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## 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 Acknowledgement of Receipt of *Plant Site Plugging and Abandonment Report*, dated January 21, 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:

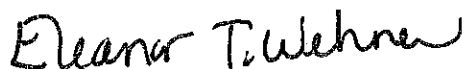
The Texas Commission on Environmental Quality (TCEQ) and the US Environmental Protection Agency (USEPA) acknowledges receipt of the above referenced submittal documenting monitor well plugging and abandonment activities for 31 monitor wells at the above referenced site. The report was submitted in response to TCEQ letter dated June 2, 2015, requesting the submittal of a final report documenting the plugging and abandonment activities in response to review and approval of a *Request to Plug and Abandon Monitoring Wells at the Former Asarco Smelter Site*, dated May 5, 2015, and *Request to Include EP-86 for Plugging and Abandonment*, dated May 22, 2015. Based on review, the final State of Texas Plugging Reports (TDLR Form #004WWD) for the 31 wells was filed with the Texas Department of Licensing and Regulation and documents the plugging and abandonment of the following monitor wells in accordance with the requirements of 16 Texas Administrative Code (TAC) Chapter 76: EM-05, EM-06, EM-07, EP-86, EP-124, EP-126, EP-130, EP-158, EP-165, EP-166, EP-167, EP-22R, EP-23, EP-24, EP-52, EP-56, EP-77, EP-91, EP-92, MW-49, EP-99, EM-02, EM-04, EP-110, EP-12, EP-26, EP-14, EP-160, EP-70R, EP-89, and EX-7. The TCEQ understands EP-13 was originally proposed for plugging and abandonment in the May 5, 2015 submittal; however, EP-13 was subsequently retained in support of response action activities associated with the site. In addition, EP-26 was plugged and abandoned and a replacement well was installed at the former location of EP-26 (i.e., referenced New Well 5). The TCEQ understands the new replacement well provides improved well screen placement to support future monitoring activities in the area.

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.

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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. 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.

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. 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, Region Director, TCEQ Region 6 Office, El Paso