



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

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

November 5, 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:
Environmental Covenants, Institutional and Engineering Control Plan, Tronox LLC,
Henderson, Nevada
Dated: October 6, 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 **by November 19, 2010** based on the comments found in Attachment A. TRX should additionally provide an annotated response-to-comments letter as part of the revised Deliverable. Please note that NDEP considers this Deliverable as part of TRX's obligation in the December 2009 Finding of Alleged Violations (FOAV) and Order to demonstrate source control. Therefore, in order for TRX to be in substantial compliance with the December 2009 FOAV and Order, the final version of this Deliverable must be submitted to the NDEP in an approvable form by the December 31, 2010 deadline.

Please contact the undersigned with any questions at sharbour@ndep.nv.gov or 775-687-9332.

Sincerely,

Shannon Harbour, P.E.
Staff Engineer III
Bureau of Corrective Actions
Special Projects Branch
NDEP-Carson City Office
Fax: 775-687-8335

SH:gl:sh

EC: Jim Najima, Bureau of Corrective Actions, NDEP
Greg Lovato, Bureau of Corrective Actions, NDEP



William Knight, Bureau of Corrective Actions, NDEP
Carolyn Tanner, AG's Office, Carson City, NV
Brenda Pohlmann, City of Henderson
Mitch Kaplan, U.S. Environmental Protection Agency, Region 9
Mike Skromyda, Tronox LLC
Michael J. Foster, Tronox LLC
Keith Bailey, Environmental Answers LLC
Susan Crowley, Tronox LLC (Contractor)
Deni Chambers, Northgate Environmental
Brian Rakvica, McGinley and Associates
Joe McGinley, McGinley & Associates
Barry Conaty, Holland & Hart LLP
Ranajit Sahu, BRC
Rick Kellogg, BRC
Lee Farris, BRC
Mark Paris, Landwell
Craig Wilkinson, TIMET
Kirk Stowers, Broadbent & Associates
Victoria Tyson, Tyson Contracting
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
Ebrahim Juma , Clean Water Team
Joe Leedy, Clean Water Team
Kathryn Hoffmann, Clean Water Team

CC: Susan Crowley, C/O Tronox LLC, PO Box 55, Henderson, NV 89009
Lee Farris, BRC, 875 W. Warm Springs Road, Henderson, NV 89011
Lee Erickson, Stauffer Management Company

Attachment A

1. General comment, TRX should provide the Engineering and/or Institutional Control language proposed for each proposed control area in an appendix to the revised Deliverable.
2. Pages 4-8, Areas of the Site Planned for Engineering and Institutional Controls, TRX should provide more details and specifics for each area including but not limited to the following:
 - a. Legal description of each control area in regards to the parcel it is located within and its exact location within that parcel.
 - b. Elevation of the depth of contamination for each excavation polygon associated with each control area. Please note that the elevation should be surveyed within an accuracy of +/- 0.1 ft. against a known and permanent benchmark/monument.
 - c. An estimate of the volume of impacted soil to be left in place within the control area
 - d. An estimate of the volume of impacted soil to be left in each excavation polygon within the control area.
 - e. Rationale/justification as to why it is not feasible to move these features even on a temporary basis.
 - f. An accurate listing of excavation polygons that will be affected by the control area
 - g. Specifics on depth to footings, piping, etc. as appropriate.
 - h. Specific analysis of impact to each effected excavation polygon
 - i. Appropriately scaled Figures for each control area that note Site features and details as well as proposed setbacks. Additionally, excavation polygons (areas of contamination) and depths should be posted over the control areas to show where contamination will be left in place.
 - j. Propose and describe field identification methods (e.g. concrete monuments with rebar, colored tape, snow fencing) and any maintenance required so that when future earthwork occurs, construction crews will know when they are intruding on a specific area in the field subject to an Environmental Covenant. The methods proposed should consider those presented Section 6.3.2 of ASTM Standard Guide E2435-05 *Application of Engineering Controls to Facilitate Use or Development of Chemically-Affected Properties*.
3. Pages 4-8, Table 1, and Figure 1, in addition to the general comment above, NDEP has the following comments on following I/E areas:
 - a. I/E 1, Overhead Utility Rack, please provide additional information on the operation and necessity of this proposed control area.
 - b. I/E 2, Sodium Chlorite Filter Cake Process Area, the area shown on Figure 1 is larger than the referenced 40' by 40' area of the concrete slab; please revise so that this proposed control area only encompasses the concrete slab. TRX should additionally note that the depth of RZ-B-13 (0.33 ft) does not prohibit scraping up to the slab. Hand excavation can be utilized as necessary to protect the integrity of the slab.
 - c. I/E 3, Overhead Pipe Rack,
 - i. Please provide additional information on the operation and necessity of this area.
 - ii. NDEP did not observe that this control area in RZ-B-20 but adjacent to RZ-B-19. Please clarify.
 - d. I/E 4, Unit Buildings, please explain why un-operational Unit Buildings cannot be demolished.
 - e. I/E 5, Chemstar Access Road, please provide Chemstar plant hours of operation in particular hours where roadway is utilized. Additionally, discuss phased excavation and