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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 25, 2017

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

Re: Approval of *2016 Soil Response Action Completion Report*, dated March 6, 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) and US Environmental Protection Agency (USEPA) have reviewed the above referenced *2016 Soil Response Action Completion Report (2016 Soil RACR)*, dated March 6, 2017, for the Former ASARCO Smelter Site (Site) prepared by representatives of the Texas Custodial Trust (TCT). TCT is pursuing response actions for the Site in accordance with the requirements of Texas Risk Reduction Program (TRRP) Remedy Standard B of 30 Texas Administrative Code (TAC) §350. In order to attain TRRP Remedy Standard B, all industrial solid waste and municipal hazardous waste and waste residues must be removed, decontaminated, and/or controlled such that receptors will not be exposed to contaminants in excess of the applicable human health and ecological based standards and criteria as specified in 30 TAC §350.33.

The *2016 Soil RACR* was submitted by the TCT to document soil response action activities completed for the Site through December 2016. *Based on our review, the 2016 Soil RACR documents achievement of final soil response actions associated with the following Assessment Areas (AA) associated with the Site:*

- **East Mountain AA** - Completion of construction of 13 gabion structures to detain storm water runoff in drainages as documented in the *2016 Soil RACR* to support the achievement of final response actions for the parcel. Texas Risk Reduction Program (TRRP) Remedy Standard B - Commercial/Industrial standards have been attained; however, post-response action care, institutional control (IC) and/or engineering control measures are required to maintain compliance with the requirements of 30 TAC §350.
- **East Property AA (north of South Arroyo)** - Completion of assessment and removal actions for an area north of the South Arroyo within the East Property AA parcel as documented in the *2016 Soil RACR* document achievement of critical residential protective concentration levels (PCLs) to support final response actions for this portion of the AA such that no additional post-response action care, institutional controls and/or engineering control measures are required for the area. *No further action is required by the TCT in response to the requirements of 30 TAC §350 for the area north of the South Arroyo.*

- **La Calavera AA** - Completion of removal actions as required to support final response actions for the parcel. Critical commercial/industrial PCLs have been attained such that no post-response action care is required; however, institutional controls are required to note commercial/industrial land use apply to the parcel.
- **West Sliver Paisano parcel** - Completion of assessment actions as required to document achievement of final response actions for soil. Although the *2016 Soil RACR* documents the achievement of critical residential PCLs for soil associated the West Sliver Paisano parcel, placement of an IC in the deed records for the parcel to note the establishment of a plume management zone (PMZ) and commercial/industrial land use is required to support groundwater response actions associated with the parcel.

TCT proposes submittal of a *2017 Soil RACR* documenting completion of remaining response actions associated with TCT-designated properties on or before December 31, 2017, as referenced in Attachment 1C.10 (Planned 2017 Activities and Schedule) of the *2016 Soil RACR*. *Based on our review, the proposal to submit the 2017 Soil RACR documenting completion of the remaining soil response actions referenced in Attachment 1C.10 of the 2016 Soil RACR is acceptable.* The *2016 Soil RACR* notes the completion of the following actions documenting progress toward achievement of final response actions associated with the following parcels proposed for documentation in the *2017 Soil RACR*:

- **East Property AA Parcel:**
  - Removal actions within the South Arroyo area to bring the area into compliance with critical human health and ecological PCLs, in addition to completion of construction of the groundwater hydraulic barrier (GHB) system also located within this area of the East Property AA.
- **Plant Site Parcel (includes Plant Entrance Arroyo AA, South Terrace Arroyo AA, Pond 1 Arroyo AA, Pond 5,6 Arroyo AA, Acid Plant Arroyo AA, and Lower Parker Brothers Arroyo AA):**
  - removal actions within the South Terrace and Pond 1 Arroyo AAs, and Acid Plant AA (i.e., site drainage excavations);
  - demolition and removal actions associated with the above-ground former smelter plant, including structural infilling activities of subsurface voids at 23 locations (i.e., basements, pits, and trenches) to support the construction of the low permeability cover system;
  - utilities abandonment and structural infilling activities of subsurface site manholes, vaults, and sumps intended to support the construction of the low permeability cover system;
  - removal actions associated with lowering the existing profile of the Cell 3 landfill, and completion of the installation of the final reconstructed cover system to support the establishment of Cell 3 as a Waste Control Unit (WCU);
  - assessment, removal, and infilling actions within the Parker Brothers Arroyo AA (including Cell 4 landfill footprint area);
  - channel improvement construction activities;
  - evapotranspiration (ET) cover system construction on TCT Property between the UPRR tracks (i.e., Trust portion of Pile 1). *[NOTE: TCT must ensure the proposed IC for the Plant Site Parcel has been updated to incorporate this area];*

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- liner system construction of the Cell 4 landfill WCU; and,
- construction of two permeable reactive barriers in the subsurface of the Lower Parker Brother AA to support groundwater response actions.
- Upper Parker Brothers Arroyo AA Parcel:
  - removal actions associated with Parcel 13;
  - removal actions associated with Area 12;
  - channel and drainage improvement construction activities associated with the Upper Parker Brothers Arroyo, Triangle area, and Lower PBA; and,
  - Fines Pile cover system and Ephemeral Pond liner construction.

Worksheet 4.0 of the *2016 Soil RACR* also provides the anticipated IC filing schedule for all on-site and off-site parcels subject to TRRP response actions. Proposed ICs for all parcels have previously been presented in the Revised RAP submittals approved December 27, 2016. *Final ICs associated with the East Mountain AA parcel, West Sliver Paisano parcel, and La Calavera AA parcel are acceptable to file in the El Paso County records at this time.* The TCEQ notes the East Mountain AA and La Calavera AA parcels are incorporated into proposed ICs with other parcels pending achievement of final soil response actions [i.e., East Property AA parcel (South Arroyo area) and Upper Parker Brothers Arroyo (PBA) AA parcel, respectively]. As such, TCT may consider postponing filing the ICs for the East Mountain AA and La Calavera AA parcels upon agency approval of the *2017 Soil RACR*.

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 local TCEQ Region 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, Arcadis U.S., Inc., 410 N. 44<sup>th</sup> 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