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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 16, 2018

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

RE: TCEQ Acknowledgment of Receipt and Concurrence to Proceed regarding the following submittal:

- *IBWC (c/o Meridian Contracting, Inc.) Site Access and American Canal Extraction Soil Import - Update*, dated October 15, 2018

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 October 15, 2018, submitted by representatives of Arcadis U.S., Inc. on behalf of the Texas Custodial Trust (TCT) for the former ASARCO Smelter site (Site). The submittal was prepared in response to TCT's discussion with representatives of the U.S. International Boundary Water Commission (IBWC) to import an additional 10,000 cubic yards of soil from a segment of the American Canal currently being relined just south of the American Dam. The excavated soil is proposed for placement in an area between the site main pad and Boneyard and 'Welcome to Asarco' entrance area of the Site. The October 15, 2018 submittal provides analytical results of the soil obtained from the referenced segment of the American Canal for initial characterization purposes. Based on TCT's assessment the soils are representative of Category II and III material. As such, the soils must be appropriately screened and managed prior to placement on-site.

The TCEQ understands the soil will be subject to additional periodic XRF testing for constituents of concern (COC) throughout the excavation and placement process or whenever a visual change in material observed. As such, please ensure the XRF testing activities are modified to provide for supplemental confirmation laboratory analysis particularly when visual change in material is observed. *This letter provides the TCT with authorization and concurrence to proceed with the acceptance of the additional soil from the referenced segment of the American Canal on the Site, as modified herein.* The TCEQ understands the soil placement activities will be documented in a final Site project construction quality assurance report that will be included in the pending final *Soil Response Action Completion Report* for the Site.

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.

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Questions concerning this letter should be directed to me at (512) 239-6542. When responding by mail, please submit one paper copy and one electronic copy (on USB or disc) of all correspondence and reports to the TCEQ Remediation Division at Mail Code MC-127. An additional copy should be submitted in electronic format to the local TCEQ Region 6 Office and USEPA. The information in the reference block should be included in all submittals. Note that the electronic and hard copies should be identical, complete copies. A Correspondence ID Form (TCEQ Form 20428) must accompany each document submitted to the Remediation Division and should be affixed to the front of your submittal. The Correspondence ID Form helps ensure that your documents are identified correctly and are routed to the applicable program for a timely response.

Sincerely,



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

ETW/ew

cc: Mr. Scott M. Brown, P.E., Project Manager, Arcadis U.S., Inc., 410 N. 44th Street, Suite 1000,
Phoenix, Arizona 85008
Mr. Chuck Barnes, Enforcement Division, U.S. EPA Region 6, 1445 Ross Avenue, Suite
1200, Mail Code: 6EN, Dallas, Texas 75202-2733
Ms. Lorinda Gardner, Regional Director, TCEQ Region 6 Office, El Paso