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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 13, 2015

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

RE: TCEQ Approval of *Construction Quality Assurance Report*, dated April 7, 2015
Category 1 Landfill-Cell 3 Cover System Reconstruction
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:

Representatives of the Texas Commission on Environmental Quality (TCEQ) and the US Environmental Protection Agency (USEPA) have reviewed the above referenced report dated April 7, 2015, documenting the completion of reconstruction of the cover system for the Category I Landfill Cell 3. The submittal also provided supporting construction quality assurance monitoring and testing results supporting the cover system reconstruction efforts. According to the report, the final cover system for Cell 3 consists of the following components (from bottom to top):

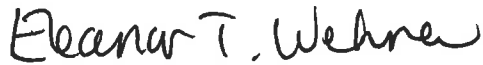
- 18-inch thick prepared soil foundation;
- reinforced GCL (geosynthetic clay liner);
- 40-mil thick LLDPE (linear low-density polyethylene) geomembrane;
- 12 oz. nonwoven geotextile; and
- 19-inch thick soil cover.

Based on our review, the TCEQ, with concurrence from the USEPA, hereby approves the April 7, 2015 report documenting cover system reconstruction efforts for Cell 3. As the cleanup of the site is anticipated to transition to the Texas Risk Reduction Program rule (TRRP), please note that final proposed post response action care for Cell 3 should be provided in the Response Action Plan as per 30 Texas Administrative Code (TAC) §350.94. The RAP must provide an Operation, Maintenance and Monitoring (OM&M) Plan and implementation schedule for post-response action inspection, operation and maintenance of the physical control associated with Cell 3 as per 30 TAC §350.94(k). In addition, submittal of proof of recordation of the institutional control in the county deed records for Cell 3 is also required to comply with 30 TAC §335.5(b), and 30 TAC §350.31(g).

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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 Fisher, Superfund Division, U.S. EPA Region 6 (Mail Code 6SF-RA), 1445 Ross Ave, Dallas, TX 75202

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