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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 4, 2013

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

RE: TCEQ Approval of Limits of the Floodplain in Parker Brothers Arroyo (PBA) and Cell 4
Protective Cover Layer
Former ASARCO Smelter site, El Paso, Texas

Dear Mr. Puga:

The Texas Commission on Environmental Quality (TCEQ) and the US Environmental Protection Agency (USEPA), have reviewed the following two documents:

- "Limits of the Floodplain in Parker Brothers Arroyo and Conditional Letter of Map Revision FEMA Status" prepared by Malcolm Pirnie dated May 29, 2013, and
- "Cell 4 Protective Cover Layer" prepared by Malcolm Pirnie dated May 29, 2013

Based on our review, the TCEQ, with concurrence from the USEPA, confirms that Cell 4 is located outside of the floodplain in PBA. As such, the TCEQ, with concurrence from the USEPA, approves the placement of non-Category I material in Cell 4 specifically to be used for the initial foot of a protective cover layer. Please provide me and the TCEQ Region 6 Office at least seven days advance notice prior to the starting date of the field activities.

Please note that Category I material may not be placed in Cell 4 at this time. Outstanding items that must be resolved prior to placement of Category I material in Cell 4 include:

- Submittal of the test results of the liner system verifying that the liner was installed in accordance with the *Material Specifications and Construction Quality Assurance Plan*, and
- Approval of the location and frequency of high volume air sampling at Cell 4.

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

Sincerely,

Handwritten signature of Scott Settemeyer in black ink.

Scott Settemeyer, P.G., Project Manager
VCP-CA Section
Remediation Division

cc: Mr. Charles Barnes, Compliance Assurance and Enforcement Division, US EPA Region 6
Mr. Charles Fisher, Superfund Division, US EPA Region 6