

TOP 96

Proato's Reading File



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 3, 1996

Bill Kendrick
Projects Group Manager
ENRON
P.O. Box 1188
Houston, TX 77251-1188

Dear Mr. Kendrick:

RE: Follow-up on Meeting Between Transwestern Pipeline Company (TPC) and New Mexico Environment Department (NMED) Staffs to Discuss Technical Issues

The New Mexico Environment Department (NMED) would like to thank Transwestern Pipeline Company (TPC) for the meeting held on October 2, 1996 to discuss and resolve technical issues to allow TPC and NMED to proceed with the Administrative Order on Consent (AOC). It is our understanding that the Alternate Closure Plan dated June 27, 1996 will be revised to include technical changes discussed at the October 2, 1996 meeting and become a Corrective Action Plan (CAP) which will be incorporated into the AOC.

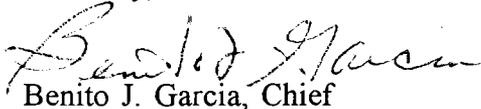
At the meeting, TPC staff expressed concern over the costs associated with disposal of Investigation Derived Wastes (IDW) at permitted Resource and Conservation Recovery Act (RCRA) land disposal facilities. NMED staff agreed to review this situation and provide TPC with a position on how to deal with IDW. Staff has taken the position that if IDW do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) criteria, the IDW could be treated on site by an agreed upon method between TPC and NMED. Examples for consideration could include soil washing or some form of biological treatment of the IDW. Staff offer the following language recommendation for Pages 35 and 49, Sections 4.7 and 5.8, Paragraphs 1 of the revised CAP (shown in ~~strikeout~~ and redline): ~~Only wastes determined to be characteristically hazardous will be managed as RCRA hazardous wastes. IDW which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent levels under the Hazardous Waste Management Regulations (20 NMAC 4.1) may be treated on-site as agreed upon by TPC and NMED to reduce hazardous constituents within the IDW to levels which are protective of human health and the environment.~~ This language should replace the language currently on the pages cited above for the revised CAP.

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As requested by TPC, NMED approves the 60 day time frame for revision to the final CAP for inclusion into the AOC. Based on the 60 day request from the date of the meeting, the due date for the revised CAP is December 2, 1996.

Should you have any questions on this letter or need clarification on these statements, please contact me or Ms. Teri Davis at (505) 827 1557 or if your legal staff has any questions please have them contact Ms. Susan McMichael of NMED's Office of General Counsel at (505) 827-0127. With regard to dispute resolution, please review the dispute mechanism drafted by Ms. McMichael in the draft AOC. If you should have any questions or comments please feel free to contact either myself or Ms. Michael.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG/bjg

cc: Ed Kelley, Ph. D., Director, WWMD, NMED
Susan McMichael, OGC NMED
Jerry Bober, Supervisor HRMB NMED
Teri Davis, Geologist HRMB NMED
Joe Hulscher, Vice-President TPC
Richard Virtue, Esq.