

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niemann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 1, 2016

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

RE: Acknowledgment of Receipt and Notice to Proceed
Upper Parker Brothers Channel and Fines Pile Design Clarifications, dated May 16, 2016
Fines Pile Design Clarification No. 3
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 document revising improvement plans for the Upper Parker Brothers Arroyo Channel Inlet and Fines Pile. The May 16, 2016 submittal provides additional updates to design plans previously submitted October 22, 2015 and July 31, 2014 for the initial Fines Pile grading, Conditional Letter of Map Revision (CLOMER) that included hydrologic and hydraulic analyses for regrading, drainage and cover elements associated with the Upper Parker Brothers Arroyo (PBA). The TCEQ also issued a letter dated April 12, 2016, providing Project Navigator, Ltd. with authorization and notice to proceed with proposed updates to the Upper PBA including the outlet area along Paisano Drive and the Railroad Channel upstream of the Lower Reach, dated April 6, 2016. Civil design details clarifying the proposed changes to Upper PBA channel and Fines Pile (i.e., Design Clarification No. 3, dated May 16, 2016) were included with the May 6, 2016 document. Based on our review, the proposed changes are consistent with the drawings previously submitted in the October 22, 2015 plan. This letter provides Project Navigator, Ltd. with authorization and notice to proceed with the implementation of the revised alternative configurations proposed in the May 16, 2016 submittal. *The submittal of a final regrading/channel improvement construction report documenting implementation of the plans to the TCEQ/EPA is requested within sixty (60) days of completion of final construction activities for the areas.* Please ensure final designs associated with the Fines Pile Cover System and related Upper PBA drainage components are captured in the pending final *Response Action Plan* submittal.

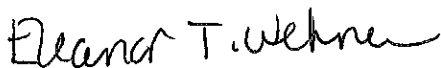
Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 Texas Administrative Code (TAC) §335.4. If the activities described in the July 31, 2014, and

Mr. Roberto Puga, P.G.
Page 2
June 1, 2016
TCEQ SWR No. 31235

October 22, 2015 and April 6, 2016 updates fail to comply with these requirements, please take any necessary and authorized action to correct such conditions. A TCEQ field inspector may conduct an inspection of the site to determine compliance with the submittal.

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/jdm

cc: Mr. Scott M. Brown, P.E., Project Manager, Arcadis U.S., Inc., 410 N. 44th Street, Suite 1000, Phoenix, AZ 85008
Mr. Chuck Barnes, Enforcement Division, U.S. EPA Region 6, 1445 Ross Avenue Suite 1200, Mail Code: 6EN, Dallas, TX 75202-2733
Ms. Lorinda Gardner, Regional Director, TCEQ Region 6 Office, El Paso