

HELLER, EHRMAN, WHITE & MCAULIFFE

ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

333 BUSH STREET
SAN FRANCISCO, CALIFORNIA 94104-2678
FACSIMILE (415) 772-6268
TELEPHONE (415) 772-6000

1400 FIRST INTERSTATE PLAZA · 1201 PACIFIC AVENUE
TACOMA, WASHINGTON 98402-4308
TELEPHONE (206) 572-6666 · FACSIMILE (206) 572-6743

701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098
FACSIMILE (206) 447-0849
TELEPHONE (206) 447-0900

525 UNIVERSITY AVENUE
PALO ALTO, CALIFORNIA 94301-1908
FACSIMILE (415) 324-0638
TELEPHONE (415) 326-7600

550 WEST 7TH AVENUE
ANCHORAGE, ALASKA 99501-3571
FACSIMILE (907) 277-1920
TELEPHONE (907) 277-1900

May 4, 1990

555 SOUTH FLOWER STREET
LOS ANGELES, CALIFORNIA 90071-2306
FACSIMILE (213) 614-1868
TELEPHONE (213) 689-0200

1300 S. W. FIFTH AVENUE
PORTLAND, OREGON 97201-5696
FACSIMILE (503) 241-0950
TELEPHONE (503) 227-7400

MICHAEL R. THORP
PARTNER

Mr. Jeff Webb
Project Manager
U. S. Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, WA 98101

Re: Asarco Tacoma Smelter

Dear Mr. Webb:

I am writing this letter to you on behalf of ASARCO Incorporated in order to respond to certain statements attributed to you by the Morning News Tribune in an article published on May 3, 1990. A copy of that article is attached.


Your statements regarding disagreements between EPA and Asarco and Asarco's "refusal" to install monitoring wells comes as news to us. Since submittal of the draft feasibility study to EPA in mid-January, we have heard nothing by way of comment or criticism despite repeated inquiries from us. We have not been informed as to any disagreements EPA might have with regard to the FS, nor has EPA requested any new monitoring wells. Moreover, the only suggestion with regard to "deferring" anything was my renewed suggestion that Asarco proceed with demolition while the details of the feasibility study are being worked out. That makes much more sense than the way EPA is currently conducting things, which is to let the Tacoma smelter stand in an increasing state of disrepair while EPA tries to figure out what to do. Had Asarco been allowed to move forward with demolition, the site would now be ready for remedial action. As it is, once the process does begin, it could take over a year to get the site ready to begin remedial action.

Mr. Jeff Webb
May 4, 1990
Page 2

The delays being experienced are the solely the fault of EPA. To say otherwise, particularly to the press, is simply untrue and unfair.

Very truly yours,

HELLER, EHRMAN, WHITE & MCAULIFFE

A handwritten signature in cursive script, appearing to read "Michael R. Thorp".

Michael R. Thorp
Attorney for ASARCO Incorporated

MRT:vf
Enclosure

cc: Ed Kowalski, EPA
Editor, Morning News Tribune