U.S. Department of Justice

US EPA RECORDS CENTER REGION 5
514388

90-7-1-21

Washington, D.C. 20530

May 31, 1984

Becky A. Comstock, Esq.
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, Minnesota 55402

Re: United States v. Reilly Tar & Chemical Corp., No. 80-469 (D. Minn.)

Dear Becky:

I am writing to confirm our telephone conversation of May 25.

As I stated to you on the phone, the United States does not intend to meet with Reilly to discuss settlement in the absence of the State of Minnesota and would prefer not to meet in the absence of the City of St. Louis Park. We agree with the position taken by the State in Sandra Gardebring's May 10 letter to Thomas E. Reilly, Jr. that certain prerequisites are necessary before such a meeting may take place.

1. Reilly must submit a complete remedial action program that accomplishes each of the elements of the "RAP" document given by the United States and State to Reilly in January. Reilly's recent submittal leaves much of the necessary remedial measures undone or half done. Contingencies must be wholely provided for, not partially, as in the most recent submittal by Reilly. Reilly may indicate in its remedial program which measures the City of St. Louis agrees to undertake; however, as I mentioned in our conversation, the United States will not necessarily consent to an agreement between Reilly and the City, but will review the agreement on its merits.

2. Reilly needs to submit separate offers with respect to the United States' and the State's past costs. I have confirmed this point with both Steve Shakman and Mike Hansel of the State.

3. The State has requested a statement from Reilly concerning its position on a release clause in any consent decree. As I mentioned to you on the phone, the United States emphasizes in settling CERCLA cases that responsible parties are to remain liable for environmental problems which develop on the site in the future, especially groundwater contamination. This approach is unlikely to be abandoned in this case involving contamination of several aquifers, including one that provides a major source of drinking water.

Sincerely yours,

Assistant Attorney General
Land and Natural Resources
Division

By: David Hird

David Hird, Attorney
Environmental Enforcement Section

cc: Robert Polack, Esq.
Stephen Shakman, Esq.
Wayne Popham, Esq.
Robert Leininger, Esq.
Deborah Woitte, Esq.
Mr. Paul Bitter