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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 28, 2013

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

RE: TCEQ Approval of *Proposed Cell 3 Cover System*, dated October 10, 2013
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) have reviewed the above referenced plan dated October 10, 2013, proposing modifications to Cell 3. The plan proposes to remove the existing Cell 3 cover system, relocate excess Category I materials from Cell 3 to Cell 4, and install a new cover system on Cell 3 with tie-in to the existing cover system. The October 10, 2013 proposal also indicates Cell 3 will be deed restricted such that buildings cannot be constructed over Cell 3 and the existing cover system will be monitored for erosion and maintained until the final plant site soil cover is installed. Based on our review, the TCEQ, with concurrence from the USEPA, hereby approves the implementation of the activities proposed in the October 10, 2013 submittal.

The TCEQ and EPA require the submittal of a final report documenting the implementation and completion of the proposed activities (including supporting photographs) within sixty (60) days of completing the installation of the final cover system for Cell 3. In addition, please be aware that submittal of proof of recordation in the county deed records of all industrial solid waste or municipal hazardous waste disposed on the above referenced site in a landfill(s) must be submitted to the TCEQ in accordance with 30 Texas Administrative Code (TAC) §335.5(b).

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Questions concerning this letter should be directed to me at (512) 239-6542. Please use Mail Code MC-127 when responding by mail.

Sincerely,



Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division

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 Barnes, Compliance Assurance and Enforcement Division, U.S. EPA Region 6, Dallas

Mr. Charles Fisher, Superfund Division, U.S. EPA Region 6, Dallas

Ms. Lorinda Gardner, Region Director, TCEQ Region 6 Office, El Paso