

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 5, 2014

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

Re: TCEQ Approval of *Request to Plug and Abandon Two Monitoring Wells*, dated  
November 13, 2014  
EP-97 and EP-108  
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 proposal to plug and abandon two monitoring wells associated with the above referenced site. According to the proposal, EP-97 and EP-108 are proposed to be plugged and abandoned. Based on our review, the TCEQ and USEPA approves the monitor well plugging and abandonment proposal. The TCEQ requests the submittal of information documenting the proper plugging and abandonment of EP-97 and EP-108 in accordance with the requirements of 16 Texas Administrative Code (TAC) Chapter 76. Additional guidance and required forms related to proper plugging and abandonment of wells may be obtained from the Texas Department of Licensing and Regulation (TDLR)'s website at: <http://www.license.state.tx.us/wwwd/wwwd.htm>.

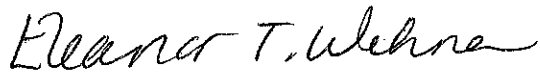
Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, 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 a004WWD) to the Texas Department of Licensing and Regulation 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.

Mr. Roberto Puga, P.G.  
Page 2  
December 5, 2014  
TCEQ SWR No. 31235

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., 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

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