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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 28, 2016

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

Re: Approval of *Response to TCEQ May 11, 2016 Comment Letter*, dated October 7, 2016
Texas Custodial Trust 2015 Annual Report, dated February 22, 2016
Former ASARCO Smelter sites (El Paso and Amarillo, 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 received the above referenced response. The TCEQ's May 11, 2016 letter requested additional clarification of the Trust fund budget presented in the Texas Custodial Trust's 2015 Annual Report to TCEQ and USEPA. The annual reports are submitted in response to Article 3.1 of the Trust Agreement (Payments and Expenses of the Trust) requiring the submittal of an annual report documenting *Balance Statements, Proposed Budgets, Fee Schedules, Associated scopes of work and Annual Report* to TCEQ and USEPA. *Based on our review, the Texas Custodial Trust 2015 Annual Report is hereby approved, as modified by the October 7, 2016 response.*

TCEQ letter dated November 15, 2014 previously approved a blanket extension request submitted by the Trustee on November 13, 2013, to provide the *Balance Statements, Proposed Budgets, Fee Schedules, Associated scopes of work and Annual Reports* by January 31 of each year. Therefore, please ensure future *Texas Custodial Trust Annual Reports* are submitted in accordance with the revised schedule.

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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 Region 6 Office and local TCEQ Region Office in El Paso.

Sincerely,



Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

ETW/jdm

cc: Mr. Chuck Barnes, U.S. EPA Region 6, Suite 1200 (Mail Code 6EN), 1445 Ross
Ave, Dallas, TX 75202-2733
Ms. Lorinda Gardner, Regional Director, TCEQ Region 6 Office, El Paso