled or pulverized into a powder with hand pressure. ACMs in this form are more likely to become damaged through everyday activities and possibly become an adverse health risk to the building occupants.

Non-friable asbestos containing building materials (ACBM) are categorized into two (2) groups: Category I non-friable ACBM (which includes packings, gaskets, floor coverings, and roofing materials) and Category II non-friable ACBM (which includes any building materials not considered Category I).

A regulated asbestos containing material (RACM) is defined as (a) friable asbestos materials, (b) Category I non-friable ACBM that has become friable, (c) Category I non-friable ACBM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II non-friable ACBM that has the high probability of becoming or has become crumbled, pulverized, or reduced to a powder by forces in the course of demolition or renovation operations.

Current regulations under the Clean Air Act require proper material removal techniques and handling, and notification requirements for ACBM that will be disturbed during a building renovation and demolition. These regulations are referred to as the National Emission Standards for Hazardous Air Pollutants (NESHAP) and are found in 40 CFR Part 61 Subpart M. NESHAP requires that a thorough asbestos survey be conducted prior to demolition or renovation of the building.

No buildings were present on the subject property which could contain any presumed asbestos containing materials at the time of the onsite inspection.

5.3 Polychlorinated Biphenyls

Polychlorinated Biphenyls (PCBs) are compounds that contain two (2) Benzene nuclei and two (2) or more Chlorine atoms. When heated to decomposition, this chemical will emit toxic Furans and Dioxins. The EPA banned the manufacturing of this highly toxic and colorless liquid in 1976 because of persistent health risks and ecological damage through water pollution.

PCBs were most commonly used as a dielectric (insulating) fluid in transformers and other electrical equipment. PCBs were also widely used in hydraulic fluids and lubricants for their ability to extend lubricant life and effect heat transfer. PCBs are also found in certain fluorescent light ballasts. The only form of positive identification to determine if PCBs are present within the fluid is to extract a sample and send it to a certified laboratory for analysis.

Under EPA regulations 40 CFR, Part 761 the allowable concentration of PCBs in equipment is specified as follows:

1. If a device contains 500 ppm or greater of PCBs the EPA classifies this as a PCB level.
2. Results reported from 50 and 499 ppm are considered PCB contaminated.
3. Results reported at less than 50 ppm are considered non-PCB containing.

Due to the designs of an electrical transformer, a technician from the power company servicing that specific transformer must perform the sample collection process. Qualified inspectors should collect samples taken from other sources such as light ballasts. Exposure to PCBs is generally considered low when the equipment is in good condition and its integrity has not been breached.

There was no equipment present on the subject property that could possibly contain PCBs.

5.4 Radon Gas

Radon is a radioactive gas that is produced when naturally occurring uranium minerals break down or decay. These radioactive minerals are always present in the environment in slight amounts and are found in increased quantities in particular geologic deposits. Radon gas further decays into smaller particles known as radon "daughters", which can attach to soil or dust particles in the air. As these particles are inhaled, the daughter products can be deposited on the lining of the lung, and subsequently decay or emit radioactive particles. The radioactive decay damages lung tissues, and causes cellular changes, which may transform normal cells into cancer cells.

There are certain areas of the state where the incidence of radon is very high. There is **no** way to determine which homes or buildings might have high levels of radon. Adjacent structures can have completely different levels of radon, which is dependent on the structure of the subsurface geological configuration. It is believed that entry of the gas occurs through slab cracks and leaks, and through porous building materials. The highest radon readings are usually found in the lowest levels of a structure and decrease significantly on the first and second floors.

The State of New Mexico has performed a statewide study on general radon levels. This report was prepared in 1993 and only provides information on a county-by-county basis. The subject site is located in Bernalillo County near the City of Albuquerque. This county has been classified as a Zone 1 for potential presence of radon. This zone is defined as one, which has a predicted indoor radon gas level of greater than 4.0 pCi/L. Testing would have to be conducted to positively identify the presence or absence of radon gas. The EPA has established a Permissible Exposure Level (PEL) for radon gas at 4.0 pCi/L (picoCurries per liter).

The State of New Mexico does not have training requirements or licensing for persons performing inspections or mitigation of radon. In order to ensure that these procedures are performed according to EPA guidelines, require the following certifications from your radon professionals. Radon inspections should either be performed by or overseen by a person who has successfully completed and is certified in the USEPA Radon Contractors Proficiency (RCP) Program. Persons performing radon mitigation and design should be certified in the USEPA Radon Mitigators Proficiency (RMP) Program.

5.5 Urea Formaldehyde Foam Insulation

Urea formaldehyde foam insulation (UFFI) is a thermal insulation material that is pumped into the spaces between the walls of a building, where it hardens to form a solid layer of insulation. Due to its physical characteristics UFFI was used to fill hard to reach places within the walls. UFFI has been installed in an estimated half million homes in the United States, not including commercial structures.

Urea regulations were first issued in 1982 and Urea foam insulation was first used as a building material in 1970. The Consumer Product Safety Commission (CPSC) banned the future sale and installation of UFFI, having determined that it presented an unreasonable health hazard to those exposed to it because of the formaldehyde gas released from the UFFI product in building exteriors. The CPSC ban was subsequently challenged through litigation, with the court overturning it and finding that the CPSC did not have sufficient evidence on which to issue its ban. The CPSC ban on UFFI insulation was lifted, although public opinion resulting from this controversy dramatically reduced UFFI popularity as insulation.

The CPSC was not able to identify a level of formaldehyde exposure at which the general population could be assured that no adverse effects would occur. The health problems range from eye, nose, and throat irritations to cancer.

No buildings were present on the subject property which could contain any UFFI at the time of the onsite inspection.

5.6 Lead Based Paint

Lead is a pliable, soft metal that was used for pipes, rods, and containers. Before 1978, lead was a common ingredient in paint because it added strength, shine, and extended the life of the paint. Lead paint regulations were not issued until 1977 and any paint manufactured after that date would not contain harmful amounts of lead. In 1978, the United States banned the use of lead pigments in paints used on interior and exterior residential surfaces. However, the use of lead paint was not prohibited until 1980. Buildings constructed or renovated between 1940 and 1980 have a much higher probability of having lead paint than those constructed at later dates.

Ingestion of peeling or flaking paint remains a significant problem for any child where lead-based paint may be present. It is estimated that a total of 30 to 40 million older homes in the United States contain lead-based paint, which does not include commercial structures. Recent studies have shown that, in addition to eating paint containing lead, the dust produced by normal oxidation of the paint can contain significant amounts of lead. Lead poisoning can also result from children having access to surfaces that have perfectly intact lead-based paint covering them, yet are chewable (i.e. door edging, banisters, ect).

No buildings were present on the subject property which could contain any lead-based paints at the time of the onsite inspection.

5.7 Indoor Air Quality

Since the mid-1970s when the United States began its push for more energy efficient commercial structures, indoor air quality issues have come more into the forefront. By making the buildings tighter to reduce the heating and air conditioning costs, the structures also trapped the indoor air contaminants in the building.

These contaminants can range from dust, pollen, microbiological contaminants, or an insufficient oxygen/carbon dioxide ratio. The source of these contaminants can either be carried in from the outside air or generated from activities inside the building. The building occupants and employees can report adverse health effects, sometimes seasonally, if the indoor air contaminants remain uncorrected. Symptoms can range from watery eyes, respiratory difficulties, rashes, and severe headaches.

The Occupational Safety and Health Administration (OSHA) is currently proposing a ruling for Indoor Air Quality which will affect 29 CFR Parts 1910, 1915, 1926, and 1928. These rulings will address a variety of indoor air quality concerns in "non-industrial work environments". Impact analysis reports, HVAC maintenance schedules, sampling inspections, and implementation of corrective actions will be addressed by these regulations. A preliminary Indoor Air Quality (IAQ) Study may be performed of the subject buildings and HVAC system to determine the current indoor air quality and establish a "baseline" of current air quality.

Nothing was noted or reported to indicate an adverse indoor air quality situation has taken place on the subject property at the time of the onsite inspection.

5.8 On-site Inspection Conclusions

The on-site inspection revealed the following potential environmental concerns:

The subject property is not secure and can directly be accessed from Sundt Road NE. This kind of access makes it possible for the illegal dumping of waste onto the subject property. Other than loose and blowing trash, evidence of illegal construction / landscaping debris dumping was noted on the subject property at the time of the onsite inspection.

6.0 FEDERAL, STATE & LOCAL AGENCY INFORMATION

The following regulatory information database lists were researched to identify facilities located within the indicated search distance of the subject site:

<u>Facility Type</u>	<u>No. of Sites</u>
EPA - Resource Conservation and Recovery Act Transportation, Storage, and Disposal Facilities (1.0 mile)	0
EPA - Resource Conservation and Recovery Act Generator Facilities (subject site & adjacent properties)	0
EPA - Resource Conservation and Recovery Act Violators (subject site & adjacent properties)	0
EPA - Resource Conservation and Recovery Act Enforcement's (subject site & adjacent properties)	0
EPA - Corrective Action Report (CORRACTS) (1.0 mile)	0
EPA - Comprehensive Environmental Response, Compensation, and Liability Act Sites (0.50 miles)	0
EPA - Superfund CERCLA Consent Decrees (CONSENT) (1.0 mile)	0
EPA - National Priority List (NPL) Sites (1.0 mile)	0
EPA - NPL Superfund Liens (subject site only)	0
Underground Storage Tank Facilities (0.25 miles)	2
Leaking Underground Storage Tank Facilities (0.50 miles)	0
DOT - Hazardous Materials Information Reporting System (HMIRS) (subject site only)	0
Nuclear Regulatory Commission Material Licensing Tracking System (MLTS) (subject site only)	0
EPA - PCB Activity Database System (PADS) (subject site only)	0
Solid Waste Registration (landfills) List (0.50 miles)	0
Emergency Response Notifications System (ERNS) List (subject site only)	0
EPA Toxic Release Inventory System (TRIS) (subject site only)	0
EPA - RCRA Administration Action Tracking System (RAATS) (subject site only)	0
EPA Facility Index System (FINDS)(subject site only)	0
EPA Toxic Substance Control Act (TSCA) (subject site only)	0
US Brownfield Facilities (0.50 miles)	0
Facility Registry System (subject property and adjacent properties)	0
Aerometric Information Retrieval System / Air Facility Subsystem (AIRSAFS)	0

6.1 Resource Conservation and Recovery Act Listings

The Resource Conservation and Recovery Act (RCRA) list is issued by the applicable federal regulatory agency or their delegate. The RCRA regulation governs active operations that generate hazardous wastes (generators) as well as treatment, storage, and disposal (TSD) facilities for hazardous wastes. RCRA regulates hazardous waste "from its cradle to the grave". Each New Mexico entity regulated under RCRA is required to notify the applicable federal regulatory agency or their delegate of its existence. Within each of the classifications there are three (3) categories, based on the rate of wastes generated or handled (in kilograms):

- 1) Large Quantity Generator [LQG] = >1000 kg/month
- 2) Small Quantity Generator [SQG] = 100-1000 kg/month
- 3) Conditionally Exempt Small Quantity Generator [CESQG] = <100 kg/month

The subject site or the adjacent properties are not listed as a RCRA - TSD, generator, violator, or enforcement facility. There are no TSD facilities reported within the 1.0-mile search distance from the subject property.

6.2 Corrective Action Report

The EPA compiles the Corrective Action Report (CORRACTS) database and the CORRACTS is updated on a semi-annual basis. This database identifies hazardous waste handlers with RCRA corrective action activity. There are no CORRACTS facilities located within a 1.0-mile search distance of the subject property.

6.3 Comprehensive Environmental Response, Compensation and Liability Act and National Priority List

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) regulations provide funding and enforcement authority for cleaning up hazardous waste sites and responding to hazardous substance spills. Where RCRA establishes a regulatory program for present hazardous waste activities, CERCLA establishes a comprehensive response program for past hazardous waste activities.

CERCLIS contains data on potentially hazardous waste sites that have been reported to the EPA by state, municipalities, private companies, and private persons, pursuant to Section 103 of the CERCLA regulations. CERCLIS contains sites that are either proposed to or on the NPL list and sites that are in the screening and assessment phase for possible inclusion on the NPL.

The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund program and the NPL sites may encompass relatively large areas. The worst of the CERCLIS sites are ranked and placed on the NPL for future clean-up action.

In order to be placed on the NPL the site must be inspected by regulatory personnel and receive a numerical ranking based on the magnitude of its clean-up problems. The subject property is not a listed CERCLIS or NPL site.

There are no active CERCLIS sites located within a 1.0-mile search distance of the subject site according to EPA - CERCLIS Records. There were no EPA - NPL sites located within a 1.0-mile search distance of the subject site.

6.4 Superfund Consent Decrees

The Superfund (CERCLA) Consent Decrees (CONSENT) database is compiled by the EPA and will the frequency of when it is released varies. Major legal settlements have established responsibility and standards for cleanup at NPL (Superfund) sites. The CONSENT database is released periodically by United States Courts after settlements by parties to litigation matters. There are no CONSENT facilities located within a 1.0-mile search distance of the subject property.

6.5 Federal Superfund Liens

NPL liens are under the authority granted the EPA by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, the EPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner receives notification of potential liability. The EPA compiles a listing of filed notices of these Superfund liens. The subject property is not reported on this listing.

6.6 Underground Storage Tanks

Underground Storage Tanks (UST) are regulated under Subtitle I of the RCRA regulations and must be registered with the state department responsible for administrating the UST program. In 1986 the EPA enacted an UST registration policy for the United States. New Mexico Environmental Department (NMED) redefined this same policy on April 14, 1988. This policy requires all owners of USTs to register the number of tanks with the NMED. Only owners whose tanks were "out-of-service" by December 31, 1974 were exempt from these regulations. Owners who "close" their tanks after this date were still required to register their tanks if they were still in the ground.

Existing USTs that were rendered "out of service" prior to 1974 are not registered and are not accounted for. Some of these tanks may be discovered through property record research interviews or during property development. The New Mexico regulations required leak detection devices to be placed around the tanks and fill lines. Any leak greater than 25 gallons in quantity must be reported to the NMED-UST Division within 24 hours of the occurrence.

The on-site inspection indicated there are no USTs at the subject site. Records research confirmed that USTs are not registered on the subject site.

Currently there are two (2) reported UST facilities located within a 0.25-mile search distance of the subject site. See **Appendix B** for the database research documentation concerning these facilities.

6.7 Leaking Underground Storage Tanks

Leaking Underground Storage Tank (LUST) records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records and the information stored varies from state to state. Review of the NMED's LUST list indicated that reported LUST sites are not located within a 0.50-mile search distance of the subject site.

The on-site inspection indicated there are no LUSTs at the subject site. Records research confirmed that LUSTs are not registered on the subject site.

6.8 Hazardous Materials Information Reporting System

The Hazardous Materials Reporting System (HMIRS) is generated by the Department of Transportation (DOT) and contains hazardous material spill incidents reported to the DOT. The subject property is not reported on the HMIRS list.

6.9 Material Licensing Tracking System

The Material Licensing Tracking System (MLTS) is compiled by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites, which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency the database is updated on a quarterly basis. The subject property is not reported on the MLTS listing.

6.10 PCB Activity Database System

The EPA maintains the PCB Activity Database System (PADS) and identifies generators, transporters, commercial storers and / or brokers and disposers of PCBs who are required to notify the EPA of such activities. Their database is updated on a quarterly basis. The subject property is not reported on the PADS database.

6.11 Solid Waste Registration (landfills) List

Abandoned or closed solid waste landfills were typically active during the 1970s and early 1980s. In most cases detailed records of their activities are unavailable. Solid waste facility records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Section 2004 criteria for solid waste landfills or disposal sites. Once these landfills were closed or abandoned clean backfill soil was brought in and used to cover the solid waste. Once covered development of the area would start. The Solid Waste Facilities list, which is updated semi-annually was researched and no sites were noted in the area of the subject site.

6.12 Emergency Response Notifications System List

The Emergency Response Notification System (ERNS) stores information on releases of oil and hazardous substances and is maintained by the Environmental Protection Agency. The releases are recorded in the ERNS when they are initially reported to the federal government by anyone. The ERNS combine data from the National Response Center and the EPA. This database is updated on a quarterly basis. The subject site is not found on the ERNS list.

6.13 Toxic Release Inventory System

The Toxic Release Inventory System (TRIS) contains information from facilities on the amounts of over 300 listed toxic chemicals that the facilities release directly to air, water, or land, or that are transported off-site in reportable quantities under SARA Title III Section 313. This database is updated on an annual basis. The subject site is not found on the TRIS listing.

6.14 RCRA Administration Action Tracking System

The RCRA Administration Action Tracking System (RAATS) database is maintained by the EPA and is updated on a semi-annual basis. The RAATS contains records based on enforcement actions issued under RCRA pertaining to major violations and includes administration and civil actions brought by the EPA. The subject property is not reported on the RAATS listing.

6.15 Facility Registry System

The United States Environmental Protection Agency's Office of Environmental Information (OEI) developed the Facility Registry System (FRS) as the centrally managed database that identifies facilities, sites, or place subject to environmental regulations or of environment interest. The Facility Registry System replaced the Facility Index System or FINDS database.

6.16 Toxic Substance Control Act

The EPA maintains the Toxic Substance Control Act (TSCA) and identified manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory List. It includes data on the production volume of these substances by plant site. This database is updated on an annual basis. The subject property is not reported on the TSCA list.

6.17 US Brownfield Sites

Included in the listing are Brownfields properties addressed by Cooperative Agreement Recipients and brownfields properties addressed by Targeted Brownfields Assessments. Targeted Brownfields Assessments – EPA Targeted Brownfields Assessments (TBA) program is designed to help states, tribes, and municipalities, especially those without EPA Brownfields Assessment Demonstration Pilots, minimize the uncertainties of contamination often associated with brownfields. Under the TBA program, EPA provides funding and / or technical assistance for environmental assessments at brownfields sites throughout the country.

Targeted Brownfields Assessments supplement and work with other efforts under EPA's Brownfields initiative to promote cleanup and redevelopment of brownfields. Cooperative Agreement Recipients – States, political subdivisions, territories, and Indian tribes become Brownfield Clean-up Revolving Loan Fund (BCRLF) cooperative agreement recipients when they enter into BCRLF cooperative agreements with the EPA. EPA selects BCRLF cooperative agreement recipients based on a proposal and application process. BCRLF cooperative agreement recipients must use EPA funds provided through BCRLF cooperative agreements for specific brownfields related cleanup activities.

This database is updated on an annual basis. The subject property is not reported on the US Brownfields list. There are no US Brownfields sites reported within the 0.50-mile search distance from the subject property.

6.18 Aerometric Information Retrieval System / Air Facility Subsystem

The United States Environmental Protection Agency (EPA) modified the Aerometric Information Retrieval System (AIRS) to a database that exclusively tracks the compliance of stationary sources of air pollution with EPA regulations: the Air Facility Subsystem (AFS). Since this change in 2001, the management of the AIRS/AFS database was assigned to EPA's Office of Enforcement and Compliance Assurance. The subject property was reported on this database, but no adverse issues were reported surrounding it.

6.19 Agency Information Review Conclusions

Federally registered facility research indicated that the subject site and the adjacent properties were not reported on the information reviewed. There are two (2) listed underground storage tanks (UST) in this research and are located over 0.25 miles from the subject site and do not appear to pose an immediate adverse environmental threat to the subject site at this time.

7.0 CONCLUSIONS and RECOMMENDATIONS

Rhoades Environmental has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of the vacant undeveloped parcel located at 4700 Sundt Road NE, Rio Rancho, Sandoval County, New Mexico, the subject site.

This assessment has revealed no evidence of recognized environmental conditions in connection with the subject site, with exception of the following:

On-Site Concerns:

The subject property is not secure and can directly be accessed from Sundt Road NE. This kind of access makes it possible for the illegal dumping of waste onto the subject property. Other than loose and blowing trash, evidence of illegal construction / landscaping debris dumping was noted on the subject property at the time of the onsite inspection.

8.0 LIMITATIONS

This report is for the exclusive use of Gamma Development, for the express purpose of evaluating the property located at 4700 Sundt Road NE, Rio Rancho, Sandoval County, New Mexico.

This Phase I Environmental Assessment was performed in accordance with ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment, Designation E 1527-05. This assessment shall be used in its entirety and no excerpts should be taken as representative of the whole. All work for this project has been performed by Rhoades Environmental in accordance, with generally accepted industry practices for Phase I environmental site assessments. Rhoades Environmental has used the degree of skill and care ordinarily exercised under similar circumstances by members of its profession. This warranty is in lieu of all other warranties, expressed or implied. Regulatory inputs are based on those regulations in effect on March 11, 2020. When possible, confirmation of verbal information was accomplished by various consistency checks during the assessment.

Conclusions and recommendations contained in this report were based upon the best information available in the time frame established by Mr. Chris Scott with Gamma Development. They depend, to some extent, on indirect evidence and are subject to the limitations of available data and the professional judgment of the investigator. Evaluations of the possible recognized environmental conditions are not presented as statements of fact, but as interpretations of the information made available during the preparation of this report. Implementation of any recommendations does not ensure that all regulatory compliance issues will be addressed and risks eliminated.

Rhoades Environmental and its representatives do not infer, imply, represent, or guarantee that this assessment positively identifies all areas of concern on this property. It is possible that additional materials may be encountered during a more extensive inspection, involving comprehensive physical sampling and analysis of areas of concern. This report does not represent future site conditions or events. Situations or activities that occur subsequent to the on-site inspection, which result in adverse environmental impacts, may not be represented in this report.

Rhoades Environmental has performed these professional services using that degree of care and skill ordinarily exercised under similar circumstances by reputable environmental consultants practicing in this or similar locations. No other warranty, expressed or implied, is made. The professional services performed do not guarantee compliance with federal, state, or local laws. This report is not a bidding document, and any contractor or consultant reviewing this report must draw his own conclusions regarding further investigation or remediation deemed necessary for the project. The scope of this environmental site assessment is limited to observations made during the on-site inspection, independent laboratory analytical results, and reviews of readily available published and unpublished reports and literature. As a result, these conclusions are based on information supplied by others, and interpretations by qualified personnel. Any conclusions and / or recommendations made in this report are subject to modification if Rhoades Environmental obtains subsequent information.

There is no assessment thorough enough to completely exclude the presence of hazardous materials at any site. Therefore, if none are identified as part of a limited scope of work, such a conclusion should not be construed as a guarantee of absence of such materials. It is merely the result of the assessment. Project services have been completed in agreement with our contracted understanding with Gamma Development. This document and the information contained herein have been prepared for the use of Gamma Development and their assigned parties. A qualified environmental assessor under a limited scope of work completed this ESA in accordance with the work agreement. This report provides opinions of Rhoades Environmental concerning recognized environmental conditions at the subject property. It is possible, despite the use of reasonable care and interpretation that Rhoades Environmental may have failed to identify regulatory violations or the presence of hazardous materials that were in obscured or subsurface areas.

9.0 REFERENCES

Documents

Environmental Protection Agency Comprehensive Environmental Response, Compensation and Liability Information System List and National Priorities List

Environmental Protection Agency Resource Conservation and Recovery Act List

New Mexico Environment Department Underground Storage Tank List

New Mexico Environment Department Leaking Underground Storage Tank List

United States Geological Survey 7.5 Minute Series Topographic Map Albuquerque West, New Mexico, Quadrangle

Federal Emergency Management Agency Flood Insurance Rate Map

Bernalillo County and Parts of Sandoval and Valencia Counties, New Mexico, Soil Survey, Soil Conservation Service and Forest Service, June 1977.

ASTM Standards on Environmental Site Assessments for Commercial Real Estate: E 1527 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

Information Sources

Governmental

City of Albuquerque Environment Department

Public Service Company of New Mexico (PNM), Albuquerque, New Mexico

Regulatory Agencies

New Mexico Environmental Department, Albuquerque, New Mexico

New Mexico Environmental Department, Santa Fe, New Mexico

Environmental Protection Agency, Region VI, Dallas, Texas