



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

MAY 28 2002

VIA FEDERAL EXPRESS OVERNIGHT MAIL

Mr. Richard Cole
General Manager
Las Cruces Sun-News
256 W. Las Cruces Street
Las Cruces, NM 88005

Re: Griggs and Walnut Plume Superfund Site; Las Cruces, NM; - Request for access to Las Cruces Sun News Property (formerly used as a Dry Cleaner) at 250 W. Las Cruces Street

Dear Mr. Cole:

This is to request access to property located at 250 West Las Cruces Street. It is our understanding that the property is occupied by the plant that produces the *Las Cruces Sun-News* (hereinafter this property is referred to as the Property). The U. S. Environmental Protection Agency (EPA) attempted, through your staff, to schedule an appointment with you during a recent Site visit to obtain access for sampling, but was never able to communicate with you directly. The EPA requests access to the property because we believe that the hazardous substance tetrachloroethene (also known as perchloroethylene or PCE) may have been released on the property.

We are interested in the Property ^{operation} because a dry cleaning shop once operated at this location, and because the current Property is a registered user of PCE. Dry cleaning facilities and other industrial users use PCE as a cleaning solvent. We believe a potential exists for PCE to have been spilled, or disposed of on site, and that the PCE may be migrating into the ground water that underlies the Property.

Specifically, we are looking for the sources of the PCE that has contaminated an aquifer that serves as the drinking water supply for the City of Las Cruces. We are also trying to determine the areal extent of the plume of contamination in the ground water. As part of our investigation, we would like to perform a soil vapor survey outside the Property that once was a dry cleaning facility. After our remedial investigation is complete, we will to the extent practicable, restore the Property to its original condition. The soil vapor survey should impose minimal surface soil or parking lot (asphalt) disturbance; however, provisions will be taken after the soil vapor survey is performed to fill in and restore the Property. We will also notify you of the results of the investigation. If additional information is needed to further evaluate the Property, we will meet with you to discuss and coordinate this action.

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Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), grants EPA broad authority to enter property to conduct investigations, studies, and cleanups, and to obtain documents and information. Likewise, Section 104(e)(5) explicitly provides EPA authority to issue orders directing compliance with requests for access and information. If such an order is violated, CERCLA permits EPA to seek the imposition of penalties of up to \$27,500.00¹ for each day of continued noncompliance.

By this letter, EPA once again requests access to the Property to conduct the work described in the proposed access agreement (enclosed). The agreement describes the type of activities we would like to perform on the Property. Please provide the requested information, sign the agreement, and fax a copy to me at (214) 665-6660 upon receipt. The original, signed agreement should be returned to me at the following address:

Ms. Petra Sanchez
Remedial Project Manager (6SF-LT)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

At your discretion, you may send the original through regular, U.S. Postal Service instead of overnight express. We request that you send the signed agreement no later than June 5, 2002, so we can begin the investigation during the week of June 23, 2002. Please note that EPA will not agree to conditions that will restrict or impede the manner or extent of an enforcement or response action, impose indemnity or compensatory obligations on EPA, or operate as a release of liability. Therefore, if you impose conditions of this nature on your consent, we will treat your response as a denial of consent.

If you have any questions regarding EPA's response actions at the Site, please contact me at your earliest convenience at (214) 665-6686. Legal questions may be directed to EPA Senior Attorney Mr. James E. Costello at (214) 665-8045.

Sincerely,

Petra Sanchez
Remedial Project Manager

Enclosure

¹Statutory penalty provisions have been increased by 10 percent (in this case from \$25,000 to \$27,500) for events occurring after January 30, 1997, by the Debt Collection Improvement Act of 1996 and its implementing regulations, the Civil Monetary Penalty Inflation Rule, 61 Fed. Reg. 69,360 codified at Title 40 of the Code of Federal Regulations (CFR) Part 19.

cc: Ms. Dana Bahar
New Mexico Environment Department

SF-LT:SANCHEZ.f:GWP_ACCESS_SUNNEWS_(05/17/02)

CONCUR:

COSTELLO WILLIAMS
6RC-S 685-LT 5/28/02