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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 3, 2016

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

Re: TCEQ Approval of the *Revised Final Conceptual Site Model, Pathway Evaluation, and Protective Concentration Level Report*, dated July 14, 2016, and Acknowledgment of *Notice of Intent to Switch to Texas Risk Reduction Program (NOIST, TCEQ Form 10337)*, dated April 13, 2016
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 US Environmental Protection Agency (US EPA) have reviewed the *Revised Final Conceptual Site Model, Pathway Evaluation, and Protective Concentration Level Report*, dated July 14, 2016, submitted by representatives of the Texas Custodial Trust. The July 14, 2016 revised report was submitted in response to comments issued by the TCEQ in letters dated June 2, 2016 and April 29, 2015, regarding review of prior report submittals dated April 2016, and December 2014, respectively. The purpose of the Conceptual Site Model, Pathway Evaluation, and Protective Concentration Level Report was intended to evaluate and address aspects of the affected property assessment requirements of 30 Texas Administrative Code (TAC) §350.51-350.55 that were not previously addressed by the October 17, 2014 *Revised Supplemental Remedial Investigation Report* approved by the TCEQ and USEPA in a letter issued February 2, 2015. The October 17, 2014 *Revised Supplemental Remedial Investigation Report* was submitted to satisfy the remedial investigation requirements of 30 Texas Administrative Code (TAC) §335.553(b)(1) of the TCEQ's Risk Reduction Rules (30 TAC 335, Subchapter S).

Based on our review, the July 14, 2016 *Revised Final Conceptual Site Model, Pathway Evaluation, and Protective Concentration Level Report* is hereby approved. Additional supportive comments related to the ecological aspects of the July 14, 2016 submittal are enclosed for your reference. No additional response to these comments is required.

The TCEQ and US EPA also hereby acknowledges the receipt of the *Notice of Intent to Switch to TRRP (TCEQ Form-10337)*, dated April 13, 2016, that indicates plans to close/remediate the former ASARCO Smelter under the Texas Risk Reduction Program (TRRP) of 30 Texas Administrative Code (TAC) Chapter 350. In addition, representatives of the Texas Custodial Trust have also submitted the *Response Action Plan* (October 2015) proposing a Remedy Standard B closure under TRRP for the former Asarco Smelter Site. The TCEQ and US EPA anticipate issuance of comments regarding review of the October 2015 *Response Action Plan* to the Texas Custodial Trust shortly.

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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 and local TCEQ Region 6 Office.

Sincerely,



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

Enclosure


cc: Mr. Scott M. Brown, P.E., Project Manager, Arcadis U.S., Inc., 410 N. 44th Street, Suite 1000, Phoenix, AZ 85008

Mr. Chuck Barnes, Enforcement Division, U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Mail Code: 6EN, Dallas, TX 75202-2733

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

TCEQ Interoffice Memorandum

To: Eleanor Wehner, Project Manager, VCP/Corrective Action Section,
Remediation Division

From:  Vickie Reat, Technical Program Support Team, Division Support Section,
Remediation Division

Date: August 2, 2016

Subject: Revised Final Conceptual Site Model, Pathway Evaluation, and Protective Concentration Level Report – July 2016, and Responses to TCEQ Comments on April 11, 2016 Tier 2 Screening Level Ecological Risk Assessment (SLERA)
Former ASARCO El Paso Smelter Site
El Paso, Texas
SWR No. 31235
Prepared by Malcolm Pirnie, Inc. for the Texas Custodial Trust (“the Trust”)

Pursuant to your request, I have reviewed the responses to TCEQ comments associated with the April 2016 SLERA. Rather than revise the April 2016 risk assessment, this submittal provides a July 2016 addendum to Appendix M that is essentially the responses to my previous comments, revised tables, and the analytical results for the bioaccessibility study for copper.

I am satisfied with all of the responses to my comments and recommend approval of the SLERA in combination with the addendum.

The following bullets summarize the primary changes to the SLERA (reflected in the addendum):

- Revised sediment-to-invertebrate uptake factors.
- Recalculated risks associated with arsenic, cadmium, copper, and zinc for wildlife receptors using the grasshopper uptake factors reported in Pascoe, et al., 1994.
- For the Rio Grande exposure pathways, doses of chemicals of concern (COCs) to the raccoon and night heron from fish were calculated assuming 50% of fish consumed had COC concentrations based on uptake of metals from water column, and 50% of fish consumed had COC concentrations based on uptake of metals from sediment. This impacted the hazard quotients for both species.
- Revision of Table 23 to add the groundwater-to-surface water dilution factor and corresponding exposure point concentrations for evaluation of aquatic life criteria.
- Removal of the 0.5 exposure factor adjustment for sediment exposure pathways for the Rio Grande. This exposure factor was retained for surface water.
- Recalculated risks associated with copper for wildlife receptors using results of an *in vitro* copper bioaccessibility study. Using the U.S. EPA’s standard *in vitro*

Eleanor Wehner
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bioaccessibility assay (EPA 9200.1-86), copper was extracted from ten soil samples exhibiting total copper concentrations ranging between 97 and 6,200 mg/kg. In short, the bioaccessibility study yielded an average relative bioavailability factor of 0.65. The incidental soil ingestion component of the dose for the East Mountain AA receptors was adjusted using this bioavailability factor.