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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 06, 2011

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

Re: TCEQ Approval on Initial Base Grading for Category I Landfill – Cell 4
Former ASARCO Smelter site, El Paso, Texas

Dear Mr. Puga:

The Texas Commission on Environmental Quality (TCEQ), with concurrence from the US Environmental Protection Agency (USEPA), approves the following two documents:

- Initial base grading for the base of Category I landfill - Cell 4 prepared by Beth Ann Gross, P.E. dated September 1, 2011.
- "Material Specifications and Construction Quality Assurance Plan" prepared by Beth Ann Gross, P.E. dated September 9, 2011.

TCEQ and USEPA staffs have reviewed these documents, and agree that the Cell 4 landfill location, base grades and overall geometry comply with applicable regulations and guidance. TCEQ and USEPA will provide any additional comments regarding the lining system and cover configuration under separate cover. Initial grading and site preparation for Cell 4 may commence as described in the approved documents.

Please let me know should you have any questions or need additional information.

Sincerely,


James Sher, P.E.
Texas Commission on Environmental Quality

Cc: Charles Barnes, Enforcement Officer, US EPA Region 6
Carlos Sanchez, Chief AR/TX Section, US EPA Region 6