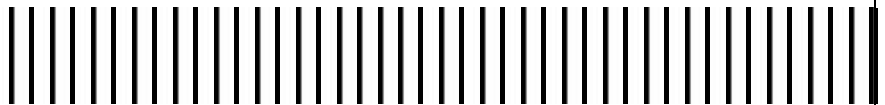


**Texas Custodial Trust**

2301 West Paisano Drive • El Paso, Texas 79922

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**Appendix A**  
**ENCYCLE Data Review**



October 28, 2013

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

Subject: Former ASARCO El Paso Smelter Site  
Evaluation of ENCYCLE Document

Dear Mr. Puga:

At the request of the Texas Custodial Trust (Trust), Malcolm Pirnie, Inc. has prepared this letter summarizing the completed evaluation of all of the available documents posted on the Office of the Regional Council for Region 6 of the United States Environmental Protection Agency (USEPA) webpage and documents saved on a DVD produced by USEPA entitled ENCYCLE / ASARCO.

The Trust requested that the evaluation be performed to determine if any of the additional documents posted to the webpage or included on the DVD contained information on previously undocumented shipments of hazardous materials/substances, including chemical warfare agents, and/or radioactive waste from the ASARCO/Encycle property in Corpus Christi, Texas (ENCYCLE) to the ASARCO El Paso Smelter in El Paso, Texas (Site).

The conclusion drawn from the evaluation is that materials/substances received at ENCYCLE and shipped or possibly shipped to the Site were consistent with those previously documented (Malcolm Pirnie, 2010) and there are no records documenting the shipment of chemical warfare agents or radioactive materials to the Site.

#### **Data Evaluation Methodology**

In January 2012 the USEPA informed the Trust that documents related to ENCYCLE had been posted to a Region 6 webpage:

[http://www.epa.gov/earth1r6/asarco\\_encycle/index.html](http://www.epa.gov/earth1r6/asarco_encycle/index.html)

In May 2012 the USEPA created a DVD that contained numerous documents; the USEPA subsequently provided the DVD to the Trust. The DVD is entitled ENCYCLE / ASARCO, Final Production, 05.02.2012.17.07.PERL.SC45, DVD Create Date: 05/02/2012.

The Trust requested that Malcolm Pirnie evaluate the documents on the webpage and the DVD to determine if there was information related to previously undocumented shipments of recycled materials including hazardous and/or radioactive waste from ENCYCLE to the El Paso Smelter.





As previously reported and documented by the Trust, recycled materials including hazardous waste had been shipped from ENCYCLE to the Site from 1992 to 1997 (Malcolm Pirnie, 2010).

The evaluation was broken into three Phases:

1. Initial review of documents to determine applicability to the Site;
2. A detailed analysis of the records related or possibly related to the Site to identify the type of materials/substances listed on the records; and
3. A determination if any new records documented the shipment of radioactive waste and/or chemical warfare agents to the Site.

Malcolm Pirnie accessed the webpage and performed an initial review of the documents. The documents had been loaded in five sets; with the last set loaded on 12/14/2011. There are 255 individual line items (398 individual records) on the webpage; several lines included multiple documents.

In a similar manner, Malcolm Pirnie accessed the DVD, it contained numerous records; some of the documents contained multiple documents within each record. The records can be described as either those that were replications of the documents present on the webpage (duplicate records) or others that had not been previously reviewed (new records).

The initial review indicated that the documents fell into the following categories:

1. Documents clearly related to El Paso that may include new information;
2. Documents possibly related to El Paso that may include new information;
3. Documents that summarize records already reviewed in 2010, but may contain new information;
4. Documents that appear to be duplicates of records reviewed in 2010 and included in the 2010 waste summary report; or
5. Documents not related to El Paso.

Following the initial review, Malcolm Pirnie performed a more detailed analysis to determine if previously undocumented shipments of radioactive waste or chemical warfare agents were recorded in the webpage or DVD documents.

A summary of the evaluation can be found in Attachment A. The Attachment is a table, with record numbers related to the filenames on the y-axis, summary information along the x-axis, and information in five colors to help differentiate records that share a common title or document number, but may contain different information. The black text is used for records from the webpage; the four other colors are used to differentiate between replicate documents on the DVD. The red text is information related to the first time a record appears on DVD, blue the second time, green the third time, and orange the fourth time. A brief summary of the table layout is provided below.





Column A [Record Reference No.] provides a Record Reference Number (101-641), assigned by Malcolm Pirnie, to each line item presented on the webpage or DVD. An individual line item may contain one or multiple records. The numbering started at 101 to prevent confusion with the record review conducted in 2010 (Malcolm Pirnie, 2010).

Columns B through K [Document Title through 4<sup>th</sup> DVD No. of Pages] list information provided by the USEPA assigned to or in the various documents. Column B [Document Title] lists the document/record title(s) as presented on either the website or the DVD.

Columns C [Webpage Document Number] and D [DVD Document Number] list the document/record numbers listed for that media. Columns E [Webpage Document Date] and F [DVD Document Date] list the document/record dates. Some records had no discernible date, in that situation the date is listed as 'none' or if there were multiple dates it is listed as 'various'. Columns G [Webpage No. of Pages] and H through K [4<sup>th</sup> DVD No. of Pages] list the number of pages in each record.

Columns L [Document Type] through S [DVD Documents Corpus Christi] provide summarized information from each record. The document type was discerned by Malcolm Pirnie, based on the title and contents such as summary reports, bills of lading, or various reports. Columns N through S [Information Description] provides a summary of the information in the documents as related to various ASARCO facilities.

The evaluation determined there were 93,874 pages of information in 1,008 records either posted on the USEPA webpage or included in the DVD. Each page of the each record was examined. Based on the evaluation it was determined that a majority of the individual records are not related to the El Paso Smelter. These records are primarily related to the operational history of the ENCYCLE facility; including records that document a variety of materials/substances (such as concentrates, recycle materials, and waste) shipped from ENCYCLE to ASARCO facilities other than the Site, or to non-ASARCO facilities.

Information included in the remaining records indicates they are related or may be related to the El Paso Smelter. It is important to note that ENCYCLE shipped materials/substances to a number of different destinations; some but not all of these destinations are documented in the records. In instances where the final destination was not documented, Malcolm Pirnie made the conservative assumption that these materials/substances could have been shipped to the Site.

Where shipments of material to the Site were documented in these records, all of the material was consistent with those previously evaluated for the ENCYCLE facility (Malcolm Pirnie, 2010). These materials/substances shipped to ENCYCLE include metal plating waste, water treatment sludge, photo development waste, post-incineration ash, broken glass from cathode ray tubes, plating sludge, leachates, filter cake, untreated hazardous waste that was corrosive, contained metals, or contained pesticides or chemicals related to pesticide manufacturing. As





documented previously, the records provided by the USEPA documented the shipment of quench brine from the Rocky Mountain Arsenal to ENCYCLE (Malcolm Pirnie, 2010); in addition the new records document that quench brine from the Desert Chemical Depot in Tooele, Utah was also shipped to ENCYCLE. There are no references to the shipment of chemical warfare agents in the records; only shipments of quench brine from the incineration of the agents to ENCYCLE.

The records that document the shipment of materials/substances from ENCYCLE to the El Paso Smelter include Bills of Lading, Shipment Reports, Product Rail Car Loading Reports, etc. These records tracked materials/substances such as copper concentrate, recycle materials and hazardous wastes; the materials/substances accounted for in these recently posted records are consistent with those documented previously (Malcolm Pirnie, 2010).

### Conclusion

At the request of the Trust, Malcolm Pirnie, Inc. evaluated records posted to a USEPA Region 6 webpage and on a DVD, related to the ASARCO/Encycle property in Corpus Christi, Texas. The evaluation was performed to determine if any of the newly posted records contained information on previously undocumented shipments of chemical warfare agents and/or radioactive waste to the ASARCO El Paso Smelter.

Based on the evaluation, it was concluded that there are no records documenting the shipment of chemical warfare agents or radioactive materials from ENCYCLE to the ASARCO El Paso Smelter.

Very truly yours,  
MALCOLM PIRNIE, INC.

Richard J. Murphy, Ph.D.

cc: Scott Brown, Seth Matters, Mary Koks, Alicia Fogg

### Attachments

A Summary – Evaluated Records – ASARCO/ENCYCLE (Corpus Christi, Texas)

### Reference

Malcolm Pirnie, 2010, Review of ASARCO Smelting Processes, October 2010.



**ATTACHMENT A**

**SUMMARY - EVALUATED RECORDS - ASARCO/ENCYCLE**

**(CORPUS CHRISTI, TEXAS)**