

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 1, 2017

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

Re: *Approval of the Request for Schedule Extension to Finalize and Record Institutional Controls (ICs)*, dated May 2, 2017
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) received the above referenced extension request. The May 2, 2017 submittal requests an extension of time to coordinate the finalization and recordation of the draft IC's that were submitted in the revised Response Action Plan (RAP) to the TCEQ on December 21, 2016 (Appendices 4.1-4.11). The Revised RAP was approved by the TCEQ, with concurrence of the USEPA, on December 27, 2017. The May 2, 2017 submittal requests an additional 120 days (i.e., August 31, 2017) to prepare, negotiate, review, finalize and submit each IC. Based on our review, TCT's May 2, 2017 extension request is acceptable. The TCEQ anticipates the submittal of supporting documentation demonstrating proof of filing the ICs associated with the revised RAP on or before August 31, 2017.

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 in El Paso.

Sincerely,

A handwritten signature in black ink that reads "Eleanor T. Wehner".

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, Arcadis U.S., 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, Regional Director, TCEQ Region 6 Office, El Paso
P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov