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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 19, 2014

CERTIFIED MAIL

91 7199 9991 7033 2832 6479

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
Parker Brothers Arroyo Interim Channel Design Revision 3, dated February 5, 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 February 5, 2014, revising the Parker Brothers Arroyo (PBA) Interim Channel REV2 plans currently permitted with the City of El Paso under Grading and Drainage Plans, City of El Paso – Permit No. SUGR 12-00005 (approved on July 25, 2013). According to the February 5, 2014 submittal, the PBA Interim Channel REV 3 plans revise the southern bank lining to Articulated Concrete Block (ACB), and the channel bottom lining to a linear low density polyethylene (LLDPE) geomembrane overlain by geoweb and riprap. The TCEQ and EPA understand that changes proposed in the PBA Interim Channel REV 3 submittal do not alter the conditions as presented within the approved Conditional Letter of Map Revision (CLOMER) for the Interim Channel configuration. This letter provides Project Navigator, Ltd. with authorization and notice to proceed with activities as presented in the February 5, 2014 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 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 February 5, 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

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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