

**From:** Jim Hogan  
**Sent:** Wednesday, February 15, 2006 8:52 AM  
**To:** 'Crowley, Susan'  
**Cc:** Alan Tinney; 'Keith.Bailey@tronox.com'; Todd Croft  
**Subject:** RE: Permit Transfers from the Kerr-McGee Name to the Tronox Name  
Susan:

Looks like you are right on track. The change can be done with a minor modification as described in Part 4.e. below. Please forward to Keith if I got his address wrong. Contact me if you have questions.  
Jim Hogan

**NAC 445A.263 Modification, suspension or revocation of permit: Procedure.** ([NRS 445A.425](#), [445A.465](#), [445A.600](#), [445A.605](#))

1. Except as otherwise provided in this section, the Director may, after notice and opportunity for a public hearing, modify, suspend or revoke any permit in whole or in part during its term for cause, including, but not limited to, the causes listed in [NAC 445A.261](#), or for failure or refusal of the holder of the permit to carry out the requirements of [NAC 445A.247](#).

2. The Director may, upon the request of the holder of the permit, modify a schedule of compliance in an issued permit if:

(a) He determines good cause, including, without limitation, an act of God, or a strike, flood, materials shortage or any other event over which the holder has little or no control, exists for the modification; and

(b) Within 30 days after receipt of notice from the Director, the Regional Administrator does not object in writing.

3. The Director may, upon request of the holder of a permit, modify or revoke and reissue a permit to identify a new holder of the permit and incorporate such other requirements as necessary if:

(a) The current holder of the permit notifies the Department at least 30 days before the proposed date of the transfer; and

(b) The notice provided pursuant to paragraph (a) includes, without limitation, a written agreement between the existing and new holders of the permit containing a specific date for transfer of the permit responsibility, coverage and liability.

**4. With the consent of the holder of the permit and without public notice, the Director may make minor modifications to a permit to:**

(a) Correct typographical errors;

(b) Clarify the language of the permit;

(c) Require more frequent monitoring or reporting by the holder of the permit;

(d) Change an interim compliance date;

**(e) Allow for a change in ownership or operational control of a facility if the Department determines that no other change in the permit is necessary and a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new holders of the permit has been submitted to the Department;**

(f) Change the construction schedule for a discharger which is a new source if such a change does not affect an obligation of the discharger to have all pollution control equipment installed and in operation before discharge;

(g) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits; or

(h) Reduce the limit of flow, in gallons per day, of the discharge authorized in the permit.

5. The Director may reissue a permit that has been revoked and may require an updated application from the holder of the revoked permit.

6. If a permit is to be modified, only the conditions that are subject to modification may be considered or affected by the modification. If a permit is to be revoked and reissued, the entire permit may be considered and is subject to revision.

7. A person aggrieved by the modification, suspension or revocation of a permit may file notice of appeal with the Commission within 10 days after the date of notice of action of the Department, except as otherwise provided by law.

[Environmental Comm'n, Water Pollution Control Reg. §§ 2.8.1 2.8.3, eff. 5 2 78]—(NAC A by R020 99, 9 27 99; R206 99, 1 26 2000)

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**From:** Crowley, Susan [mailto:Susan.Crowley@tronox.com]  
**Sent:** Tuesday, February 14, 2006 2:47 PM  
**To:** Jim Hogan  
**Subject:** Permit Transfers from the Kerr-McGee Name to the Tronox Name

Jim,

Years ago I looked into what was necessary to transfer NPDES permits from one entity to another , at the same operating location. In that case it was from an old owner to the new owner, who was purchasing the property. So the property was being transferred to a new business entity. At that time, the requirement was that:

1. The old owner had to make notice that the business / operation and the permit had been transferred to a the new owner, with the relevant information listed. No EPA forms were filed.
2. The new owner had to also send notification of the transfer and make the statement that they took responsibility for the permit and compliance with the conditions. Again they did not file any EPA forms.

Is this still the case. Are the Groundwater Discharge Permits (the state issued pond permits) this way as well?

Susan Crowley

[susan.crowley@tronox.com](mailto:susan.crowley@tronox.com) (note new e-mail address)

Tronox LLC (formerly Kerr-McGee Chemical LLC)

PO Box 55

Henderson, NV 89009

(702) 651-2234 office

(702) 592-7727 cell

(405) 228-6882 fax

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