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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 18, 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 *Proposed Screening Levels for the East Property Category I, II, and III Material Excavations and Removals*, dated February 19, 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) has reviewed the above referenced submittal dated February 19, 2014, providing updated site specific residential and commercial/industrial soil screening levels for direct contact (i.e., $Tot\ Soil_{Comb}$) based on Texas Risk Reduction Program (TRRP) Protective Concentration Levels (PCLs) to support East Property Category I, II, and III material excavation and removal actions. The $Tot\ Soil_{Comb}$ soil screening levels for metals in soil for the East Property are based on the current established Tier 1 $Tot\ Soil_{Comb}$ PCLs for 30-acre site (i.e., TCEQ's Tier 1 PCL tables dated July 29, 2012), with the exception of arsenic. The PCL for arsenic for the East Property is proposed to be based on a site-specific Tier 2 PCL evaluation for arsenic developed by the TCEQ Toxicology & Risk Assessment Section (TCEQ Interoffice Memorandum dated May 5, 2003, *Calculation of a Tier 2 Residential Soil PCL for Arsenic under TRRP for the USEPA El Paso County Metals Site Response Action*) using a site-specific relative bioavailability factor (RBAF) for arsenic in soil at 40 percent (0.4) as documented in the Health Consultation for the Site published by the Agency for Toxic Substances and Disease Registry (ATSDR, July 10, 2003).

The February 19, 2014 submittal provided supporting calculations documenting a residential Tier 2 $Tot\ Soil_{Comb}$ PCL for arsenic in soil at a concentration of 46 mg/kg and a commercial/industrial Tier 2 $Tot\ Soil_{Comb}$ PCL for arsenic in soil at a concentration of 320 mg/kg. Based on our review, the TCEQ Remediation Division, with concurrence from the USEPA, hereby approves the $Tot\ Soil_{Comb}$ PCLs developed for the East Property as presented in Table 1 of the February 19, 2014 submittal.

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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 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

ETW/mdh

cc: Mr. Scott M. Brown, P.E., Project Manager, Malcolm Pirnie, Inc., 410 N. 44th 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, Regional Director, TCEQ Region 6 Office, El Paso