



GARY E. JOHNSON
GOVERNOR

TWP

State of New Mexico
ENVIRONMENT DEPARTMENT
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*Clawson -
my reading file
B.A.*

MARK E. WEIDLER
SECRETARY
EDGAR T. THORNTON, III
DEPUTY SECRETARY

September 4, 1996

RETURN RECEIPT REQUESTED
No. P 135 860 270

Mr. Richard Virtue, Esq.
Virtue, Najjar & Bartell
300 Paseo de Peralta
Suite 200
Santa Fe, New Mexico 87501

VIA FAX 983-8304

RE: TPC SETTLEMENT MEETING

Dear Mr. Virtue:

This letter responds to your letter dated September 3, 1996. I contacted you last Wednesday, August 28th, to determine whether Transwestern (TPC) intended to respond to our August 9, 1996 letter and if TPC was interested in meeting with the New Mexico Environment Department (NMED) for purposes of discussing settlement. In response, you indicated that TPC would be interested in obtaining an extension of thirty (30) days from Secretary Weidler's September 3, 1996 deadline to allow the parties to meet. We received the request in writing the next day. I unsuccessfully attempted to contact you by telephone yesterday to inform you that Secretary Weidler had intended to grant the extension.

We were disappointed that TPC determined that federal court litigation regarding the cleanup of its site is a course of action for resolution of this dispute. Nevertheless, we were encouraged that you would like to meet with us to discuss possible resolution of these issues prior to the filing of the court action. This letter is to confirm that NMED is interested, as we stated in our August 9, 1996 letter, in meeting with TPC to discuss possible settlement prior to Tuesday, September 17, 1996.

Please call me at your earliest convenience to arrange a meeting time. I look forward to hearing from you.

Sincerely,

Susan M. McMichael
SUSAN M. MCMICHAEL
Assistant General Counsel

cc: Benito Garcia ✓
Lou Soldano, Esq.
Joe Hulscher