

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 22, 2016

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

Re: TCEQ Comments to the following documents:

- *Request to Plug and Abandon Monitoring Wells at the Former Asarco Smelter Site*, dated January 21, 2016
- *Clarification of Wells Proposed for Plugging and Abandonment*, email dated February 19, 2016

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 January 21, 2016 proposal to plug and abandon the following monitoring wells located on the plant site of the former ASARCO Smelter Site: EP-05, EP-108, EP-109, EP-111, EP-115, EP-116, EP-118, EP-119, EP-121, EP-122, EP-122 INJ, EP-122 OBS1, EP-122 OBS2, EP-122 OBS3, EP-122 OBS4, EP-122D, EP-127, EP-128, EP-132, EP-134, EP-135, EP-136, EP-137, EP-139R, EP-140A, EP-141A, EP-141B, EP-141C, EP-145, EP-148, EP-150AD, EP-150AS, EP-150BD, EP-150CD, EP-151D, EP-151S, EP-153, EP-155R, EP-157, EP-161, EP-168A, EP-168B, EP-169, EP-62, EP-64, EP-79, EP-80, EP-83, EP-87, EP-97, EP-98, EX-2, MW-10D, MW-10S, MW-11D, MW-132D, MW-132S, MW-9D, PZ-1, PZ-2, PZ-3, and PZ-4. Additional clarification of the list of wells was conveyed to the TCEQ via email on February 19, 2016. According to the February 19, 2016 submittal, one additional monitor well (i.e., OBS-1) was added to the existing list of wells proposed for plugging and abandonment (P&A). The updated list of wells proposed for P&A was provided in Table 2 of the February 19, 2016 submittal. Based on our review, the TCEQ, with concurrence from the USEPA, hereby approves the proposals submitted January 21 and February 19, 2016. The TCEQ requests the submittal of information documenting the proper P&A of the 63 wells in accordance with the requirements of 16 Texas Administrative Code (TAC) Chapter 76. Additional guidance and required forms related to proper P & A of wells may be obtained from the Texas Department of Licensing and Regulation (TDLR)'s website at: <http://www.license.state.tx.us/www/www.htm>.

The January 21, 2016 request proposed to seek a variance from TDLR pursuant to 16 TAC 76.109, to allow for the plugging of the full depth of all existing casings associated with the monitor wells with an approved bentonite plugging material as opposed to initiating an attempt(s) to pull the well casing out of the ground. The TCEQ is in support of your proposal to seek such a variance request from TDLR to ensure well bores are properly sealed.

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Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. If the well plugging and abandonment activities fail to comply with these requirements, please take any necessary and authorized action to correct such conditions.

Please submit your final State of Texas Plugging Report (TDLR Form #004WWD) for each well to the TDLR within thirty (30) days of completion of plugging and abandonment activities. Courtesy copies of the TDLR report form should be provided to the TCEQ Remediation Division at the letterhead address using mail code number MC 127. Additional copies should be submitted to the TCEQ Region 6 Office in El Paso and EPA Region VI Office in Dallas. The facility name, location and identification number(s) in the TCEQ reference line above should be referenced in your submittal.

Please call me at (512) 239-6542 if you need additional information or wish to discuss these comments or the due date. Thank you for your cooperation in this matter.

Sincerely,



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

ETW/mdh

cc: Mr. Scott M. Brown, P.E., Vice President, Principal-in-Charge, Malcolm Pirnie, Inc., 410 N. 44th Street, Suite 1000, Phoenix, AZ 85008

Mr. Chuck Barnes, Enforcement Division, U.S. EPA Region 6, 1445 Ross Avenue Suite 1200, Mail Code: 6EN, Dallas, TX 75202-2733

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