

LEO M. DROZDOFF, *Administrator*
(775) 687-4670

Administration
Facsimile (775) 687-5856

Water Quality Planning
Water Pollution Control
Facsimile (775) 687-4684

Mining Regulations and Reclamation
Facsimile (775) 684-5259

Las Vegas Office
Facsimile (702) 486-2863

STATE OF NEVADA
KENNY C. GUINN
Governor



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

Las Vegas Office
1771 E. Flamingo Road, Suite 121-A
Las Vegas, Nevada 89119-0837
(702) 486-2850

ALLEN BIAGGI, *Director*
Air Pollution Control
Air Quality Planning
Facsimile (775) 687-6396

Waste Management
Facsimile (775) 687-6396

Corrective Actions
Facsimile (775) 687-8335

Federal Facilities
Facsimile (702) 486-2863

Webpage <http://ndep.nv.gov>

July 28, 2005

Ms. Susan Crowley
Kerr-McGee Chemical LLC
PO Box 55
Henderson, Nevada 89009

Re: **Kerr-McGee Chemical Corporation LLC (KM)**
NDEP Facility ID #H-000539
Nevada Division of Environmental Protection Response to:
Data Usability Assessment dated June 2005

Dear Ms. Crowley,

The NDEP has received and reviewed KM's report identified above and provides generalized comments in Attachment A. As we have discussed in our meeting on June 30, 2005, a response to these comments and a revised report is not required at this time. These comments are provided for the use of KM in the future development of data usability assessments.

If there is anything further or if there are any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Rakvica".

Brian A. Rakvica, P.E.
Staff Engineer III
Bureau of Corrective Actions
NDEP-Las Vegas Office

Ms. Susan Crowley

7/28/2005

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CC: Jim Najima, NDEP, BCA, Carson City
Jeff Johnson, NDEP, BCA, Carson City
Barry Conaty, Akin, Gump, Strauss, Hauer & Feld, L.L.P., 1333 New Hampshire Avenue, N.W.,
Washington, D.C. 20036
Brenda Pohlmann, City of Henderson, PO Box 95050, Henderson, NV 89009
Mitch Kaplan, U.S. Environmental Protection Agency, Region 9, mail code: WST-5,
75 Hawthorne Street, San Francisco, CA 94105-3901
Rob Mrowka, Clark County Comprehensive Planning, PO Box 551741, Las Vegas, NV, 89155-
1741
Ranajit Sahu, BEC, 875 West Warm Springs Road, Henderson, Nevada 89015
Craig Wilkinson, TIMET, PO Box 2128, Henderson, Nevada, 89009-7003
Kirk Stowers, Broadbent & Associates, 8 West Pacific Avenue, Henderson, Nevada 89015
Mr. George Crouse, Syngenta Crop Protection, Inc., 410 Swing Road, Greensboro, NC 27409
Mr. Lee Erickson, Stauffer Management Company, 1800 Concord Pike, Hanby 1, Wilmington,
DE 19850-5437
Mr. Chris Sylvia, Pioneer Americas LLC, PO Box 86, Henderson, Nevada 89009
Mr. Paul Sundberg, Montrose Chemical Corporation, 3846 Estate Drive, Stockton, California
95209
Joe Kelly, Montrose Chemical Corporation of CA, 600 Ericksen Avenue NE, Suite 380,
Bainbridge Island, WA 98110

Attachment A

1. It is the belief of the NDEP that it is premature to generate a data usability assessment at this time. A data usability assessment should not be generated until:
 - a. Data validation has been completed for all data to be included in the data usability assessment.
 - b. The conceptual site model includes an appropriate amount of characterization.
 - c. Site characterization is reasonably complete; nature and extent of contamination has been determined.
 - d. KM is prepared to conduct a risk assessment for the site (or a portion of the site).
2. In addition to the information presented in the report, the data usability assessment must accomplish the following:
 - a. Meet all of the requirements as outlined in USEPA *Guidance for Data Usability in Risk Assessment*, April 1992.
 - b. Contain a figure(s) that shows all of the sample locations referenced in the data usability report.
 - c. Contain a listing of the data that are usable, unusable, and partially usable. It may be helpful to segregate this data by media or some other means (e.g., exposure area).
 - d. Feed in to the uncertainty analysis of the risk assessment.
 - e. Be tied to the conceptual site model.
 - f. Define the specific uses of the data that are being evaluated. The statement "all uses" is not appropriate and should not be used in the future.
 - g. Data, tables and figures that are referenced must be included in the data usability evaluation report. The report should be generated as a stand-alone document.
 - h. Comply with other applicable USEPA guidance.
3. To be noted, the NDEP will be providing KM with an example of a worksheet that has been used with success for completing a data usability assessment. This worksheet will follow under separate cover and will likely be distributed via e-mail.
4. It is requested that KM prepare a data validation report(s) for the data sets described in the data usability assessment and any other historic data that are anticipated to be used. The NDEP has provided an example of an approved data validation report to KM via e-mail.
5. It should be noted that KM may perform internal reviews of the usability and/or validity of some data; however, these documents should not be submitted to the NDEP.