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March 27, 2015

Ms. Eleanor Wehner, P.G.  
Texas Commission on Environmental Quality  
Remediation Division  
VCP-CA Section, Mail Code MC-127  
Post Office Box 13087  
Austin, Texas 78753

**Re: Texas Custodial Trust  
Former ASARCO Smelter Site, El Paso, Texas**

**Subject: IBWC Site Access and North Rio Grande Soil Import**

Dear Ms. Wehner:

Malcolm Pirnie, Inc. has been in discussion with IBWC to incorporate soils from a 1-mile stretch of the river beginning about 1-mile north of the American Dam into the plant site subgrade prior to construction of final plant site, cover, and drainage improvements. The purpose of this letter is to request TCEQ concurrence to accept these soils prior to continuing and finalizing discussions with IBWC. The following conditions will be incorporated into an Agreement to accept these soils:

- Only soils produced from channel maintenance above the IBWC American Dam will be accepted. Based on initial XRF analysis, the soils are expected to be generally clean fill. The material can be described as:
  - Up to 15,000 cubic yards (cy) of silt or lean clay with organics/roots. This material is well suited for areas that are required to be revegetated, e.g. the East Property South Arroyo.
  - Up to 15,000 cy of lean clay. This material is structurally suitable for plant site subgrade where evapotranspirative soil will be placed as final cover.
  - Up to 37,000 cy of sand. This material is also structurally suitable for plant site subgrade.
- The ASARCO Texas Custodial Trust (Trust) can use the additional material to complete construction and build up the plant site subgrade to facilitate stormwater drainage improvements. Material from the East Borrow Source is suitable for this, but would be an additional cost to the Trust to excavate, load, and transport.
- Material will be analyzed for COCs before entering into an Agreement with IBWC. Periodic XRF testing of soils imported to the site will be completed or whenever a visual change in material is observed. Placement of these soils will be included in our project construction quality assurance report.





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- The Trust has offered initial pricing for Site Access and Soils Import. The pricing is subject to analytical results for COCs and final negotiation, but will be sufficient to cover handling, placement and compaction costs.

If you have any questions regarding this submittal, please call me or Mike Berry at 602-438-0883.

Very truly yours,

**MALCOLM PIRNIE, INC.**

A handwritten signature in blue ink that reads "Scott M. Brown".

Scott M. Brown, P.E.  
Project Manager

cc: Charles Fischer, USEPA Region 6  
Chuck Barnes, USEPA Region 6  
Roberto Puga, Project Navigator  
Mark Landress, Project Navigator  
Former ASARCO Smelter Team

