



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

Jim Gibbons, Governor
Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

June 4, 2010

Matt Paque
Tronox LLC
PO BOX 268859
Oklahoma City, OK 73134

Re: **Tronox LLC (TRX)**
NDEP Facility ID #H-000539
Nevada Division of Environmental Protection (NDEP) Response to:
TRX Letter RE: Environmental Covenants, Institutional and Engineering Control Plan
Dated: June 1, 2010

Dear Mr. Paque,

The NDEP has received and reviewed TRX's above-identified Deliverable and provides comments in Attachment A. A revised Deliverable should be submitted based on the comments found in Attachment A. Please advise the NDEP **by June 10, 2010** regarding the schedule for this resubmittal. TRX should additionally provide an annotated response-to-comments letter as part of the revised Deliverable.

Please contact the undersigned with any questions at sharbour@ndep.nv.gov or (702) 486-2850 extension 240.

Sincerely,

Shannon Harbour, P.E.
Staff Engineer III
Bureau of Corrective Actions
Special Projects Branch
NDEP-Las Vegas Office
Fax: 702-486-5733

SH:gl:sh

EC: Jim Najima, NDEP, BCA, Carson City
Greg Lovato, Bureau of Corrective Actions, NDEP, Carson City, NV
Carolyn Tanner, AG's Office, Carson City, NV
Mike Skromyda, Tronox LLC
Michael J. Foster, Tronox LLC
Keith Bailey, Environmental Answers LLC
Deni Chambers, Northgate Environmental



Brian Rakvica, McGinley and Associates
Barry Conaty, Holland & Hart LLP
Brenda Pohlmann, City of Henderson
Mitch Kaplan, U.S. Environmental Protection Agency, Region 9
Ebrahim Juma, Planning Manager, Air Quality and Environmental Management
Joe McGinley, McGinley & Associates
Ranajit Sahu, BRC
Rick Kellogg, BRC
Mark Paris, Landwell
Craig Wilkinson, TIMET
Kirk Stowers, Broadbent & Associates
George Crouse, Syngenta Crop Protection, Inc.
Nick Pogoncheff, PES Environmental
Lee Erickson, Stauffer Management Company
Michael Bellotti, Olin Corporation
Curt Richards, Olin Corporation
Paul Sundberg, Montrose Chemical Corporation
Joe Kelly, Montrose Chemical Corporation of CA
Jeff Gibson, AMPAC
Larry Cummings, AMPAC

CC: Susan Crowley, C/O Tronox LLC, PO Box 55, Henderson, NV 89009

Attachment A

1. General comment, TRX should note that this Deliverable is not a complete plan for the implementation of Environmental Covenants and the establishment of institutional and engineering controls as stated, but is a plan for the future submittal of Environmental Covenants plans that would include institutional and engineering controls for specified areas and that these future Environmental Covenant plans would be subject to NDEP approval. Please revise this Deliverable as necessary.
2. General comment, this Deliverable should be revised so that the difference between Environmental Covenants and institutional and engineering controls are clear.
3. General comment, NDEP has noted that TRX considers the current remediation system as an engineering control in this Deliverable. NDEP is not interested in creating Environmental Covenants for the continued operation of current remediation systems. TRX should remove the sections discussing current remediation.
4. General comment, this Deliverable should contain a map showing all potential areas being considered for Environmental Covenants.
5. General comment, the Deliverable should indicate that the specific Environmental Covenants plans will include discussion on why the particular area should qualify for an Environmental Covenant. That discussion should contain an exhaustive explanation of why remediation (not just excavation) is not feasible.
6. General comment, since this Deliverable is a planning document for the submittal of Environmental Covenants plans, a submittal schedule should be included as an appendix.
7. Page 1, last paragraph, the phrase "property owner" should be replaced with Tronox.
8. Section I.B, page 2, TRX should specify which buildings will be remaining an operational.
9. Section II.A, page 3, 2nd paragraph, NDEP has the following comments:
 - a. TRX should remove the text discussing soil deeper than 10 feet below ground surface (fbgs) as this is too general of a statement.
 - b. TRS should remove the text "and cannot be remediated at this time". TRX has not presented or discussed remediation options other than excavation for these areas. Other remediation options should be investigated and discussed in future Environmental Covenant plans.
10. Section II.B and C, pages 3-4, TRX should remove these sections.
11. Section III, pages 4-5, TRX should remove this section. TRX has stated that Environmental Covenants will be requested for areas of current plant operation. These areas should be known to TRX and, therefore, TRX should have no need of a contingency plan for other areas.