



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 30, 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:
Revised Environmental covenants, Institutional and Engineering Control Plan, Tronox Facility, Henderson, Nevada
Dated: June 9, 2010

Dear Mr. Paque,

The NDEP has received and reviewed TRX's above-identified Deliverable and provides comments in Attachment A. A revised Deliverable should be submitted based on the comments found in Attachment A. Please advise the NDEP **by August 6, 2010** regarding the schedule for this resubmittal. TRX should additionally provide an annotated response-to-comments letter as part of the revised Deliverable.

Please contact the undersigned with any questions at sharbour@ndep.nv.gov or (702) 486-2850 extension 240.

Sincerely,

Shannon Harbour, P.E.
Staff Engineer III
Bureau of Corrective Actions
Special Projects Branch
NDEP-Las Vegas Office
Fax: 702-486-5733

SH:sh

EC: Jim Najima, Bureau of Corrective Actions, NDEP
Greg Lovato, Bureau of Corrective Actions, NDEP
Carolyn Tanner, AG's Office, Carson City, NV
Mike Skromyda, Tronox LLC
Michael J. Foster, Tronox LLC
Keith Bailey, Environmental Answers LLC



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
Ranajit Sahu, BRC
Rick Kellogg, BRC
Mark Paris, Landwell
Craig Wilkinson, TIMET
Kirk Stowers, Broadbent & Associates
Victoria Tyson, Tyson Contracting
George Crouse, Syngenta Crop Protection, Inc.
Nick Pogoncheff, PES Environmental
Lee Erickson, Stauffer Management Company
Michael Bellotti, Olin Corporation
Curt Richards, Olin Corporation
Paul Sundberg, Montrose Chemical Corporation
Joe Kelly, Montrose Chemical Corporation of CA
Jeff Gibson, AMPAC
Larry Cummings, AMPAC
Paul Hackenberry, Hackenberry Associates, LLC
Paul Black, Neptune and Company, Inc.
Kelly Black, Neptune and Company, Inc.
Teri Copeland, Neptune and Company, Inc.
Kurt Fehling, The Fehling Group, LLC
Joanne Otani

CC: Ebrahim Juma, Planning Manager, Air Quality and Environmental Management
Susan Crowley, C/O Tronox LLC, PO Box 55, Henderson, NV 89009
Lee Erickson, Stauffer Management Company

Attachment A

1. General comment, TRX appears to use the term “environmental covenants” throughout this document where “engineering controls” would be the more appropriate term. Please revise as necessary.
2. General comment, TRX should additionally include a section discussing the demonstration of financial assurance for the establishment and long-term implementation of any institutional and/or engineering controls and environmental covenants. Including demonstrating financial assurance for the remediation of the current operational areas when operations cease.
3. Areas of Site with Soil Exceeding Remedial Goals, page 3, NDEP has the following comments:
 - a. TRX should replace “soil exceeding remedial goals” with “contaminated soil”.
 - b. 1st paragraph, TRX should remove the statement that removing “all contaminated soils within 10 feet of the post-remediation surface” would be in accordance with the December 14, 2009 Order.
 - c. 1st paragraph, the definition of “contaminated soil” should include a leaching component.
 - d. 1st paragraph, TRX should replace “agreed to by NDEP” to “approved by NDEP”.
 - e. 2nd paragraph, last sentence, TRX has not demonstrated that excavation is not possible in these areas; and therefore, should remove this sentence.
 - f. 3rd paragraph, 1st sentence, TRX should revise this statement to indicate that the areas where institutional controls and/or engineering controls will be requested will be shown in the individual RZ Excavation Plans. NDEP will not review and approve institutional controls, engineering controls, or environmental covenants in the responses to the Excavation Plans.
4. Utilizing Screening Criteria, page 3, 1st sentence, NDEP has the following comments:
 - a. Excavation is not the only remediation option for Site soils. TRX should revise this sentence to reflect that other remediation options will need to be considered for feasibility before institutional and/or engineering controls will be considered by NDEP.
 - b. TRX should note that a feasibility study of remedial options should demonstrate whether the options are “commercially unreasonable”. Please revise as necessary.
5. Appendix A, NDEP has the following comments:
 - a. Item 1, TRX should revise these Deliverable submittal dates as necessary to reflect the current schedule.
 - b. Items 3 and 5, TRX should remove any review timing for NDEP from this schedule. NDEP has previously stated that the Environmental Covenant process is onerous and lengthy. NDEP cannot predict how long review of an Environmental Covenant document will take, especially when the length of review would be dependent upon the document quality and completeness.
6. Response to Comments (RTC), NDEP has the following comments:
 - a. RTC 2, there is not section I.B in this Deliverable as indicated in TRX’s response to this comment.
 - b. RTC 5, TRX should additionally note that any additional setback requested in the Environmental Covenant plans should have technical rationale. For example, the 50 foot setback from Ponds GW-11, WC-E, and WC-W berms should contain structural and geotechnical analysis backup.

- c. RTC 8, NDEP notes that active portions of the Site may change in the future and that new buildings may be constructed; however, this should not impact the current remediation efforts at the Site.
- d. RTC 9.b, TRX has not demonstrated that these areas “cannot be excavated at this time” either. Please remove this sentence as requested above.