



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

Brian Sandoval, Governor  
Leo M. Drozdoff, P.E., Director  
Colleen Cripps, Ph.D., Administrator

October 16, 2013

Jay A. Steinberg  
Nevada Environmental Response Trust  
35 East Wacker Drive, Suite 1550  
Chicago, IL 60601

Re: **Tronox LLC (TRX) Facility**  
**Nevada Environmental Response Trust (Trust) Property**  
**NDEP Facility ID #H-000539**  
Nevada Division of Environmental Protection (NDEP) Response to: *Site Management Plan, Nevada Environmental Response Trust Site, Henderson, Nevada*

Dated: September 30, 2013

Dear Mr. Steinberg,

The NDEP has received and reviewed the Trust's above-identified Deliverable and provides comments in Attachment A. A revised Deliverable should be submitted **by 10/31/2013** based on the comments found in Attachment A. The Trust should additionally provide an annotated response-to-comments letter as part of the revised Deliverable.

Please contact the undersigned with any questions at [wdong@ndep.nv.gov](mailto:wdong@ndep.nv.gov) or 702-486-2850 x252.

Sincerely,

Weiquan Dong, P.E.  
Special Projects Branch  
Bureau of Corrective Actions  
NDEP-Las Vegas City Office

WD:jd

EC: Greg Lovato, Bureau of Corrective Actions, NDEP  
James Dotchin, NDEP, BCA LV  
Adam Baas, Edgcomb Law Group  
Allan Delorme, ENVIRON  
Andrew Barnes, Geosyntec  
Andrew Steinberg, Nevada Environmental Response Trust  
Ashley Katri, McGinley & Associates



Betty Kuo, MWDH2O  
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Cassandra Joseph, AG's Office  
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Charles K. Hauser, Esq., Southern Nevada Water Authority  
Chuck Elmendorf, Stauffer Management Company, LLC  
David Johnson, Central Arizona Water Conservation District  
Ebrahim Juma , Clean Water Team  
Ed Modiano, de maximis, inc.  
Eric Fordham, Geopentech  
George Crouse, Syngenta Crop Protection, Inc.  
Jay Gear, Olin Co  
Jeff Gibson, AMPAC  
Scott Bryan, Central Arizona Project  
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Kirk Stowers, Broadbent & Associates  
Kurt Fehling, The Fehling Group  
Kyle Gadleym, Geosyntec  
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Mark Paris, Landwell  
Matt Pocernich, Neptune & Company Inc  
Michael Long, Hargis + Associates  
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Peggy Roefer, Southern Nevada Water Authority  
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Rebecca Shircliff, Neptune and Company, Inc.  
Richard Pfarrer, TIMET  
Rick Kellogg, BRC  
Ron Zegers, Southern Nevada Water Authority  
Scott Bryan, Central Arizona Project  
Stephen Tyahla, U.S. Environmental Protection Agency, Region 9  
Tanya O'Neill, Foley & Lardner LLP  
Teri Copeland  
Wayne Klomp, AG's Office

## Attachment A

1. Executive Summary, page ES-2, NERT notes that there are no BCLs for asbestos and presents asbestos concentrations that are to be used for screening. Please provide a reference for the derivation of these values and the NDEP approval of this derivation. In addition, instead of referencing “fibers” NERT should reference “protocol structures” and the appropriate NDEP guidance.
2. 10. Section 4.1, Soil Management Protocols, page 13, please include a cross-reference to the figures that show the locations of the ECAs.
3. Section 4.2.1, Stockpile Management for ECA Soils, page 14, please note that the stockpiles managed on plastic sheeting have been problematic throughout the BMI Complex. Whenever practicable the NDEP would prefer the use of plastic lined roll-off containers instead of stockpiles. This is a global comment that applies to a number of sections and will not be repeated.
4. Section 4.4.1, Dust Control Measures, page 20, please provide a cross-reference to Clark County Department of Air Quality regulations as well as site-specific permit issues.
5. Section 4.6.1.2, Sampling and Analysis of Stockpiles, page 23, Second Sentence, please remove “for excavations resulting in in stockpiled soil less than 1,000 cubic yards” and replace with “or sampling plan as approved in the Work Plan.” It is the NDEP’s position that the total volume is not relevant to the amount of soil excavated and the amount of samples taken as long as the NDEP approves the work plan ahead of time. (One example would be if the entity wanted to characterize the soil in advance and get a pre-approved profile into a disposal facility and excavate directly into trucks for disposal off-site.) Please note that this is a global comment that applies to a number of sections and will not be repeated .
6. Section 4.6.2, Utility Projects in Non-ECA, page 23, please correct the 48 hour reference to comply with NDEP’s 24-hour reporting requirements.
7. Section 4.6.3, Documentation of Actions Taken, page 24, please modify the time frame that the report is submitted to the NERT and the NDEP from 30 days to 45 days. Some specific analytical results would make the 30 day requirement unreasonable and may result in numerous extension requests.
8. Section 4.6.3, Documentation of Actions Taken, page 24, third bullet, please replace Surveyed with GPS to allow flexibility in how the limits of the excavation are confirmed.
9. Section 4.6.3, Documentation of Actions Taken, page 24, fourth bullet, please replace “data validation reports” with laboratory quality control reports. Data validation reports suggest DVSR and this is not the intent here.
10. Section 4.6.3, Documentation of Actions Taken, page 24, fifth bullet, please add “if applicable”. If soils are to be taken off site soil screening levels may not be sampled for and this may not be necessary.
11. Section 5.1, Reducing the Potential for Creating Conduits to Groundwater During Deep Construction Activities, page 27, please clarify the protectiveness of a cast in place foundation of concrete (which is permeable) versus sub-slab depressurization or vapor barriers. It is suggested that NERT consider the use of sub-slab depressurization or vapor barriers in areas of the site with elevated soil gas concentrations.
12. Section 5.3.5, Accidental Releases of Untreated Groundwater, page 29, NERT proposes a 50 -feet offset from all remediation components. It is suggested that a map be developed which shows the location of these components and the offset.

13. Figures 3a – 3d, the location of the remediation system components is not evident on these figures, see also comment above.