

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 2, 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 the following submittals:

- *Request to Plug and Abandon Monitoring Wells at the Former Asarco Smelter Site*, dated May 5, 2015
 - *Request to Include EP-86 for Plugging and Abandonment*, dated May 22, 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) and the US Environmental Protection Agency (USEPA) has reviewed the above referenced May 5, 2015 proposal to plug and abandon the following monitoring wells located on the plant site of the former ASARCO Smelter Site: EM-05, EM-06, EM-07, EP-124, EP-126, EP-130, EP-158, EP-165, EP-166, EP-167, EP-22R, EP-23, EP-24, EP-52, EP-56, EP-77, EP-91, EP-92, MW-49, EP-99, EM-02, EM-04, EP-110, EP-12, EP-13, EP-14, EP-160, EP-70R, EP-89, and EX-7. A request to include monitor well EP-86 was also received by the TCEQ via email on May 22, 2015. The May 22, 2015 request also provided updated tables and figures showing the locations of all of the wells. All of the wells proposed for plugging and abandonment (P & A) are referenced in Table 2 of the May 22, 2015 submittal. Based on our review, the TCEQ, with concurrence from the USEPA, hereby approves the May 5, 2015 monitor well P & A proposal, and May 22, 2015 amendment. The TCEQ requests the submittal of information documenting the proper P & A of the wells in accordance with the requirements of 16 Texas Administrative Code (TAC) Chapter 76. Additional guidance and required forms related to proper P & A of wells may be obtained from the Texas Department of Licensing and Regulation (TDLR)'s website at: <http://www.license.state.tx.us/wwd/wwd.htm>. The May 5, 2015 request proposes to seek a variance from TDLR pursuant to 16 TAC 76.109, to allow for the plugging of the full depth of all existing casings associated with the monitor wells with an approved bentonite plugging material as opposed to initiating an attempt(s) to pull the well casing out of the ground. The TCEQ is in support of your proposal to seek such a variance request from TDLR for the plant site wells proposed for P & A.

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

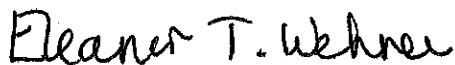
Mr. Roberto Puga, P.G.
Page 2
June 2, 2015
TCEQ SWR No. 31235

the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. If the well plugging and abandonment activities fail to comply with these requirements, please take any necessary and authorized action to correct such conditions.

Please submit your final State of Texas Plugging Report (TDLR Form #004WWD) for each well to the TDLR within thirty (30) days of completion of plugging and abandonment activities. Courtesy copies of the TDLR report form should be provided to the TCEQ Remediation Division at the letterhead address using mail code number MC 127. Additional copies should be submitted to the TCEQ Region 6 Office in El Paso and EPA Region VI Office in Dallas. The facility name, location and identification number(s) in the TCEQ reference line above should be referenced in your submittal.

Please call me at (512) 239-6542 if you need additional information or wish to discuss these comments or the due date. Thank you for your cooperation in this matter.

Sincerely,



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

cc: Mr. Scott M. Brown, P.E., Vice President, Principal-in-Charge, 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, Region Director, TCEQ Region 6 Office, El Paso