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NM ENVIRONMENT DEPARTMENT
OFFICE OF THE SECRETARY

TOLL FREE: (505) 867-0960
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June 12, 1996

BY FACSIMILE TO (505) 827-2836

Susan McMichael
Office of General Counsel
New Mexico Environment Department
Room N4050
Harold Runnels Building
P. O. Box 26110
Santa Fe, NM 87502

Transwestern Pipeline Company
("TW") - Roswell Station

Dear Susan:

This letter responds to your letter dated May 30, 1996 concerning the status of the above referenced matter and scheduling.

I received your letter on Monday, June 3rd, by mail, and did not receive a facsimile transmission as you had indicated in your letter. After receipt of your letter, I discussed your scheduling proposal with Lou Soldano.

Based upon my conversation with Lou and my current work schedule, it will be difficult if not impossible for TW to submit an alternative to the closure plan by June 17th (the Monday following June 15th).

I had previously scheduled a closing of a transaction I have been working on for over a year for Tuesday, June 18th. In addition, I have been requested by the Governor's office to attend today a meeting on a matter that the state has indicated is "urgent". That matter will require my additional attention over the next week also.

Additionally, I received from your office last week a copy of the April 12, 1996 Federal Register publication of EPA's latest proposed regulation on corrective action. This publication is over 70 pages long and may well be pertinent to TW's proposal. Given that and other proposed changes concerning the RCRA corrective action program that are currently pending, I believe


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that it is critical that these matters be considered in preparing a settlement proposal to NMED that address NMED's concerns. Therefore, it makes sense to take the additional time necessary to review these materials in connection with preparing TW's proposed settlement.

I have suggested to TW that it target for making a submission to NMED no later than the end of June, and we will certainly continue to work towards that goal. If this revised scheduling creates any questions or concerns from NMED, I would appreciate your contacting me immediately. Thank you.

Very truly yours,

VIRTUE & NAJJAR, P.C.

By 
Richard L. C. Virtue

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cc: Honorable Mark Weidler
Benito Garcia
Joe Hulsher
Lou Soldano