



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

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

April 19, 2011

Jay A. Steinberg
Nevada Environmental Response Trust
35 East Wacker Drive, Suite 1550
Chicago, IL 60601

Re: **Tronox LLC (TRX) Facility**
Nevada Environmental Response Trust (Trust) Property
NDEP Facility ID #H-000539
Nevada Division of Environmental Protection (NDEP) Response to:
Draft Site Management Plan, Nevada Environmental Response Trust Site, Henderson, Nevada
Dated: March 31, 2011

Dear Mr. Steinberg,

The NDEP has received and reviewed the Trust'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 April 21, 2011** regarding the schedule for this resubmittal. The Trust 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 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: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
Brenda Pohlmann, City of Henderson
Stephen Tyahla, U.S. Environmental Protection Agency, Region 9



Charles K. Hauser, Esq., Southern Nevada Water Authority
Peggy Reofer, Southern Nevada Water Authority
Marcia Scully, Metropolitan Water District of Southern California
Mickey Chaudhuri, Metropolitan Water District of Southern California
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Andrew Steinberg, Nevada Environmental Response Trust
Allan Delorme, ENVIRON
Mark Travers, ENVIRON
Mike Skromyda, Tronox LLC
Matt Paque, Tronox LLC
Deni Chambers, Northgate Environmental
Brian Rakvica, McGinley and Associates
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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: Lee Farris, BRC, 875 W. Warm Springs Road, Henderson, NV 89011
Lee Erickson, Stauffer Management Company

Attachment A

1. General comment, please add a section discussing who and how will monitor TRX/Contractor compliance with the SMP. Additionally, who and how will record, manage, and correct non-compliance with the SMP.
2. General comment, please add text explaining how this SMP will be distributed to Contractors and Site workers (i.e. will it be a part of TRX's work permitting and training processes?).
3. General comment, please develop checklists, forms, tables, etc. that a Contractor could easily access and use to minimize confusion and better ensure compliance with all required notifications, reporting, etc.
4. Glossary, page iv, please add "Trust" is defined as "Nevada Environmental Response Trust" to this list.
5. Executive Summary, Soil Basic Comparison Levels, NDEP provides the following comments:
 - a. Page ES-02, the Trust should clarify that the most recent version of the Basic Comparison Levels (BCLs) should be used and that can be found on the NDEP website.
 - b. Page ES-03, please revise to clarify that the dioxins/furans TEQ value of 2,700 ppt is a Site-Specific BCL and that this value was "approved" by NDEP not "agreed to".
6. Section 1, Introduction, page 1, NDEP provides the following comments:
 - a. 1st paragraph, the Trust should clarify that this facility is not actually located in Henderson, NV but in Clark County, NV near Henderson.
 - b. 2nd paragraph, the Trust should consider what the long-term plan is for this facility and may wish to not include the sale parcels in the Environmental Covenant.
7. Section 2.1.2, Current Land Use, page 5, the Trust notes that Nevada Pic-A-Part purchased a portion of Parcel B. This is incorrect. Nevada Pic-A-Part purchase Parcel I. Please revise.
8. Section 3, General Risk Management, page 7, 5th bullet, the Site Management Plan (SMP) periodic modification should also include updating each Excavation Control Area (ECA) with any additional characterization data and new limits based on work conducted during the previous period.
9. Section 3.1, Notifications, page 8, 3rd bullet on page, please note that if any dewatering activities are proposed, then a mitigation plan should also be submitted for approval. Revise as necessary.
10. Section 3.2, Prohibiting Use of Site Groundwater, page 7, please revise this paragraph to reference U.S. MCLs and NV Basic Comparison Levels for drinking water as well as NV surface water standards for the Las Vegas Wash as applicable.
11. Section 3.4, Long-Term Compliance: Periodic Review and Update of SMP, page 9, 2nd paragraph, the annual review discussed in this section should additionally include updating the limits and descriptions of the ECAs as well as adding ECAs if previously unknown contamination is found and then left in place. Please revise section according.
12. Section 4.1, Soil Management Protocols, page 10, NDEP provides the following comments:
 - a. 1st paragraph, 1st sentence, please revise this sentence for clarity as it is unclear whether this is a statement that these types of work could occur at the Site or whether permission is being granted for these types of work to be performed.
 - b. Items 1 and 2, both of these categories describe two different types of ECA Soils. For clarity, please list these current items under ECA Soils with each type as a sub-category

- to ECA Soils [i.e. 1) ECA Soils, a) Areas of Known Contamination Left In-place, b) Building Perimeter Soils].
- c. Please add another sub-category of ECA Soils for Potentially Contaminated and Uncharacterized Areas (e.g. underneath the Unit Buildings, etc). These are areas that are likely to have contaminated soils but have not been previously characterized due to the presence of structures or TRX operations.
13. Section 4.2, Soil Management Action for Encountering Known and Potentially Contaminated Soils, page 11, please add Potentially Contaminated and Uncharacterized Areas as described in the above-comment to this section.
 14. Section 4.3.1, Disposition of Sampled Stockpiles, page 12, footnote, please clarify in this footnote that the contractor should use the most current version of the BCLs.
 15. Section 4.2.4, Confirmation Sampling for ECA Excavation, page 12, last sentence of section, please add “unless otherwise approved by the Trust and NDEP”. This should allow work (such as utility maintenance or repair) to occur and leave contamination in place if it is not practical at the time of the work to remove any contamination identified by confirmation sampling after the excavation necessary to implement the work has been completed. The confirmation sampling results would need to be incorporated into the appropriate ECA for future reference.
 16. Section 4.3, Contingency Actions for Encountering Previously Unknown Soil Contamination, pages 12-13, NDEP provides the following comments,
 - a. Please include soils categorized as Potentially Contaminated and Uncharacterized in this section as the sampling and analysis should be the same as Unknown Contamination.
 - b. Please include field testing with PID for contamination discovered by odors.
 - c. The Trust should note that TPH is no longer regulated by NDEP and, therefore, should be removed from these analytical requirements.
 17. Section 4.3.2, Soil Management of Previously Unknown Contamination, page 15, NDEP provides the following comments:
 - a. NDEP is unsure why the management of Site soils is broken into three tracks. Regardless of track, the Contractor/TRX would have to submit a work plan for excavation in the ECA and any associated sampling for approval by the Trust and NDEP prior to the commencement of excavation activities in any of the ECAs. Written reporting after the completion of the approved work plan would have to be submitted for approval as well. NDEP suggests eliminating the Tracks listed in this section.
 - b. The Trust should note that NDEP would consider specific cases for ceasing excavation with confirmation samples exhibiting concentrations greater than screening levels. If approved, the contractor/TRX would have to provide data and documentation for the approved excavation limits.
 - c. The Trust should note that NDEP will not approve the “pre-confirmation sampling” portion of this Track. A contractor may propose to conduct characterization prior to excavation to estimate the area of contamination, etc. but post-confirmation sampling will be required at excavation completion for verification.
 - d. NDEP suggests that the requirements for soil management be listed in a checklist of tabular format for clarity.
 18. Section 4.4, Construction Impact Mitigation Measures, pages 15-16, the Trust should consider adding a requirement for TRX/Contractor to provide copies of all permits required for construction in the ECAs.

19. Section 4.4.3, Storm Water Pollution Controls, page 16, the Trust should reference SWPPP requirements instead of NDEP requirements.
20. Section 4.5, Documentation of Contingency Action Taken, page 17, the NDEP provides the following comments:
 - a. The reporting requirements should be more specific and formal.
 - b. Bulleted list, the following should be included in the reporting requirements:
 - i. Excavation summary
 - ii. Surveyed coordinates for the limits of excavation within ECAs or due to discovered contaminated soils.
 - iii. Proof of proper disposal of contaminated soil.
21. Section 5.1, Reducing the Potential for Creating Conduits to Groundwater During Deep Construction Activities, page 18,
 - a. 1st paragraph, last sentence, please replace “eliminating” with “reducing”.
 - b. Last paragraph on page, neither TRX nor a Contractor should have to make the judgment whether any construction will “exacerbate existing conditions”. The Trust and NDEP should be notified anytime groundwater will be affected (e.g. excavation to groundwater table, dewatering, etc.).
22. Section 5.2, Dewatering, page 19, the NDEP provides the following comments:
 - a. Please remove “in areas of known groundwater contamination”. The Trust should be notified anytime dewatering activities will occur anywhere of the Site.
 - b. 1st bullet, the Trust and NDEP should approve extracted groundwater being used as dust control.
23. Section 5.3, Protection and Removal/Relocation of Existing Groundwater Monitoring Wells and Remediation System Components, page 19, 2nd paragraph, those construction projects in the vicinity of the groundwater remediation system and monitoring wells where the use of construction equipment may accidentally damage a well or other component of the system should also have to provide notification.
24. Section 5.3.2, Protection of Existing Groundwater Wells and Remediation System Components, page 20, please specify that the contractor should confirm the location of all extraction and monitoring wells with the Trust before construction.
25. Section 5.3.3, Shutdown of Remediation Systems, pages 20-21, NDEP provides the following comments:
 - a. Please revise text so that “protocols for planned shutdowns of the remediation system must be included in a work plan”.
 - b. Please note that approval must be received from both the NDEP and the Trust prior to system shutdown.
26. Tables, NDEP has provided the following comments:
 - a. Table 1, please revise footnote “a” to clarify that the most current version of the BCLs should be used and provide the link to the NDEP website that contains the link to the most current version of the BCLs.
 - b. The following Tables should be added to this document (Please note that this document should be revised throughout so that these Tables are referenced in applicable sections.):
 - i. A Table listing the categories of soils that are addressed in this document including the sub-categories of ECA soils and the analytical, confirmation sampling, stockpile sampling, and notification requirements for each category/sub-category.

- ii. A Table listing the analytical requirements for each ECA of known contamination left in-place.
- iii. A Table listing the spacing, frequency, and location for confirmation sampling if confirmation sampling is required.
- iv. A Table listing the contact information for the NDEP (including spill hotline for releases), TRX, the Trust and any other agencies/companies as identified in this document.
- v. A Table listing the analytical parameter for groundwater sampling.