

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 19, 2014

Mr. Roberto Puga, P.G.
Trustee, Texas Custodial Trust
Project Navigator, Ltd.
One Pointe Drive, Suite 320
Brea, CA 92821

RE: TCEQ Approval of *Construction Status and Design Changes for Cell 3 Cover System*, dated February 6, 2014
Former ASARCO Smelter site, El Paso, Texas
TCEQ SWR No. 31235; EPA ID No. TXD990757668; Customer No. CN603597782;
Regulated Entity No. RN100219021

Dear Mr. Puga:

The Texas Commission on Environmental Quality (TCEQ) and the US Environmental Protection Agency (USEPA) has reviewed the above referenced submittal dated February 6, 2014, providing a status update of completed activities and proposed changes and/or clarifications to the existing design for the Cell 3 cover system. The Cell 3 cover system design was submitted to the TCEQ on October 10, 2013 and approved for construction by the TCEQ on October 28, 2013. The February 6, 2014 submittal proposes the following design changes to the approved cover system:

- use of Bentomat DN as opposed to Bentomat CLT as the geosynthetic clay liner (GCL) material as originally specified in the October 10, 2013 Cell 3 cover system design submittal;
- extension of the cover system beyond and below the 3,788 elevation and to terminate in a new anchor trench located approximately 3 feet outboard of the existing top liner anchor trench; and,
- replacement of the geocomposite with a 12 oz. nonwoven cushion geotextile.

The February 6, 2014 submittal also provided additional clarification of the source and due diligence/inspection protocols supporting the construction of the 18-inch foundation layer. The TCEQ understands that Cell 3 will be deed restricted such that buildings cannot be constructed over Cell 3 and the existing cover system will be monitored for erosion and maintained until the final plant site soil cover system is installed. Based on our review, the TCEQ, with concurrence from the USEPA, hereby approves the implementation of the design changes proposed in the February 6, 2014 submittal.

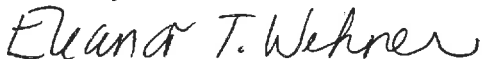
As previously stated in the TCEQ's October 28, 2013 letter the TCEQ and EPA requires the submittal of a final report within sixty (60) days of completion of the cover system installation activities for Cell 3. In addition, please be aware that submittal of proof of recordation in the

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county deed records of all industrial solid waste or municipal hazardous waste disposed on the above referenced site in a landfill(s) must be submitted to the TCEQ in accordance with 30 Texas Administrative Code (TAC) §335.5(b).

Questions concerning this letter should be directed to me at (512) 239-6542. Please use Mail Code MC-127 when responding by mail.

Sincerely,



Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division

ETW/mdh

cc: Mr. Scott M. Brown, P.E., Project Manager, Malcolm Pirnie, Inc., 410 N. 44th Street, Suite 1000, Phoenix, AZ 85008
Mr. Charles Fisher, Superfund Division, U.S. EPA Region 6 (Mail Code 6SF-RA), 1445 Ross Ave, Dallas, TX 75202
Ms. Lorinda Gardner, Regional Director, TCEQ Region 6 Office, El Paso