

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 690
Chicago, Illinois 60601
Tel: (702) 960-4309

October 17, 2023

Dr. Weiquan Dong, P.E.
Bureau of Industrial Site Cleanup
Nevada Division of Environmental Protection
375 E. Warm Springs Road, Suite 200
Las Vegas, Nevada 89119

RE: Site Management Plan Annual Report, June 1, 2022 to May 31, 2023
Nevada Environmental Response Trust
Henderson, Nevada

Dear Dr. Dong:

This letter serves as the June 1, 2022 to May 31, 2023 Site Management Plan (SMP) Annual Report (Annual Report) for the Nevada Environmental Response Trust (NERT or the Trust) Site in Henderson, Nevada (the Site). As you are aware, the SMP was developed by the Trust at the request of the Nevada Division of Environmental Protection (NDEP). This Annual Report was prepared consistent with the requirements of Section 3.6.2 of the SMP, Revision 8 (Ramboll 2023) 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. 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. The Trust has updated the SMP as follows to accurately reflect Site conditions and comply with the document's update requirement¹:

- SMP, Revision 1 dated October 2013 (ENVIRON 2013), which was approved by NDEP on November 7, 2013;
- SMP, Revision 2 dated July 17, 2015 (Ramboll Environ 2015), which was approved by NDEP on August 8, 2015;
- SMP, Revision 3 dated February 13, 2017 (Ramboll Environ 2017), which was approved by NDEP on February 28, 2017;
- SMP, Revision 4 dated March 22, 2018 (Ramboll 2018), which was approved by NDEP on March 29, 2018;
- SMP, Revision 5 dated December 31, 2019 (Ramboll 2019), which was approved by NDEP on January 21, 2020;
- SMP, Revision 6 dated December 22, 2020 (Ramboll 2020), which was approved by NDEP on January 6, 2021;
- SMP, Revision 7 dated January 12, 2022 (Ramboll 2022a), which was approved by NDEP on January 26, 2022; and

¹ Provisions in the Environmental Covenant recorded on May 30, 2014 stipulate that the SMP be updated annually (NDEP and NERT, 2014).

- SMP, Revision 8 dated January 27, 2023 (Ramboll 2023), which was approved by NDEP on February 1, 2023.²

During the current annual reporting period (June 1, 2022 through May 31, 2023), SMP, Revision 7 was effective between June 1, 2022 and January 31, 2023 and SMP, Revision 8 was effective between February 1, 2023 and May 31, 2023.

As required by SMP Revisions 7 and 8, 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 submittal of required notifications and utilization of appropriate protocols for subsurface activities that were implemented;
- Documentation of any instances of noncompliance with the SMP and the actions taken to remedy the issues; and
- Recording any changes to each Excavation Control Area (ECA) boundary, based on work conducted during the reporting period.

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, 2022 through May 31, 2023 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.
- Table 1 in both SMP, Revisions 7 and 8 reflect the most current Basic Comparison Levels (BCLs) dated July 2017 (NDEP 2017) and August 2020 (NDEP 2020), respectively.³
- Groundwater was not used for drinking water 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 Groundwater Monitoring and GWETS Performance Report (Ramboll 2022b) indicated that there were no significant changes in Site environmental conditions that require modification of the SMP; and
- On behalf of the Trust, Ramboll and Tetra Tech inspected the Site as necessary and verified that the SMP-required risk management controls are being implemented at the Site.

SMP Compliance

Upon NDEP approval of the SMP, Revision 8 on February 1, 2023, 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 certified that it would comply with the provisions in the SMP, Revision 8. The Certifications of Compliance (included as Requirement 1 of the SMP, Revision 8) for all Site Occupants are included as Attachment B of this letter. All Site Occupants had previously certified their compliance with the provisions of

² On February 6, 2023, NERT was notified that the point of contact at EMD Acquisition LLC listed in Table 6 had changed. An errata with an updated version of Table 6 was submitted to NDEP on February 13, 2023.

³ In April 2022, NDEP updated its website with BCLs dated August 2020. Table 1 in SMP, Revision 8 was updated to reflect the August 2020 BCLs (NDEP 2020).

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SMP, Revision 7 following its approval by NDEP. Those Certifications of Compliance were included in the 2021-2022 SMP Annual Report.

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 follows:

- During construction of the Truck Unloading Area adjacent to the Process Tanks, Tetra Tech, one of the Site Occupants, did not place excavated soil on plastic in accordance with the NDEP-approved plan. The soil was subsequently removed from where it was placed and repositioned onto plastic. Subsequent analytical testing confirmed that the soil did not contain any chemicals at concentrations above BCLs and NDEP approved the onsite reuse of this material. Due to the short duration of this instance of noncompliance and the absence of any chemicals at a concentration of concern, this incident did not have any effect on the adequacy of the implemented risk management measures at the Site, and no further mitigation activities are needed.

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 or were promptly mitigated so that they ultimately complied with the SMP.

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. 3/24/25

Cc (via NERT Sharefile Distribution):

Frederick Perdomo, NDEP, Deputy Administrator
James Dotchin, NDEP, Chief, Bureau of Industrial Site Cleanup
Alan Pineda, NDEP, Bureau of Industrial Site Cleanup
Danielle D. Ward, NDEP, Bureau of Industrial Site Cleanup
William Frier, U.S. Environmental Protection Agency, Region 9
Mark Duffy, 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
Brian Loffman, Le Petomane, Inc.
Tanya C. O'Neill, Foley and Lardner, LLP
Dan Peterson, Ramboll
Chris Stubbs, Ramboll
Kim Kuwabara, Ramboll
David Bohmann, Tetra Tech
Dana Grady, Tetra Tech
Rick Kenter, Arcadis
Kim Haymond, Arcadis

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Cc (via NERT Stakeholder Sharefile Distribution):

Betty Kuo, Metropolitan Water District of Southern California
Carol Nagai, Metropolitan Water District of Southern California
Christene Klimek, City of Henderson
Christine Nobles, Central Arizona Project
Daniel Chan, LV Valley Water District
Dave Johnson, LV Valley Water District
Deena Hannoun, Southern Nevada Water Authority
Eric Fordham, Geopentech
Jill Teraoka, Metropolitan Water District of Southern California
Katherine Callaway, Central Arizona Project
Marcia Scully, Metropolitan Water District of Southern California
Maria Lopez, Metropolitan Water District of Southern California
Mauricio Santos, Metropolitan Water District of Southern California
Mickey Chaudhuri, Metropolitan Water District of Southern California
Orestes Morfin, Central Arizona Project
Steven Anderson, LV Valley Water District
Todd Tietjen, Southern Nevada Water Authority
Warren Turkett, Colorado River Commission

**Site Management Plan (SMP) Annual Report
June 1, 2022 – May 31, 2023**

**Nevada Environmental Response Trust
(Former Tronox LLC Site)
Henderson, Nevada**

Nevada Environmental Response Trust (Trust) Representative Certification

I certify that this document and all attachments submitted to the Division were prepared at the request of, or under the direction or supervision of the Trust. Based on my own involvement and/or my inquiry of the person or persons who manage the system(s) or those directly responsible for gathering the information or preparing the document, or the immediate supervisor of such person(s), the information submitted and provided herein is, to the best of my knowledge and belief, true, accurate, and complete in all material respects.

Office of the Nevada Environmental Response Trust

Le Petomane XXVII, Inc., not individually, but solely in its representative capacity as the Nevada Environmental Response Trust Trustee

Signature: Jay A. Steinberg, President Not Individually, but Solely
as President of the Trustee

Name: Jay A. Steinberg, not individually, but solely in his representative capacity as President of the Nevada Environmental Response Trust Trustee

Title: Solely as President and not individually

Company: Le Petomane XXVII, Inc., not individually, but solely in its representative capacity as the Nevada Environmental Response Trust Trustee

Date: 10/17/23

**Site Management Plan (SMP) Annual Report
June 1, 2022 – May 31, 2023**

**Nevada Environmental Response Trust
(Former Tronox LLC Site)
Henderson, Nevada**

Responsible Certified Environmental Manager (CEM) for this project

I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and, to the best of my knowledge, comply with all applicable federal, state, and local statutes, regulations, and ordinances.

Stephen R. Clough

10/17/2023

**Stephen R. Clough, PG, CEM
Remediation Director
Nevada Environmental Response Trust**

Date

Certified Environmental Manager
CEM Certificate Number: 2399
CEM Expiration Date: March 24, 2025

Attachment A

References

References

- ENVIRON (ENVIRON International Corporation), 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”).
- NDEP (Nevada Division of Environmental Protection) and NERT (Nevada Environmental Response Trust), 2014. Environmental Covenant. Recorded on May 30.
- NDEP, 2017. User’s Guide and Background Technical Document for the NDEP Basic Comparison Levels (BCLs) for Human Health for the BMI Complex and Common Areas. Revision 14. July.
- NDEP, 2020. User’s Guide and Background Technical Document for the NDEP Basic Comparison Levels (BCLS) for Human Health for the BMI Complex and Common Areas. Revision 15. August.
- Ramboll Environ (Ramboll Environ US Corporation), 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, 2017a. Site Management Plan, Revision 3, Nevada Environmental Response Trust Site, Henderson, Nevada. February 13. NDEP approved February 28, 2017. (“SMP, Revision 3”).
- Ramboll (Ramboll US Corporation), 2018. Site Management Plan, Revision 4, Nevada Environmental Response Trust Site, Henderson, Nevada. March 22. NDEP approved March 29, 2018. (“SMP, Revision 4”).
- Ramboll, 2019. Site Management Plain, Revision 5, Nevada Environmental Response Trust Site, Henderson, Nevada. December 31. NDEP approved January 21, 2020. (“SMP, Revision 5”).
- Ramboll (Ramboll US Consulting, Inc.), 2020. Site Management Plan, Revision 6, Nevada Environmental Response Trust Site, Henderson, Nevada. December 22. NDEP approved January 6, 2021. (“SMP, Revision 6”).
- Ramboll, 2022a. Site Management Plan, Revision 7, Nevada Environmental Response Trust Site, Henderson, Nevada. January 12. NDEP approved January 26, 2022. (“SMP, Revision 7”).
- Ramboll, 2022b. Annual Groundwater Monitoring and GWETS Performance Report, July 2020 – June 2021, Nevada Environmental Response Trust Site; Henderson, Nevada. May 27. NDEP approved July 27, 2022.
- Ramboll, 2023. Site Management Plan, Revision 8, Nevada Environmental Response Trust Site, Henderson, Nevada. January 27. NDEP approved February 1, 2023. (“SMP, Revision 8”).

Attachment B

Certifications of Compliance with Site Management Plan, Revision 8

Certification of Compliance with Site Management Plan, Revision 8

The undersigned ("Site Occupant") acknowledges receipt of a copy of the Site Management Plan, Revision 8 dated January 27, 2023 (the "SMP") prepared by Ramboll US Consulting, Inc. ("Ramboll") pertaining to a portion of the Nevada Environmental Response Trust ("NERT" or the "Trust")-owned Property governed by the Site Management Plan (SMP) and located in Clark County, Nevada (the "SMP Site Area" or the "Site"), which 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 before any activity at the Site begins.

Company: EMD Acquisition LLC dba: Borman Specialty Materials

By: *Sonnia Lewandowski*

Printed Name: Sonnia Lewandowski

Title: Environmental Manager

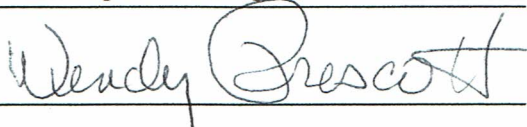
Date: April 19, 2023

Certification of Compliance with Site Management Plan, Revision 8

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Company: Envirogen Technologies

By: 

Printed Name: Wendy Prescott

Title: Project Manager


Date: 3-9-23

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Company: Ramboll US Consulting

By: 

Printed Name: Daniel Petersen

Title: Principal

Date: 02/13/2023

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Company: Tetra Tech, Inc.

By: 

Printed Name: Dana Grady

Title: NERT Program Manager

Date: February 28, 2023

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Company: Tetra Tech, Inc.

By: 

Printed Name: David Bohmann

Title: Principal Engineer

Date: February 28, 2023

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Company: _____

By:  _____

Printed Name: _____

Title: _____

Date: _____

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Company:

Converse Consultants

By:

Ki pi

Printed Name:

Kevin Paprocki

Title:

Project Manager

Date:

2/17/23

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Company:

de maximis, inc. on behalf of Montrose

By:

Eduardo Madiano

Printed Name:

Eduardo Madiano

Title:

Project Manager

Date:

5/26/23

Certification of Compliance with Site Management Plan, Revision 8

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Company:

Lhoist North America

By:

James Marone

Printed Name:

James Marone

Title:

Maintenance/Special Projects Supervisor

Date:

4/20/2023