



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

July 29, 2010

Matt Paque
Tronox LLC
PO BOX 268859
Oklahoma City, OK 73134

Re: **Tronox LLC (TRX)**
NDEP Facility ID #H-000539
Nevada Division of Environmental Protection (NDEP) Response to:
Removal Action Work Plan for Phase B Soil Remediation zones RZ-B through RZ-E,
Tronox LLC, Henderson, Nevada
Dated: May 4, 2010

Dear Mr. Paque,

The NDEP has reviewed TRX's above-identified Deliverable in light of various meetings and conference calls with TRX discussing TRX's proposed limitation of 10 feet below ground surface (fbgs) for excavation. NDEP's position is that a uniform limitation on excavation to 10 fbgs based on direct contact exposure pathway concerns will not provide source control as required by the December 14, 2009 Order issued by NDEP. NDEP's position has been provided to TRX in meetings, weekly and other conference calls, and response letters over the past two months (*and included in meeting minutes dated July 23, 2010 and letters dated June 22, 2010, July 2, 2010, July 20, 2010, and July 23, 2010*) Achievement of source control should include additional appropriate excavation to address elevated concentrations of contaminants and the leaching to groundwater pathway. NDEP has also indicated that TRX should propose to excavate certain areas beyond 10 fbgs to fully address the Order requirement to complete source control.

TRX has recently referenced the approved above-identified Deliverable as the rationale for limiting excavation to 10 fbgs. Therefore, NDEP provides additional clarification for our approval of the Deliverable. NDEP has not approved limiting all excavation to 10 fbgs nor has NDEP concurred that all other contamination would be handled under a separate schedule with separate deliverables. NDEP is concerned that the contamination greater than 10 fbgs will not be addressed before the December 31, 2010 Order deadline; therefore, TRX should provide errata to the RAW **by August 12, 2010** that: 1) removes the references to the 0 – 10 fbgs limitation on remediation and 2) indicates TRX will evaluate additional excavation beyond 10 fbgs to address elevated concentrations of contaminants and the leaching to groundwater pathway on an excavation polygon-specific basis.

Please contact the undersigned with any questions at sharbour@ndep.nv.gov or 775-687-9332.



Sincerely,



Shannon Harbour, P.E.
Staff Engineer III
Bureau of Corrective Actions
Special Projects Branch
NDEP-Carson City Office
Fax: 775-687-8335

SH:sh

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Susan Crowley, Tronox LLC (Contractor)
Deni Chambers, Northgate Environmental
Brian Rakvica, McGinley and Associates
Barry Conaty, Holland & Hart LLP
Brenda Pohlmann, City of Henderson
Mitch Kaplan, U.S. Environmental Protection Agency, Region 9
Ebrahim Juma, Planning Manager, Air Quality and Environmental Management
Joe McGinley, McGinley & Associates
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Mark Paris, Landwell
Craig Wilkinson, TIMET
Kirk Stowers, Broadbent & Associates
Victoria Tyson, Tyson Contracting
George Crouse, Syngenta Crop Protection, Inc.
Nick Pogoncheff, PES Environmental
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CC: Ebrahim Juma, Planning Manager, Air Quality and Environmental Management
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