

OFFICE OF THE NEVADA ENVIRONMENTAL RESPONSE TRUST TRUSTEE

Le Petomane XXVII, Inc., Not Individually, But Solely as the Nevada Environmental Response Trust Trustee
35 East Wacker Drive - Suite 1550
Chicago, Illinois 60601
Tel: (702) 357-8149, x104

September 13, 2017

Mr. Weiquan Dong, Ph.D.
Bureau of Industrial Site Cleanup
Nevada Division of Environmental Protection
2030 E. Flamingo Rd, Suite 230
Las Vegas NV 89119

RE: Site Management Plan Annual Report, June 1, 2016 – May 31, 2017
Nevada Environmental Response Trust Site, NDEP Facility ID #H-000539
Henderson, Nevada

Dear Mr. Dong:

As required by the Site Management Plan (SMP) developed for the Nevada Environmental Response Trust (NERT or the Trust) Site in Henderson, Nevada (the Site), this letter serves as the Annual Report. As you know, the SMP was developed at the request of the Nevada Division of Environmental Protection (NDEP). This Annual Report has been prepared consistent with Section 3.5.2 of the SMP, Revision 3 (Ramboll Environ, 2017) to summarize and evaluate the results of the inspection, maintenance, and monitoring activities and to document the continued adequacy of the implemented risk management measures at the Site.

The SMP was initially submitted to NDEP in April 2012. On May 23, 2012 and May 30, 2012, errata were submitted to address NDEP's May 14, 2012 comments provided to ENVIRON International Corporation (ENVIRON)¹ via phone conversation and to incorporate the most recent NDEP worker Basic Comparison Levels (BCLs). The April 2012 SMP and two errata letters (ENVIRON, 2012; hereafter referred to as the SMP, Revision 0) were approved by NDEP on June 1, 2012. Following an annual review of the SMP, Revision 0, ENVIRON prepared an updated SMP, Revision 1 dated October 2013 (ENVIRON, 2013). The SMP, Revision 1 was approved by NDEP on November 7, 2013. Following a bi-annual review of the SMP Revision 1, Ramboll Environ prepared an updated SMP, Revision 2 dated July 17, 2015 (Ramboll Environ, 2015). The SMP, Revision 2 was approved by NDEP on August 8, 2015. Following an annual review of the SMP, Revision 2, Ramboll Environ prepared an updated SMP, Revision 3 dated February 13, 2017 (Ramboll Environ, 2017). The SMP, Revision 3 was approved by NDEP and became effective on February 28, 2017. For this annual reporting period (June 1, 2016 through May 31, 2017), please note that the SMP, Revision 2 was effective until February 28, 2017, and the SMP, Revision 3 was implemented for the remainder of this reporting period.

As described in the SMP, Revision 2 and the SMP, Revision 3, this Annual Report provides the following:

- A summary of the results of the inspection, maintenance, and monitoring of the risk management measures that are implemented through the SMP;
- Documentation of compliance with the SMP including that appropriate notifications have been made and that appropriate protocols for subsurface activities have been implemented;

¹ On 1 May 2015, ENVIRON officially joined the Ramboll Global Practice Environment & Health and Global Practice Water. Ramboll and ENVIRON have integrated their Environment & Health services into a new Global Practice and is now known as Ramboll Environ US Corporation (Ramboll Environ).

- Documentation of any instances of noncompliance with the SMP and the actions taken to remedy the issues; and
- Recording of any changes to each ECA boundary, based on work conducted during the previous year.

Inspection, Maintenance, and Monitoring Activities and Implemented Risk Management Measures

An evaluation of the results of the inspection, maintenance, and monitoring activities and the adequacy of the risk management measures during the period of June 1, 2016 through May 31, 2017 is provided below.

- The Site's land uses were confirmed to be consistent with those assumed in the SMP (i.e., industrial/commercial) in terms of exposure risk assumptions;
- There were no significant changes in land use or COPC toxicity parameters that warranted conducting additional risk analysis or additional mitigation;
- Groundwater has not been used for drinking water or any other purpose at the Site;
- No changes to ECA boundaries were made based on work conducted during the evaluation period;
- The groundwater monitoring data evaluated in the Annual and Semi-Annual Remedial Performance Reports for Chromium and Perchlorate (Ramboll Environ, 2016; Ramboll Environ, 2017b) indicated that there were no significant changes in Site environmental conditions that require modification of this SMP; and
- On behalf of the Trust, Ramboll Environ and Tetra Tech inspected the Site as necessary and verified that risk management controls are being implemented at the Site.

SMP Compliance

Upon approval of the SMP, Revision 3, all Site Occupants were provided a copy of the SMP and notified of the known environmental conditions at the Site and the requirements of the SMP. Each Site Occupant, excluding Tronox LLC (Tronox), certified that it would comply with the provisions in the SMP, Revision 3. The Certifications of Compliance (included as Requirement 1 of the SMP, Revision 3) for all Site Occupants, excluding Tronox, are included as Attachment B of this letter. The work conducted by Tronox, their contractors, or any other third party performing work for Tronox, was completed in compliance with the SMP, as certified by Mr. Kyle Hansen of Tetra Tech.

NERT certifies that all Site disturbances were conducted in compliance with the SMP including the appropriate notifications and with the appropriate protocols for subsurface activities; except as noted below:

- Stauffer failed to notify NERT of installation of replacement extraction well M3. NDEP approved the installation of the replacement well on February 24, 2017 and all of the field activities were conducted in accordance with the SMP. However, NERT was not notified of the work nor was a work plan submitted as required under Section 4.3.1 of the SMP.

Summary

The evaluation of the results of the inspection, maintenance, and monitoring activities and the continued adequacy of the implemented risk management measures at the Site during the Annual Review period indicate that all Site disturbances have been conducted in compliance with the SMP.

Office of the Nevada Environmental Response Trust Trustee
September 13, 2017

If you have any questions or concerns regarding this matter, feel to contact me at (702) 960-4309 or at steve.clough@nert-trust.com.

Office of the Nevada Environmental Response Trust



Stephen R. Clough, P.G., CEM
Remediation Director
CEM Certification Number: 2399, exp. 3/24/19

Attachments:

- A: References
- B: Certifications of Compliance with Site Management Plan, Revision 3

ec (via NERT Sharefile Distribution):

Jeff Kinder, NDEP Deputy Administrator
James Dotchin, NDEP Bureau of Industrial Site Cleanup
Carlton Parker, NDEP Bureau of Industrial Site Cleanup
Christa Smaling, NDEP Bureau of Industrial Site Cleanup
Frederick Perdomo, Nevada Attorney General's Office
Alison Fong, U.S. Environmental Protection Agency, Region 9
Jay Steinberg, as President of the Nevada Environmental Response Trust Trustee and not individually
Andrew Steinberg, as Vice President of the Nevada Environmental Response Trust Trustee and not individually
Tanya C. O'Neill, Foley and Lardner, LLP
Derek Amidon, Tetra Tech
Dan Pastor, Tetra Tech
Allan DeLorme, Ramboll Environ
John Pekala, Ramboll Environ

ec (via NERT Stakeholder Sharefile Distribution):

Betty Kuo, Metropolitan Water District of Southern California
Brenda Pohlmann, City of Henderson
Carol Nagai, Metropolitan Water District of Southern California
David Johnson, Central Arizona Water Conservation District
Dave Johnson, LV Valley Water District
Eric Fordham, Geopentech
Jill Teraoka, Metropolitan Water District of Southern California
Kevin Fisher, LV Valley Water District
Marcia Scully, Metropolitan Water District of Southern California
Maria Lopez, Metropolitan Water District of Southern California
Mickey Chaudhuri, Metropolitan Water District of Southern California
Orestes Morfin, Central Arizona Water Conservation District
Peggy Roefer, Colorado River Commission
Steven Anderson, LV Valley Water District
Sun Liang, Metropolitan Water District of Southern California
Ted Wolff, Manatt, Phelps & Phillips LLP
Todd Tietjen, Southern Nevada Water Authority

Attachment A

References

References

- ENVIRON International Corporation (ENVIRON), 2012. Site Management Plan (SMP), Nevada Environmental Response Trust Site, Henderson, Nevada. Revised April 2012 with May 23 and May 30, 2012 Errata. NDEP approved June 1, 2012. (“SMP, Revision 0”).
- ENVIRON, 2013. Site Management Plan, Revision 1, Nevada Environmental Response Trust Site, Henderson, Nevada. Revised September 30, 2013 with Revision 1 submitted October 31, 2013. NDEP approved November 7, 2013. (“SMP, Revision 1”).
- Ramboll Environ US Corporation (Ramboll Environ), 2015. Site Management Plan, Revision 2, Nevada Environmental Response Trust Site, Henderson, Nevada. July 17. Revised July 30, 2015. NDEP approved August 8, 2015. (“SMP, Revision 2”).
- Ramboll Environ, 2016. Annual Remedial Performance Report for Chromium and Perchlorate, July 2015-June 2016; Nevada Environmental Response Trust Site, Henderson, Nevada. October 31. NDEP approved December 6, 2016.
- Ramboll Environ, 2017. Site Management Plan, Revision 3, Nevada Environmental Response Trust Site, Henderson, Nevada. February 13. NDEP approved February 28, 2017. (SMP, Revision 3).
- Ramboll Environ, 2017b. Semi-Annual Remedial Performance Memorandum for Chromium and Perchlorate, July-December 2016; Nevada Environmental Response Trust Site, Henderson, Nevada. April 28. NDEP approved May 17, 2017.


Attachment B

Certifications of Compliance with Site Management Plan, Revision 3

Certification of Compliance with Site Management Plan, Revision 3

The undersigned ("Site Occupant") acknowledges receipt of a copy of the Site Management Plan, Revision 3 dated February 13, 2017 (the "SMP") prepared by Ramboll Environ US Corporation ("Ramboll Environ") pertaining to the Nevada Environmental Response Trust ("NERT" or the "Trust") Site located in Clark County, Nevada (the "Site"), which Site is more thoroughly described in the SMP. Site Occupant affirms that it is an owner, operator, tenant, lessee, project manager or other entity with responsibility for activities at the Site. Site Occupant specifically acknowledges having read and understood the provisions of the SMP. Site Occupant further acknowledges that it has the responsibility to ensure that the risk management measures and procedures described in the SMP are fully implemented in any applicable activity or operation. Site Occupant certifies that it will comply with all provisions of the SMP applicable to its occupancy of or work upon the Site. Site Occupant further certifies that it has provided or will provide a copy of the SMP to its contractors and any third parties that Site Occupant may invite to the Site or allow to access the Site and shall ensure said contractors' or invitees' compliance with the SMP.

An executed copy of this Certification of Compliance must be submitted to the Trust representative at the Site before any activity at the Site begins.

Company: Ramboll Exxon
By: 
Printed Name: Allen J. DeLorme
Title: Principal and COO - Americas
Date: 3/13/17

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Company: Tetra Tech, INC.

By: Derek Amidon

Printed Name: Derek Amidon

Title: Executive Vice President

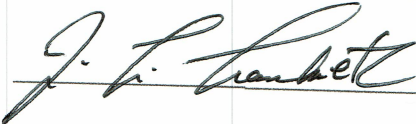
Date: 3/13/2017

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Company: ENVIROGEN TECHNOLOGIES, INC

By: 

Printed Name: JEFF LAMBETH

Title: DIRECTOR OF OPERATIONS

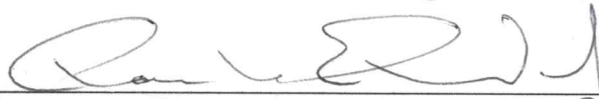
Date: 3-13-17

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Company: Star Per Management Co. LLC

By: 

Printed Name: Charles Elmendorf

Title: President

Date: 6/8/17