



STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78711

WILLIAM P. CLEMENTS, JR.
GOVERNOR

October 18, 1990

Mr. William Reilly, Administrator
United States Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Reilly:

This letter is to identify an additional designated State of Texas trustee for natural resources. The Texas Water Commission (TWC) will serve as the State's lead trustee agency, consistent with that agency's legislated activities for oil and hazardous substances releases affecting natural resources. The Texas Parks and Wildlife (TPWD) is the additional trustee. TPWD has primary responsibility for fish and wildlife resources under state law.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"), as amended by the Superfund Amendments and Reauthorization Act (SARA), provides that "(t)he President, or the authorized representative of any State, shall act on behalf of the public as trustee for such natural resources..." and that "(such State officials shall assess damages to natural resources... for those natural resources under their trusteeship." (See CERCLA 107(F)(2)(B).) These state trustee officials are to act on behalf of the public as trustees for their natural resources for the purposes of CERCLA and of the Clean Water Act (CWA, see Section 311).

State activities in this matter will be coordinated by the TWC pursuant to the latest edition of the State of Texas Oil and Hazardous Substances Spill Contingency Plan, a copy of which is enclosed.

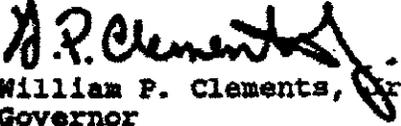
The overall coordination contact for the TWC will be the Chief of the Superfund and Emergency Response Section. Also, Mr. J.P. Schmidt is serving as the Natural Resource Damage Assessment (NRDA) coordinator.

These two state agencies are the State's designated trustees to work with the federal government under CERCLA and CWA as

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well as the Oil Pollution Act of 1990 to assess and restore damages to natural resources. Any other agencies to be involved in the process will be identified by the TWC. We are confident that the State will have a consensus position as represented by these two agencies based on past experience with this program. However, the TWC being retained as lead trustee is important if there is ever disagreement. Disagreement is unlikely and I am confident it may be settled by some informal or formal dispute resolution process that may be developed by these two agencies.

Sincerely,


William P. Clements, Jr.
Governor

WPC:SWB/aa/bf

Enclosure

cc: Mr. Raymond P. Churan
U.S. Department of Interior

Mr. John Lindsay
National Oceanic and Atmospheric Administration

Mr. Robert Layton, Jr.
U.S. Environmental Protection Agency

Mr. B.J. Wynne, III
Texas Water Commission

Mr. Chuck Nash
Texas Parks and Wildlife