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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 2, 2015

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

RE: TCEQ Acknowledgment of Receipt and Concurrence to Proceed regarding the following submittals:

- *IBWC Site Access and North Rio Grande Soil Import*, dated March 27, 2015
- *IBWC (c/o VEMAC) Site Access and South American Canal Soil Import*, dated March 27, 2015

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 submittals dated March 27, 2015, submitted by Malcolm Pirnie on behalf of Project Navigator Ltd., the Texas Custodial Trust for the former ASARCO Smelter site (Site). The letters were issued by Malcolm Pirnie in response to the discussion with representatives of the International Boundary Water Commission (IBWC) regarding the development of a proposed agreement to accept and incorporate soils at the Site from an area 1-mile north of the American Dam and soils obtained from an IBWC project to reline the American Canal. The soil obtained from these areas is anticipated to be representative of clean fill based on initial XRF analysis. The TCEQ understands the soil will be subject to additional characterization for constituents of concern (COC) throughout the excavation and placement process prior to placement on the Site. The soils are intended to be placed on the Site as subgrade material prior to construction of the final plant site, cover and drainage improvements. This letter provides Project Navigator, Ltd. with authorization and concurrence to proceed with the acceptance of the soil from these areas on the Site. The TCEQ understands the soil placement activities will be documented in the final Site project construction quality assurance report. Please note the final Site project construction quality assurance report submittal is subject to TCEQ and EPA technical review.

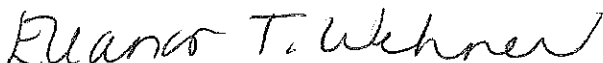
Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in

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the state, a nuisance, or the endangerment of the public health and welfare as required by 30 Texas Administrative Code (TAC) §335.4.

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
Texas Commission on Environmental Quality

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 Dallas

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