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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA, MONTANA 59626-0096

Ref: 8MO

Site East Helena
File # 2.06
Confidential: Yes ____ No ✓
Admin. Record: Yes ✓ No ____
Key Words/Comments: EPA's response to ARCO's good faith offer for Process Ponds RD/RA.

May 14, 1990

Robert L. Dent
Minerals Projects Manager
ARCO Coal Company
555 Seventeenth Street
Denver, Colorado 80202

RE: East Helena Site - Process Ponds Operable Unit RD/RA Negotiations

Dear Mr. Dent:

EPA Region VIII has received and reviewed the May 1, 1990 offer submitted by you to EPA on behalf of Asarco. EPA has determined that this offer constitutes a "good faith offer" as contemplated by section 122(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(e), and provides a sufficient basis to continue negotiations. Consequently, the negotiation moratorium has now been extended for an additional period of sixty days as provided in Section 122(e). The negotiation moratorium will now expire on July 1, 1990.

EPA Office of Regional Counsel and Program staff are currently preparing an in-depth analysis of the documents which you submitted. Upon completion of this analysis, EPA will schedule a meeting with you to discuss the outstanding issues which pose a barrier to settlement.

If you have any questions pertaining to this matter, please direct them to Suzanne J. Bohan, Office of Regional Council, EPA Region VIII, Denver, Colorado 80202, at (303) 293-1458.

Sincerely,

John F. Wardell

John F. Wardell, Director
Montana Office

cc: Suzanne J. Bohan, 8RC
D. Scott Brown, 8MO
Michael Goodstein, DOJ
Nancy Mangone, EPA-HQ, LE-134S