

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 17, 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 *Response to May 22, 2015 TCEQ Comment Letter*, dated July 23, 2015  
*Proposed Plant Site Evapotranspirative Soil, Asphalt and Flexible Membrane Cover System*  
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 (EPA) have reviewed the above referenced response submitted by Malcolm Pirnie on behalf of the Texas Custodial Trust. The July 23, 2015 response was issued in response to TCEQ's May 22, 2015 letter, requesting the submittal of additional supporting information to address the enclosed comments regarding our review of the April 8, 2015 submittal titled *Proposed Plant Site Evapotranspirative Soil, Asphalt and Flexible Membrane Covers*. The April 8, 2015 submittal provided discussion of a system of reduced permeability covers proposed for the plant site. *Based on our review, the TCEQ, with concurrence of the EPA, hereby approves the April 8, 2015 plan as amended by the July 23, 2015 response.* Please ensure the referenced responses are appropriately incorporated into the pending Response Action Plan (RAP) submittal.

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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  
ETW/mdh

cc: Mr. Scott M. Brown, P.E., Project Manager, Malcolm Pirnie, Inc., 410 N. 44<sup>th</sup> 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