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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 (c/o VEMAC) Site Access and South American Canal Soil Import

Dear Ms. Wehner:

The purpose of this letter is to confirm your concurrence of a phone conversation you had with Mr. Mike Berry on December 19, 2014 regarding acceptance and permanent incorporation of soils at the site from a nearby IBWC project to reline the American Canal. These soils will be placed as subgrade prior to construction of final plant site, cover and drainage improvements.

The following items were discussed:

- The soils will be produced from the IBWC Replacement of American Canal Lining Lower Reach Project located about 1 miles south of the plant site.
- The Contractor is Venegas Engineering Management and Construction Inc. (VEMAC).
- The ASARCO Texas Custodial Trust (Trust) has entered into an Agreement with VEMAC and will be compensated \$13.83 per cubic yard to cover our handling, placement and compaction costs. The agreement allows for up to 40,000 cubic yards of Category II and III materials.
- The soils are desirable to the Trust as imported material can be used to build up the plant site subgrade to facilitate stormwater drainage improvements.
- Based on IBWC investigation and documents that are part of the American Canal Lining Lower Reach Project the soils are expected to be generally clean fill, but as part of their project procedures all over-excavated materials from the project must be disposed of appropriately. IBWC has approved disposal of the soils at our site. Malcolm Pirnie has obtained and tested by XRF seven grab samples from the IBWC removal area in December 2014 with an average arsenic





concentration of 5.14 mg/kg and a range between 0-14 mg/kg. Note: Additional samples after the initial samples have been tested and are consistent with the initial samples.

- Material will continue to be monitored by XRF periodically or whenever a visual change in material is observed. Placement of these soils will be included in our project construction quality assurance report.

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

