

TRONOX

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Brain Rakvica
Nevada Department of Environmental Protection
Special Projects Branch
Bureau of Corrective Actions
NDEP-Las Vegas Office
2030 E Flamingo Rd Suite 230
Las Vegas, NV 89119

Dear Brian,

As you are aware, Tronox has been in discussions for several years with BMI to gain additional access to the "seep area" near the Las Vegas Wash. Currently, Tronox holds an easement on BMI property for remedial wells in the seep area, however the wells the company is now required to install are just outside the current easement area. NDEP has been kept apprised of Tronox's efforts to obtain access throughout the process. To date, BMI has refused to allow Tronox access to the necessary areas despite Tronox's offer to take all reasonable measures to accommodate BMI's plans for the property. Attached you will find a certified letter requesting that BMI re-open and continue discussions for access. We are sending you this letter pursuant to Section X of the 1996 Phase II Consent Agreement. Under that section, NDEP is to assist the company in obtaining access to the required property so long as the company has made "best efforts" to obtain access. We believe that we have exhausted all possible means to obtain access to the required areas and request that NDEP act pursuant to the order. We will notify you of any further discussions with BMI and look forward to working with you on this issue.

Sincerely,



Matthew Paque

cc: Jim Najima, NDEP (Email)
Lina Tanner, Deputy Attorney General (Email)