

# 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 4, 2024

Mr. Chad Schoop, 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, 2023 to May 31, 2024  
Nevada Environmental Response Trust  
Henderson, Nevada

Dear Mr. Schoop:

This letter serves as the June 1, 2023 to May 31, 2024 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 9 (Ramboll 2024) 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 requirement<sup>1</sup>:

- 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 2022), which was approved by NDEP on January 26, 2022; and

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<sup>1</sup> 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 2023a), which was approved by NDEP on February 1, 2023.<sup>2</sup>
- SMP, Revision 9 dated May 3, 2024 (Ramboll 2024), which was approved by NDEP on May 8, 2024.

During the current annual reporting period (June 1, 2023 through May 31, 2024), SMP, Revision 8 was effective between June 1, 2023 and May 7, 2024 and SMP, Revision 9 was effective between May 8, 2024 and May 31, 2024.

As required by SMP Revisions 8 and 9, 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, 2023 through May 31, 2024 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 8 and 9 reflect the most current Basic Comparison Levels (BCLs) dated August 2020 (NDEP 2020) and June 2023 (NDEP 2023), respectively.
- 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 2023b) 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 9 on May 8, 2024, 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 9. The Certifications of Compliance (included as Requirement 1 of the SMP, Revision 9) for all Site Occupants are included as Attachment B of this letter. All Site Occupants had previously certified their compliance with the provisions of

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<sup>2</sup> 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.

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SMP, Revision 8 following its approval by NDEP. Those Certifications of Compliance were included in the 2022-2023 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.

### 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.

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](mailto: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  
Esther Franco, NDEP, Bureau of Industrial Site Cleanup  
Danielle D. Ward, NDEP, Bureau of Industrial Site Cleanup  
William Frier, U.S. Environmental Protection Agency, Region 9  
Matt Trawick, 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

cc (via NERT Stakeholder Sharefile Distribution):

Aaron Welch, Central Arizona Project  
Adam Schwartz, Central Arizona Project  
Betty Kuo, Metropolitan Water District of Southern California  
Carol Nagai, Metropolitan Water District of Southern California  
Christene Klimek, City of Henderson  
Christine Nelson, Central Arizona Project  
Daniel Chan, LV Valley Water District  
Danielle Greene, Colorado River Commission

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Dave Johnson, LV Valley Water District  
Deena Hannoun, Southern Nevada Water Authority  
Elliot Min, Metropolitan Water District of Southern California  
Eric Fordham, Geopentech  
Jay Johnson, Central Arizona Project  
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  
Weiquan Dong, Southern Nevada Water Authority

cc (via NERT BMI Companies Sharefile Distribution):

William Golden, EMD  
Sonia Lewandowski, EMD

**Site Management Plan (SMP) Annual Report  
June 1, 2023 – May 31, 2024**

**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

Not Individually, but Solely  
as President of the Trustee

**Signature:** Jay A. Steinberg, President

**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:** 10/3/24

**Site Management Plan (SMP) Annual Report  
June 1, 2023 – May 31, 2024**

**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*

10/4/2024

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**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, 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.
- NDEP, 2023. 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 16. June.
- 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, 2022. Site Management Plan, Revision 7, Nevada Environmental Response Trust Site, Henderson, Nevada. January 12. NDEP approved January 26, 2022. (“SMP, Revision 7”).
- Ramboll, 2023a. Site Management Plan, Revision 8, Nevada Environmental Response Trust Site, Henderson, Nevada. January 27. NDEP approved February 1, 2023. (“SMP, Revision 8”).
- Ramboll, 2023b. Annual Groundwater Monitoring and GWETS Performance Report, July 2021 – June 2022, Nevada Environmental Response Trust Site; Henderson, Nevada. November 21. NDEP approved December 19, 2023.
- Ramboll, 2024. Site Management Plan, Revision 9, Nevada Environmental Response Trust Site, Henderson, Nevada. May 3. NDEP approved May 8, 2024. (“SMP, Revision 9”).



**Attachment B**


**Certifications of Compliance with Site Management Plan, Revision 9**

## Certification of Compliance with Site Management Plan, Revision 9

The undersigned ("Site Occupant") acknowledges receipt of a copy of the Site Management Plan, Revision 9 dated May 3, 2024 (the "SMP") prepared by Ramboll Americas Engineering Solutions, 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: Arcadis U.S., Inc.

By: 

Printed Name: Jo Wang

Title: Project Manager

Date: 5-21-2024

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

Company:

Converse Consultants

By:

[Signature]

Printed Name:

Kevin Paprocki

Title:

Project Manager

Date:

5/21/24

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Company: EMD Acquisition LLC dba: Borman Specialty Materials

By: *Sonnia Lewandowski*

Printed Name: Sonnia Lewandowski

Title: Environmental Manager

Date: May 21, 2024

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

Company: Envirogen Technologies

By: 

Printed Name: Michael Del Vecchio

Title: Senior Technical Support Engineer


Date: 06/13/24

## **Certification of Compliance with Site Management Plan, Revision 9**

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

Company: Ramboll Americas Engineering Solutions, Inc.

By: 

Printed Name: Daniel W. Petersen

Title: Principal

Date: 5/28/2024

## **Certification of Compliance with Site Management Plan, Revision 9**

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

Company: Tetra Tech, Inc.

By: 

Printed Name: David Bohmann

Title: Principal Engineer

Date: May 23, 2024