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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 19, 2015

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
*Work Plan Removal of Category I and II Materials-Texas Department of
Transportation Property*, dated October 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) Remediation Division and the US Environmental Protection Agency (USEPA) acknowledges receipt of the above referenced October 2015 submittal received on October 13, 2015, proposing the excavation and removal of Category I and II materials from the Texas Department of Transportation (TxDOT) Property along I-10 adjacent to the former ASARCO Smelter site. The Work Plan was prepared by Arcadis, Inc. on behalf of the Abrams Kiewit Joint Venture to address the removal of Category I and II materials on the adjacent TxDOT parcel originating from the former ASARCO Smelter Site (Site). The excavated Category I materials will be relocated onto the Site and managed in Cell 4 in accordance with the EPA's Area of Contamination (AOC) policy. In addition, excavated Category II materials will be relocated onto the Site and managed as subgrade material for the pending construction of the protective cover systems for the Site. The October 2015 plan provides a description of the procedures that will be followed to remove and sample the materials to support the materials excavation and relocation efforts. The TCEQ and USEPA understand the material/soil samples will be evaluated in accordance with the Media Specific Concentrations (MSCs) associated with 30 TAC 335, Subchapter S (Risk Reduction Rules). In addition, following removal of Category I and II materials verified by XRF field testing, final verification samples will be collected and analyzed by a laboratory accredited for NELAC standards through the TCEQ's Texas Laboratory Accreditation Program. Based on our review the plan is acceptable for implementation. *This letter provides Project Navigator, Ltd. with authorization and notice to proceed with the activities as presented in the October 2015 submittal.* The TCEQ and EPA

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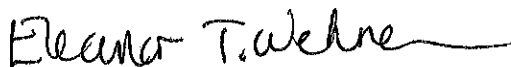
TCEQ SWR No. 31235

require submittal of an interim remedial report documenting the sampling, excavation, and disposal activities within ninety (90) days of receipt of the final laboratory report documenting completion of the confirmatory soil sampling efforts.

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 October 2015 submittal 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 activities proposed in the October 2015 work plan.

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, Arcadis U.S., 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, Region Director, TCEQ Region 6 Office, El Paso