

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

Jim Gibbons, Governor
Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

September 28, 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:

“Errata to Addendum to the Excavation Plan for RZ-D, Concerning Set-Backs for GW-11 and WC Pond Embankments and Changes to the Proposed Excavation Areas, Tronox Facility, Henderson, Nevada, dated August 31, 2010”

Dated: September 27, 2010

Dear Mr. Paque,

The NDEP has reviewed the above-referenced letter and finds that the response is inadequate for establishment of an approvable setback for excavation adjacent to active ponds GW-11, WC-East and WC-West.

On August 23, 2010, NDEP provided comments to TRX’s Engineering Evaluation of Slope Stability (dated August 18, 2010). The NDEP requested backup data and calculations, as well as additional modeling scenarios to determine the minimum setback required to maintain the stability of these operational ponds. The above-referenced letter does not provide any of the requested backup or modeling, nor does it include any response to NDEP’s August 23, 2010 comments.

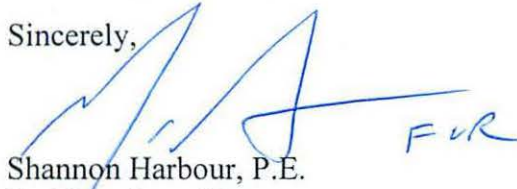
There is a substantial likelihood that this lack of responsiveness by TRX will delay compliance with the schedule required by Item 8 of the December 14, 2009 Order (Order). The NDEP views this tactic as a violation of the Order, and such behavior shall subject TRX to immediate enforcement action.



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TRX must submit a revised Engineering Evaluation stamped by a Professional Engineer licensed in Nevada by **October 5, 2010**, which addresses all of NDEP's August 23, 2010 comments and includes a response-to-comments letter. 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:gl:ct

EC: Jim Najima, Bureau of Corrective Actions, NDEP
Greg Lovato, Bureau of Corrective Actions, NDEP
William Knight, Bureau of Corrective Actions, NDEP
Carolyn Tanner, Deputy Attorney General, Nevada Office of the Attorney General, Carson City, NV
Brenda Pohlmann, City of Henderson
Mitch Kaplan, U.S. Environmental Protection Agency, Region 9
Mike Skromyda, Tronox LLC
Michael J. Foster, Tronox LLC
Keith Bailey, Environmental Answers LLC
Susan Crowley, Tronox LLC (Contractor)
Deni Chambers, Northgate Environmental
Brian Rakvica, McGinley and Associates
Joe McGinley, McGinley & Associates
Barry Conaty, Holland & Hart LLP
Ranajit Sahu, BRC
Rick Kellogg, BRC
Lee Farris, 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
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Ebrahim Juma, Clean Water Team
Joe Leedy, Clean Water Team
Kathryn Hoffmann, Clean Water Team

CC: Susan Crowley, C/O Tronox LLC, PO Box 55, Henderson, NV 89009

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Lee Farris, BRC, 875 W. Warm Springs Road, Henderson, NV 89011
Lee Erickson, Stauffer Management Company