

TWP 96

*Barbara
Cornelius
file Transwestern*

JUN 19 1996

Mr. Ed Kelley, Director
Water and Waste Management Division
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502

Dear Mr. Kelley:

As discussed in the April meeting between Mark Weidler and Allyn M. Davis, the Environmental Protection Agency (EPA) has reviewed the circumstances concerning Transwestern Pipeline Company's (TPC) allegation that it does not need to comply with the requirements for closure or permitting under the Resource Conservation and Recovery Act (RCRA).

The EPA fully supports the position of the New Mexico Environment Department (NMED) and its analysis that RCRA is applicable to TPC. This decision is based on our review of the situation and a letter dated February 1, 1996, from NMED's Susan McMichael to Richard Virtue of TPC's legal counsel, which addresses each of TPC's assertions. Also, I have enclosed some guidance from the RCRA permit compendium pertaining to the petroleum waste exclusion. ←

Please keep us informed of the regulatory status in this matter. If you have any further questions, do not hesitate to call Mr. David Neleigh at (214) 665-6785.

Sincerely yours,

Robert E. Hanneschlager, P.E.
Acting Division Director
Multimedia Planning
and Permitting Division

Enclosure

6PD-N:RMayer:KO:6/14/96:A:Disk:TRANSWST

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OWEN NELEIGH POWERS

**FACSIMILE TRANSMITTAL**

**U.S. EPA REGION 6
HAZARDOUS WASTE MANAGEMENT DIVISION
1445 ROSS AVENUE
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