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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 21, 2014

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
Excavations and Disposal of Soil at the Powerhouse (AE11) Impacted by Polychlorinated Biphenyls (PCBs), dated September 29, 2014
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 submittal dated September 29, 2014, summarizing the investigation, excavation, and proposed disposal activities associated with soils impacted by polychlorinated biphenyls (PCBs) conducted in the area of the powerhouse location (i.e., AE11) of the Former ASARCO Smelter Site (Site) in El Paso, TX. The investigation and remediation of surface soil impacted by PCBs at AE11 are being conducted as a self-implementing cleanup and disposal program under the Toxic Substances Control Act (TSCA; 40 CFR 761.61(a)) and the Texas Risk Reduction Program (TRRP) rule. Action levels complying with the requirements under TSCA and TRRP have been applied to the remediation of PCBs in soil at AE11. A total of 22 roll-off bins with PCB-containing remediation waste soil and approximately 40 cy of stockpiled cobbles have been generated as part of the remediation of PCBs in surface soil at AE11. All waste bins except 1 (i.e., Bin #929) have soils excavated from areas with PCB concentration characterized as being greater than 50 mg/kg prior to excavation. The TCEQ and USEPA understand that the contents of the 21 bins will be disposed off-site at an approved PCB disposal facility. Additionally, the contents of Bin #929 and the stockpiled cobbles removed from the excavation at AE11 will be placed in Landfill Cell 4. This letter provides Project Navigator, Ltd. with authorization and notice to proceed with the implementation of the disposal activities as presented in the September 20, 2014 submittal. *Please integrate the supporting information documenting the final PCB assessment, excavation and removal activities conducted at AE11 into the respective final TRRP report submittal(s) associated with the Site.*

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

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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 January 23, 2014 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 September 29, 2014 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/mdh

cc: Mr. Scott M. Brown, P.E., Project Manager, Malcolm Pirnie, 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, Regional Director, TCEQ Region 6 Office, El Paso