

GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
OFFICE OF GENERAL COUNSEL
PHONE: 505-827-2990
FAX: 505-827-1628

Barbara
Connetter
File
MARK E. WEIDLER
SECRETARY
EDGAR T. THORNTON, III
DEPUTY SECRETARY

June 14, 1996

Richard Virtue
Taichert, Wiggins, Virtue & Najjar
P.O. Box 4265
Santa Fe, NM 87502-4265

Dear Richard:

This letter confirms our telephone conversation of today. By letter dated May 30, 1996, we requested Transwestern Pipeline Company (TPC) to forward a copy of the closure plan or alternative closure plan that Secretary Weidler previously requested in writing last April. We specifically requested to receive such plan prior to June 14, 1996. You have informed us in writing that you are preparing an alternative to the RCRA Closure Plan and requested a two week extension from this date. This confirms that Secretary Weidler has agreed to grant TPC a two-week extension until June 28, 1996.

This letter further confirms that Secretary Weidler is unequivocal and consistent in the Department's position that the TPC is required to comply with all requirements under the New Mexico Hazardous Waste Act and regulations. Further, Secretary Weidler would like to clarify that: (1) he is fully expecting from TPC a closure plan that meets the technical and regulatory requirements under the New Mexico Hazardous Waste Act; and (2) the Department did not agree to settlement of this dispute other than with the submittal of the closure plan that was prepared and approved by staff last January or with an "alternative" closure plan submitted by TPC if approved by the Department as meeting applicable regulatory requirements.

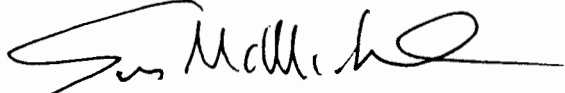
You have also inquired as to comments from the Department regarding an assessment plan submitted by TPC to OCD. We do not believe that any remediation plans submitted to OCD would involve the jurisdiction of NMED or otherwise legally satisfy the closure plan requirements under the the Hazardous Waste Act or regulations. For this reason, is inappropriate for the Department to review or comment upon any such plans.

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Further, I would like to clarify the following. I forwarded copies of proposed changes to EPA regulations to Subpart S (corrective action) upon your request. The fact that these were forwarded to you should not, in any manner, be used as an endorsement on my part that they (1) are relevant; (2) a reliable guideline or (3) somehow eliminate the requirement to comply with RCRA closure plan requirements. The proposed regulations may or may not be useful to you for this matter.

We look forward to receiving a copy of the proposed alternative RCRA closure plan for our review.

Sincerely,



SUSAN M. McMICHAEAL
Assistant General Counsel

cc: Mark Weidler
Benito Garcia
Barbara Hodischeck
Rand Carroll, Oil & Conservation Division