



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

Sept. 3, 2013

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
Exemption Determination for the Site Management Plan (SMP)

Dear Mr. Steinberg,

Effective immediately, the Nevada Division of Environmental Protection (NDEP) has made an exemption determination that relates to the applicability of the Trust's Site Management Plan (SMP). The NDEP exemption to the SMP applies to construction related to utility projects and the assessment and remediation of spilled contaminants or materials as part of initial abatement activities (NAC 445A.22695) where the released material can be properly segregated from potential historical releases on the NERT property.

Prior to construction related to proposed utility projects or excavation of spills from known sources at the NERT property, a description of the procedures for soil sampling, analysis, management and disposal shall be submitted to NDEP for review and approval. Upon NDEP approval of the work plan, the activities identified herein are exempted from the requirements of the SMP.

The NDEP additionally requests that the SMP be updated to include an exemption for these activities going forward. Please prepare and submit a revision of the SMP to the NDEP not after September 30, 2013.

Please contact the undersigned with any questions at jdotchin@ndep.nv.gov or 702-486-2850 x235.

Sincerely,

James (JD) Dotchin
Special Projects Branch
Bureau of Corrective Actions
NDEP-Las Vegas City Office



JD:jd

EC: Greg Lovato, Bureau of Corrective Actions, NDEP
Weiquan Dong, NDEP, BCA LV
Adam Baas, Edgcomb Law Group
Allan Delorme, ENVIRON
Andrew Barnes, Geosyntec
Andrew Steinberg, Nevada Environmental Response Trust
Ashley Katri, McGinley & Associates
Betty Kuo, MWDH2O
Brenda Pohlmann, City of Henderson
Brian Rakvica, McGinley & Associates
Brian Waggle, Hargis + Associates
Cassandra Joseph, AG's Office
Catherine Sties, MWDH2O
Charles K. Hauser, Esq., Southern Nevada Water Authority
Chuck Elmendorf, Stauffer Management Company, LLC
David Johnson, Central Arizona Water Conservation District
Ebrahim Juma, Clean Water Team
Ed Modiano, de maximis, inc.
Eric Fordham, Geopentech
George Crouse, Syngenta Crop Protection, Inc.
Jay Gear, Olin Co
Jeff Gibson, AMPAC
Scott Bryan, Central Arizona Project
Jill Teraoka, MWDH2O
Joanne Otani
Joe Kelly, Montrose Chemical Corporation of CA
Joe Leedy, Clean Water Team
John Pekala, Environcorp
Kirk Stowers, Broadbent & Associates
Kurt Fehling, The Fehling Group
Kyle Gadleym, Geosyntec
Lee Farris, BRC
Marcia Scully, Metropolitan Water District of Southern California
Mark Paris, Landwell
Matt Pocernich, Neptune & Company Inc
Michael Long, Hargis + Associates
Mickey Chaudhuri, Metropolitan Water District of Southern California
Nicholas Pogoncheff, PES Environmental, Inc.
Paul Black, Neptune and Company, Inc.
Paul Hackenberry, Hackenberry Associates, LLC
Peggy Roefer, Southern Nevada Water Authority
Ranjit Sahu, BRC
Rebecca Shircliff, Neptune and Company, Inc.
Richard Pfarrer, TIMET
Rick Kellogg, BRC
Ron Zegers, Southern Nevada Water Authority
Scott Bryan, Central Arizona Project
Stephen Tyahla, U.S. Environmental Protection Agency, Region 9
Tanya O'Neill, Foley & Lardner LLP
Teri Copeland
Wayne Klomp, AG's Office