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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 21, 2014

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

RE: Acknowledgment of Receipt and Notice to Proceed  
*Upper Parker Brothers Arroyo (Fines Pile/Ephemeral Pond/Triangle Areas)*  
*Improvement Plans Including Regrading, Cover and Drainage Elements and CLOMER*  
*Application, dated July 31, 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) acknowledges receipt of the above referenced document dated July 31, 2014, providing improvement plans and a Conditional Letter of Map Revision (CLOMER) that includes hydrologic and hydraulic analyses for regrading, drainage and cover elements associated with the Upper Parker Brothers Arroyo (PBA). The information provided in the July 31, 2014 document will support the submittal of the CLOMR to the City of El Paso/FEMA and efforts to obtain a grading permit to proceed with the activities. The July 31, 2014 plan indicates that Project Navigator, Ltd. will not install final components associated with the Fines Pile until formal approval by the TCEQ and the EPA. This letter provides Project Navigator, Ltd. with authorization and notice to proceed with the grading and channel lining installation activities as proposed in July 31, 2014 submittal.

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 Texas Administrative Code (TAC) §335.4. If the activities described in the January 23, 2014 submittal fail to comply with these requirements, please take any necessary and authorized action to correct such conditions. A TCEQ field inspector may conduct an inspection of the site to determine compliance with the July 31, 2014 submittal.

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TCEQ SWR No. 31235

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