

*Benito
Garcia*

TAICHERT, WIGGINS, VIRTUE & NAJJAR
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
LAWYERS

*Barbara
let's discuss
this
Benit*

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July 24, 1995

VIA FACSIMILE TO 827-2836

Ms. Tracy Hughes
General Counsel
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive
P. O. Box 26110
Santa Fe, NM 87502

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Pls read &
get back to me
this PM*

Transwestern Pipeline Company ("Transwestern"),
Roswell Station, Compressor Station No. 9

Dear Tracy:

I have recently received a copy of correspondence dated July 13, 1995 (attached) from Ms. Barbara Hoditschek of the Hazardous and Radioactive Materials Bureau ("HRMB") notifying Transwestern that the HRMB intends to issue the modified closure plan of the referenced facility for public comment in the very near future. Ms. Hoditschek's letter follows recent correspondence between Transwestern and NMED, including a letter from Bill Kendrick on behalf of Transwestern to Ms. Hoditschek dated May 30th, my letter to you dated June 1, 1995 and a letter from Mr. Benito Garcia to Larry Campbell of Transwestern dated June 20, 1995.

As I have previously mentioned to you and as stated in paragraph 10 of Mr. Kendrick's May 30th letter to Ms. Hoditschek, a legal analysis is underway on the status of the Roswell Compressor Station No. 9, including a review of the appropriate regulatory pathways for the oversight of remediation of this location. It is my understanding that Transwestern has apprised the HRMB on several occasions of its concern that the present closure process may be inappropriate for Roswell Compressor Station No. 9. At this stage of the legal review process, it appears that much of the information previously submitted in the Part A application and the closure plan is inaccurate (e.g., overstatement of both the amount of materials released to the impoundments and time period of release; no release of hazardous wastes, etc.) As a result of the information obtained during this review, Transwestern may need to withdraw the Part A application and

Ms. Tracy Hughes
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closure plan in their entirety.

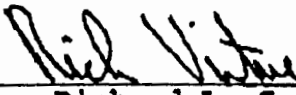
Mr. Kendrick's May 30 letter requested that NMED postpone its plan to submit a modified closure plan to public notice. In light of Ms. Hoditschek's recent letter, Transwestern again respectfully requests and strongly urges that the planned public notice of the draft closure plan be delayed until the appropriate regulatory treatment of the Roswell Compressor Station No. 9 is determined. Transwestern requests that a meeting between appropriate NMED officials and Transwestern representatives be scheduled at your earliest convenience to discuss the regulatory status of the facility in light of current information.

If you have any questions or comments, please contact me at 983-6101.

Very truly yours,

TAICHERT, WIGGINS, VIRTUE & NAJJAR

By


Richard L. C. Virtue
Santa Fe Office

cc: Frank Smith, Esq.
Lou Soldano, Esq.
Dave Nutt, Esq.
Bill Kendrick
Rodger Anderson
Benito Garcia
Barbara Hoditschek

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MARK E. WEIDLER
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 13, 1995

Mr. Bill Kendrick,
Projects Group Manager
ENRON Operations Corporation
Room 3AC3148, P.O. Box 1188
Houston, Texas 77251-1188

**RE: Closure Plan, Transwestern Pipeline Company (TPC), Roswell
Compressor Station Surface Impoundments**

EPA I.D. No. NMD986676955

Dear Mr. Kendrick:

Enclosed is the modified version of the January 16, 1995 closure plan of the Transwestern Pipeline Company (TPC), Roswell Compressor Station Surface Impoundments for your comments.

Changes made to the closure plan by New Mexico Environment Department, Hazardous and Radioactive Materials Bureau (HRMB) are indicated as follows: ~~Strikeouts~~ indicate deleted material, ~~added text~~ indicate added material.

In order to expedite the closure plan process, your comments on the modified closure plan to HRMB are requested by July 27, 1995. This will enable HRMB to promulgate a thirty (30) day public notice period upon receiving any comments you submit to HRMB.

If you have any questions on the modified closure plan please call me or Teri Davis at (505) 827-4308.

Sincerely,

Barbara Hoditschek
Barbara Hoditschek, Manager
RCRA Permits Program
Hazardous and Radioactive Materials Bureau

Enclosure

cc: Benito Garcia, Chief, HRMB
Larry Campbell, TPC
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