

**NEW MEXICO ENVIRONMENT DEPARTMENT
VOLUNTARY REMEDIATION PROGRAM**

CONDITIONAL CERTIFICATE OF COMPLETION

Pursuant to NMSA 1978, §74-40-1, et seq., the Voluntary Remediation Act, and the Voluntary Remediation Regulations (20.6.3 NMAC), the New Mexico Environment Department (NMED) has determined that the participant, City of Albuquerque Environmental Health Department, has successfully complied with the Voluntary Remediation Agreement and that site conditions meet applicable standards for the Albuquerque Rail Yards – North, VRP Site No. 53161007, as of the execution date of this Certificate for the tract of land and for the environmental conditions described in Exhibit A, attached hereto. This Conditional Certificate of Completion is issued pursuant to Section 20.6.3.500 NMAC and the Delegation Order dated May 24, 2021, through which the Cabinet Secretary has delegated signatory authority to the Chief of the Ground Water Quality Bureau.

This Certificate remains valid only if the following requirement(s) of institutional and engineering controls are satisfactorily implemented and maintained:

1. *Future onsite redevelopment activities shall follow the Soil Management Plan (SMP) dated July 16, 2020 and approved by NMED on August 13, 2020.*
2. *Ground water shall be monitored annually or until contaminant concentrations remain below NM Water Quality Control Commission Standards for eight consecutive quarters as outlined in the Final Voluntary Remediation Work Plan dated June 28, 2019 and approved by NMED on August 13, 2020.*
3. *Soil vapor shall be monitored annually or until contaminant concentrations remain below NMED Residential Vapor Intrusion Screening Levels as outlined in the Final Voluntary Remediation Work Plan dated June 28, 2019 and approved by NMED on August 13, 2020.*
4. *Future on-site buildings shall include a vapor intrusion mitigation system if contaminant concentrations exceed the NMED residential Vapor Intrusion Screening Levels.*
5. *Existing on-site buildings shall include a vapor intrusion mitigation system if contaminant concentrations exceed the NMED residential Vapor Intrusion Screening Levels.*
6. *Sub-slab soil vapor monitoring shall be suspended provided a vapor intrusion mitigation system is installed covering the entire surface area of a ground floor in an existing building or under a newly constructed building.*
7. *A Notice shall be attached to the property deed at the County Clerk's office if vapor intrusion mitigation systems are installed for existing or new on-site buildings.*
8. *Prior to demolition of on-site structures, asbestos containing materials and lead-based paint shall be removed and disposed of according to local and state regulations.*
9. *Prior to renovation of on-site structures, a determination shall be made by the City of Albuquerque whether immobilization or containment of asbestos or lead-based paint will occur for those buildings that test positive for those materials.*

Conditional Certificate of Completion
VRP Site No. 53161007

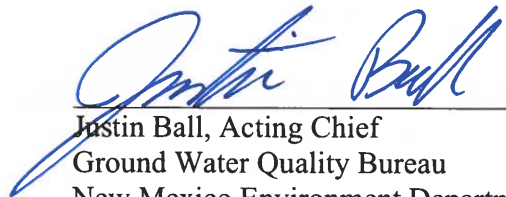
10. Residential land use is approved in participant-designated area(s) within the property provided the participant or future property owner demonstrates that residual petroleum hydrocarbon, metals, or chlorinated solvents contamination remaining in on-site soils or soil vapor are below the residential Soil Screening Levels and Vapor Intrusion Screening Levels within those designated area(s).
11. Interim uses of existing buildings are approved provided the applicant demonstrates that the interim uses of an existing building are consistent with the interim uses outlined in the Final Voluntary Remediation Work Plan dated June 28, 2019 and approved by NMED on August 13, 2020.

A restrictive deed covenant, approved by the New Mexico Environment Department (NMED), shall be recorded at the County Clerk's office in which the property is located. A copy of the filed restrictive covenant shall be returned to NMED.

Any covenants not to sue will be rescinded if engineering controls are removed or modified without consent or approval by NMED. NMED will conduct audits to inspect the engineering controls at the site to verify proper installations and maintenance. NMED may increase the frequency of site inspections if it is determined that the site conditions and/or deed notice has not been satisfactorily maintained. In addition, NMED will inspect the official deed notice at the County Clerk's Office to determine that it has been filed and remains in place. NMED will perform audits at the minimum frequency required by the regulations if the engineering controls are found to be maintained in a satisfactory manner.

A purchaser of the site who did not contribute to the site contamination covered by the Voluntary Remediation Agreement is entitled to obtain a Covenant Not to Sue from NMED pursuant to §74-40-8 NMSA 1978, which Covenant shall be conditioned on satisfactory maintenance of the requirement(s) described above.

EXECUTED this 28th day of September, 2021


Justin Ball, Acting Chief
Ground Water Quality Bureau
New Mexico Environment Department

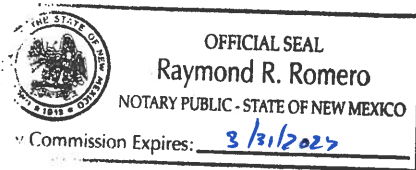
Attachment: Exhibit A, Legal Description and Environmental Conditions

Conditional Certificate of Completion
VRP Site No. 53161007

STATE OF NEW MEXICO
COUNTY OF SANTA FE

BEFORE ME, on this 28th day of September, 2021, personally appeared
Justin Bell, known to me to be the person and agent of said department
whose name is subscribed to the foregoing instrument, and she acknowledged to me that she
executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28th day of
September, 2021.



[Signature]
Notary Public in and for the State of New Mexico
My commission expires: 3/15/2023

**Conditional Certificate of Completion Exhibit A
Legal Description and Environmental Conditions**

New Mexico Environment Department
Voluntary Remediation Program

Albuquerque Rail Yards - North (1100 2nd Street SW, Albuquerque)
VRP Site No. 53161007

I. Legal Description

The site, known as Albuquerque Rail Yards - North, is a 10.78-acre tract of land that is a portion of the larger 27-acre Albuquerque Rail Yards property generally located north of Avenida Cesar Chavez (Bridge Boulevard SW) between 2nd Street SW and Commercial Street SE. The site is developed with multiple buildings including the Blacksmith Shop, Flue Shop, Boiler Shop, Tender Repair Shop, Cab Paint Shop, Fire Station, Waste and Paint Rooms, Pattern House, Transfer Table, and canopy structure. The site is more particularly described as follows:

(Legal Description and Map Attached)

II. Environmental Conditions

From the 1880s to the early 1990s, the site operated as the Central Works Equipment facility for the Atchison, Topeka, and Santa Fe and Burlington Northern Santa Fe railways to perform servicing activities in support of smaller railyards located in the area. Activities conducted at the facility included blacksmithing, welding, and painting. The various types of chemicals historically used and stored at the site included solvents and lye used for parts cleaning, paint, heavy oils, diesel fuel and other lubricants, and packaged herbicides. Industrial use of the site ceased in 1991 and the site has been mostly unoccupied since that time, except for use by the film industry and special events. The City of Albuquerque purchased the site in 2007 and renovated the Blacksmith Shop as a multipurpose structure in 2013. Environmental characterization and investigation activities have been ongoing at the site since 1988. Soil, soil vapor, and groundwater at the site have been impacted by the historic railyard operations (INTERA, June 28, 2019).

Soil contaminants of potential concern at the site include metals, polycyclic aromatic hydrocarbons (PAHs), and petroleum hydrocarbons. Excavation of contaminated soil has occurred at certain on-site locations where contaminant levels exceeded NMED screening levels. NMED's Soil Screening Guidance for Human Health Risk Assessments Section 2.3.3 lists a soil lead residential level of 400 parts per million (ppm). In May 2020, NMED approved the site-specific soil lead residential level of 550 parts per million for the site based on the results from the bioavailability sampling and modeling (City of Albuquerque, December 5, 2019). Future soil excavation work conducted at the site shall follow the Soil Management Plan which includes field procedures for handling and disposal of potentially contaminated soil (INTERA, July 16, 2020).

Groundwater contaminants of potential concern at the site include metals, PAHs, petroleum hydrocarbons, and volatile organic compounds (VOCs). Groundwater monitoring wells are located throughout the site and depth to groundwater ranges from 17.5 feet to 25.7 feet, as of the April 2020 sampling event. Monitoring results for the site revealed manganese concentrations in

exceedance of the NMED standards. This exceedance indicates biodegradation of petroleum hydrocarbon products is occurring; however, long-term monitoring of groundwater will be conducted at the site until concentrations are below NMED standards (INTERA, October 16, 2020).

Soil vapor contaminants of potential concern at the site include VOCs including trichloroethene (TCE). Sub-slab soil vapor sampling probes are located throughout the site. Soil vapor monitoring results revealed that one sample location located within the north end of the Blacksmith Shop exceeded NMED's screening levels for TCE. The Blacksmith Shop is currently used as an open-air market during the Spring and Summer months. The propensity for soil vapor to enter through the concrete slab and concentrate in the building during its current use is believed to be minimal. Long-term monitoring of soil vapor will occur until concentrations decrease to below NMED screening levels. Engineering controls to mitigate vapor intrusion may be necessary for existing and new on-site structures.

The City of Albuquerque has conducted asbestos and lead-based paint sampling of on-site structures and abatement plans have been prepared for key buildings. Additional abatement plans will be developed as redevelopment and use of the other buildings are planned. Prior to demolition, asbestos and lead-based paint abatement was performed at the Sheet Metal House, North Washroom Building, and the north end of the Flue Shop. The Cab Paint Shop and Pattern House are planned for demolition.

These environmental conditions are further described in the following documents:

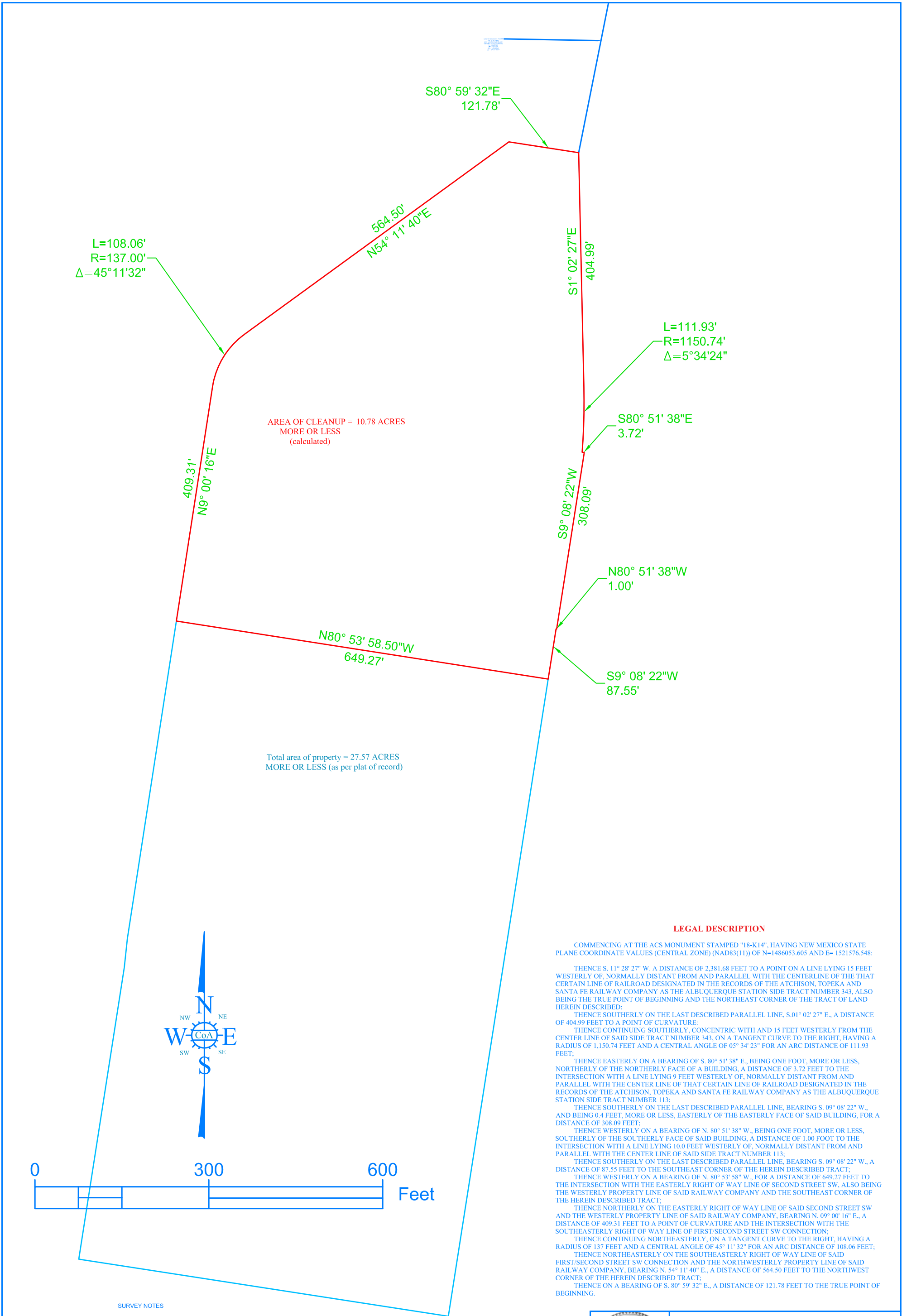
INTERA, Inc. 2020. Voluntary Remediation Completion Report for the City of Albuquerque Rail Yards North prepared for the City of Albuquerque Environmental Health Department. October 16.

INTERA, Inc. 2020, Soil Management Plan for the City of Albuquerque Rail Yards prepared for the City of Albuquerque Environmental Health Department. July 16.

City of Albuquerque. 2019. Voluntary Remediation Program Status Report Addendum for the City of Albuquerque Rail Yards VRP Site No. 53161007. December 5.

City of Albuquerque. 2019. Voluntary Remediation Program Status Report for the City of Albuquerque Rail Yards VRP Site No. 53161007. July 29.

INTERA, Inc. 2019. Voluntary Remediation Program Final Work Plan (VRP Site No. 53161007) for the City of Albuquerque Rail Yards prepared for the City of Albuquerque Environmental Health Department. June 28.



LEGAL DESCRIPTION

COMMENCING AT THE ACS MONUMENT STAMPED "18-K14", HAVING NEW MEXICO STATE PLANE COORDINATE VALUES (CENTRAL ZONE) (NAD83(11)) OF N=1486053.605 AND E= 1521576.548:

THENCE S. 11° 28' 27" W., A DISTANCE OF 2,381.68 FEET TO A POINT ON A LINE LYING 15 FEET WESTERLY OF, NORMALLY DISTANT FROM AND PARALLEL WITH THE CENTERLINE OF THE THAT CERTAIN LINE OF RAILROAD DESIGNATED IN THE RECORDS OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AS THE ALBUQUERQUE STATION SIDE TRACT NUMBER 343, ALSO BEING THE TRUE POINT OF BEGINNING AND THE NORTHEAST CORNER OF THE TRACT OF LAND HEREIN DESCRIBED:

THENCE SOUTHERLY ON THE LAST DESCRIBED PARALLEL LINE, S.01° 02' 27" E., A DISTANCE OF 404.99 FEET TO A POINT OF CURVATURE:

THENCE CONTINUING SOUTHERLY, CONCENTRIC WITH AND 15 FEET WESTERLY FROM THE CENTER LINE OF SAID SIDE TRACT NUMBER 343, ON A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1,150.74 FEET AND A CENTRAL ANGLE OF 05° 34' 23" FOR AN ARC DISTANCE OF 111.93 FEET;

THENCE EASTERLY ON A BEARING OF S. 80° 51' 38" E., BEING ONE FOOT, MORE OR LESS, NORTHERLY OF THE NORTHERLY FACE OF A BUILDING, A DISTANCE OF 3.72 FEET TO THE INTERSECTION WITH A LINE LYING 9 FEET WESTERLY OF, NORMALLY DISTANT FROM AND PARALLEL WITH THE CENTER LINE OF THAT CERTAIN LINE OF RAILROAD DESIGNATED IN THE RECORDS OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AS THE ALBUQUERQUE STATION SIDE TRACT NUMBER 113;

THENCE SOUTHERLY ON THE LAST DESCRIBED PARALLEL LINE, BEARING S. 09° 08' 22" W., AND BEING 0.4 FEET, MORE OR LESS, EASTERLY OF THE EASTERLY FACE OF SAID BUILDING, FOR A DISTANCE OF 308.09 FEET;

THENCE WESTERLY ON A BEARING OF N. 80° 51' 38" W., BEING ONE FOOT, MORE OR LESS, SOUTHERLY OF THE SOUTHERLY FACE OF SAID BUILDING, A DISTANCE OF 1.00 FOOT TO THE INTERSECTION WITH A LINE LYING 10.0 FEET WESTERLY OF, NORMALLY DISTANT FROM AND PARALLEL WITH THE CENTER LINE OF SAID SIDE TRACT NUMBER 113;

THENCE SOUTHERLY ON THE LAST DESCRIBED PARALLEL LINE, BEARING S. 09° 08' 22" W., A DISTANCE OF 87.55 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WESTERLY ON A BEARING OF N. 80° 53' 58" W., FOR A DISTANCE OF 649.27 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SECOND STREET SW, ALSO BEING THE WESTERLY PROPERTY LINE OF SAID RAILWAY COMPANY AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTHERLY ON THE EASTERLY RIGHT OF WAY LINE OF SAID SECOND STREET SW AND THE WESTERLY PROPERTY LINE OF SAID RAILWAY COMPANY, BEARING N. 09° 00' 16" E., A DISTANCE OF 409.31 FEET TO A POINT OF CURVATURE AND THE INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF FIRST/SECOND STREET SW CONNECTION;

THENCE CONTINUING NORTHEASTERLY, ON A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 137 FEET AND A CENTRAL ANGLE OF 45° 11' 32" FOR AN ARC DISTANCE OF 108.06 FEET;

THENCE NORTHEASTERLY ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID FIRST/SECOND STREET SW CONNECTION AND THE NORTHWESTERLY PROPERTY LINE OF SAID RAILWAY COMPANY, BEARING N. 54° 11' 40" E., A DISTANCE OF 564.50 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ON A BEARING OF S. 80° 59' 32" E., A DISTANCE OF 121.78 FEET TO THE TRUE POINT OF BEGINNING.

SURVEY NOTES

1. THIS IS NOT A BOUNDARY SURVEY. APPARENT PROPERTY LINES AND FOUND CORNERS AS MAY BE SHOWN HEREIN ARE FOR ORIENTATION PURPOSE ONLY.
2. FIELD WORK WAS COMPLETED IN MAY 2020 USING GPS VIA THE LIECA SMARTNET REAL TIME GEODETIC NETWORK.
3. THE HORIZONTAL DATUM IS BASED ON NAD83 AND THE VERTICAL DATUM IS BASED ON NAVD88.
4. THIS MAPPING DATA SET WAS COLLECTED TO SUPPORT A HORIZONTAL SCALE OF 1"=150'
5. THE CENTER OF THE PROJECT CAN BE LOCATED BY GEOGRAPHIC COORDINATES 35° 04' 35" N, 106° 38' 58" W.



**DEPARTMENT OF MUNICIPAL DEVELOPMENT
CONSTRUCTION SERVICES / SURVEY SECTION**

**ATSF Railway Machine Shop
Tract A
North End Description**

DRAWN BY: DB	DWG NO. 1 OF 1	REV
APPROVED BY: LR	FIELD WORK PERFORMED 5/20/2020	SHEET 1