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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 21, 2015

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

RE: TCEQ/EPA Review of the following documents:

- Response to TCEQ/USEPA Comments on Cell 4 Final Cover Design, dated October 2, 2014
- Supplement to Response to TCEQ/USEPA Comments on Cell 4 Final Cover Design (dated October 2, 2014), dated December 15, 2014

*Category I Landfill, Cell 4 Final Cover Design*

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) have reviewed the above referenced submittals dated October 2, 2014 and December 15, 2014, prepared by representatives of Malcolm Pirnie on behalf of the Texas Custodial Trust. The October 2 and December 15, 2014 documents were submitted in response to TCEQ and USEPA comments issued on August 15, 2014, regarding review of the Category I Landfill, Cell 4 Final Cover Design for the above referenced facility, dated June 24, 2014, and in response to EPA comments conveyed to representatives of Geosyntec and Malcolm Pirnie via email on December 12, 2014. Based on our review, the October 2, 2014 and December 15, 2014 responses adequately address the August 15, 2014 TCEQ/USEPA comment letter. The June 24, 2014 Cell 4 Final Cover Design Report is hereby approved, as modified by the October 2, and December 15, 2014 submittals.

*The TCEQ and EPA require the submittal of a final report documenting the implementation and completion of the proposed activities (including supporting photographs) within sixty (60) days of completing the installation of the final cover system for Cell 4. In addition, please be aware that submittal of proof of recordation in the 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).*

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Questions concerning this letter should be directed to me at (512) 239-6542. When responding by mail, please submit an original and one copy of all correspondence and reports to the TCEQ Remediation Division at Mail Code MC-127 with an additional copy submitted to the USEPA and local TCEQ Region 6 Office.

Sincerely,



Eleanor T. Wehner, P.G.  
Project Manager  
VCP-CA Section  
Remediation Division  
Texas Commission on Environmental Quality  
ETW/mdh

cc: Mr. Scott M. Brown, P.E., Project Manager, Malcolm Pirnie, Inc., 410 N. 44<sup>th</sup> 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 Dallas

Ms. Lorinda Gardner, Regional Director, TCEQ Region 6 Office, El Paso