

**OFFICE OF THE NEVADA ENVIRONMENTAL RESPONSE TRUST TRUSTEE**  
**Le Petomane XXVII, Inc., Not Individually, But Solely as the Nevada Environmental Response Trust Trustee**  
**35 East Wacker Drive - Suite 1550**  
**Chicago, Illinois 60611**  
**Tel: (312)498-2800**

September 28, 2016

Mr. James Dotchin  
Bureau of Industrial Site Cleanup  
Nevada Division of Environmental Protection  
2030 E. Flamingo Rd, Suite 230  
Las Vegas NV 89119

RE: Site Management Plan Annual Report, June 1, 2015 - May 31, 2016  
Nevada Environmental Response Trust Site, Henderson, Nevada, NDEP Facility ID #H-000539

Dear Mr. Dotchin:

As required by the Site Management Plan (SMP) developed for the Nevada Environmental Response Trust (NERT or the Trust) Site in Henderson, Nevada (the Site), this letter serves as the Annual Report. As you know, the SMP was developed at the request of the Nevada Division of Environmental Protection (NDEP). This Annual Report has been prepared consistent with Section 3.4.2 of the SMP, Revision 2 (Ramboll Environ, 2015a) to summarize and evaluate the results of the inspection, maintenance, and monitoring activities and to document the continued adequacy of the implemented risk management measures at the Site.

The SMP was initially submitted to NDEP in April 2012. On May 23, 2012 and May 30, 2012, errata were submitted to address NDEP's May 14, 2012 comments provided to ENVIRON International Corporation (ENVIRON)<sup>1</sup> via phone conversation and to incorporate the most recent NDEP worker Basic Comparison Levels (BCLs). The April 2012 SMP and two errata letters (ENVIRON, 2012a; hereafter referred to as the 2012 SMP) were approved by NDEP on June 1, 2012. Following an annual review of the 2012 SMP, ENVIRON prepared an updated Site Management Plan, Revision 1 dated October 2013 (ENVIRON, 2013; hereafter referred to as the 2013 SMP). The 2013 SMP was approved by NDEP on November 7, 2013. Following a bi-annual review of the 2013 SMP, Ramboll Environ prepared an updated Site Management Plan, Revision 2 dated July 17, 2015 (hereafter referred to as the 2015 SMP). The 2015 SMP was approved by NDEP and became effective on August 8, 2015. For this annual reporting period (June 1, 2015 through May 31, 2016), please note that the 2013 SMP was effective until August 8, 2015, and the 2015 SMP was implemented for the remainder of this reporting period.

As described in the 2013 SMP and the 2015 SMP, this Annual Report provides the following:

- A summary of the results of the inspection, maintenance, and monitoring of the risk management measures that are implemented through the SMP;
- Documentation of compliance with the SMP including that appropriate notifications have been made and that appropriate protocols for subsurface activities have been implemented;
- Documentation of any instances of noncompliance with the SMP and the actions taken to remedy the issues; and

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<sup>1</sup> On 1 May 2015, ENVIRON officially joined the Ramboll Global Practice Environment & Health and Global Practice Water. Ramboll and ENVIRON have integrated their Environment & Health services into a new Global Practice and is now known as Ramboll Environ US Corporation (Ramboll Environ).

- Recording of any changes to each ECA boundary, based on work conducted during the previous year.

### **Inspection, Maintenance, and Monitoring Activities and Implemented Risk Management Measures**

An evaluation of the results of the inspection, maintenance, and monitoring activities and the adequacy of the risk management measures during the period of June 1, 2015 through May 31, 2016 is provided below.

- The Sites' land uses were confirmed to be consistent with those assumed in the SMP (i.e., industrial/commercial) in terms of exposure risk assumptions;
- There were no significant changes in land use or COPC toxicity parameters that warranted conducting additional risk analysis or additional mitigation;
- Groundwater has not been used for drinking water or any other purpose at the Site;
- No changes to ECA boundaries were made based on work conducted during the evaluation period, with the exception of the following:
  - The southern boundary of ECA #C17 was expanded due to discolored soil discovered in a non-ECA area just south of the ECA #C17 boundary.
  - ECA #C19 was created due to discolored soil left in-place during the Storm Water Conveyance Modification and Property Line Grading Project conducted between February and April 2016;
- The groundwater monitoring data evaluated in the Annual and Semi-Annual Remedial Performance Reports for Chromium and Perchlorate (Ramboll Environ, 2015b; Ramboll Environ, 2016) indicated that there were no significant changes in Site environmental conditions that require modification of this SMP; and
- On behalf of the Trust, Ramboll Environ and Tetra Tech inspected the Site as necessary and verified that risk management controls are being implemented at the Site.

### **SMP Compliance**

Upon approval of the 2015 SMP, all Site Occupants were provided a copy of the SMP and notified of the known environmental conditions at the Site and the requirements of the SMP. Each Site Occupant, excluding Tronox LLC (Tronox), certified that it would comply with the provisions in the 2015 SMP. The Certifications of Compliance (included as Requirement 1 of the 2015 SMP) for all Site Occupants, excluding Tronox, are included as Attachment A of this letter. The work conducted by Tronox, their contractors, or any other third party performing work for Tronox, was completed in compliance with the SMP, as certified by Mr. Kyle Hansen of Tetra Tech.

NERT certifies that all Site disturbances were conducted in compliance with the SMP including the appropriate notifications and with the appropriate protocols for subsurface activities.

### **Summary**

The evaluation of the results of the inspection, maintenance, and monitoring activities and the continued adequacy of the implemented risk management measures at the Site during the Annual Review period indicate that all Site disturbances have been conducted in compliance with the SMP.

If you have any questions or concerns regarding this matter, feel to contact me at (702) 960-4309 or at [steve.clough@nert-trust.com](mailto:steve.clough@nert-trust.com).

Office of the Nevada Environmental Response Trust



Stephen R. Clough, P.G., CEM  
Remediation Director

CEM Certification Number: 2399, exp. 3/24/17

cc: Jay Steinberg, as President of the Nevada Environmental Response Trust Trustee and not individually  
Andrew Steinberg, Le Petomane, Inc.  
James Parker, NDEP Bureau of Industrial Site Cleanup  
Weiquan Dong, NDEP Bureau of Industrial Site Cleanup  
Tanya C. O'Neill, Foley & Lardner LLP  
Kimberly Kuwabara, Ramboll Environ

Attachments:

A: References

B: Certifications of Compliance with 2015 Site Management Plan

## **Attachment A**

### **References**

## References

ENVIRON International Corporation (ENVIRON), 2012. Site Management Plan (SMP), Nevada Environmental Response Trust Site, Henderson, Nevada. Revised April 2012 with May 23 and May 30, 2012 Errata. NDEP approved June 1, 2012. (“2012 SMP”).

ENVIRON, 2013. Site Management Plan, Revision 1, Nevada Environmental Response Trust Site, Henderson, Nevada. Revised September 30, 2013 with Revision 1 submitted October 31, 2013. NDEP approved November 7, 2013. (“2013 SMP”).

Ramboll Environ US Corporation (Ramboll Environ), 2015a. Site Management Plan, Revision 2, Nevada Environmental Response Trust Site, Henderson, Nevada. July 17. Revised July 30, 2015. NDEP approved August 8, 2015. (“2015 SMP”).

Ramboll Environ, 2015b. Annual Remedial Performance Report for Chromium and Perchlorate, July 2014-June 2015; Nevada Environmental Response Trust Site, Henderson, Nevada. October 30. NDEP approved December 30, 2015.

Ramboll Environ, 2016. Semi-Annual Remedial Performance Report for Chromium and Perchlorate, July-December 2015; Nevada Environmental Response Trust Site, Henderson, Nevada. April 29. NDEP approved June 1, 2016.

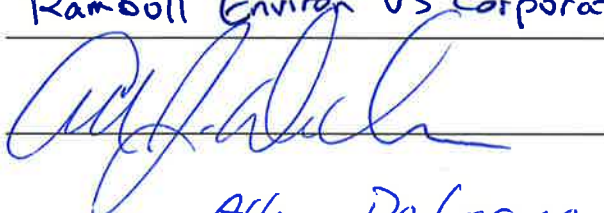
**Attachment B**

**Certifications of Compliance with 2015 Site Management Plan**

## Certification of Compliance with Site Management Plan, Revision 2

The undersigned ("Site Occupant") acknowledges receipt of a copy of the Site Management Plan, Revision 2 dated July 17, 2015 (the "SMP") prepared by Ramboll Environ US Corporation ("Ramboll Environ") pertaining to the Nevada Environmental Response Trust ("NERT" or the "Trust") Site located in Clark County, Nevada (the "Site"), which Site is more thoroughly described in the SMP. Site Occupant affirms that it is an owner, operator, tenant, lessee, project manager or other entity with responsibility for activities at the Site. Site Occupant specifically acknowledges having read and understood the provisions of the SMP. Site Occupant further acknowledges that it has the responsibility to ensure that the risk management measures and procedures described in the SMP are fully implemented in any applicable activity or operation. Site Occupant certifies that it will comply with all provisions of the SMP applicable to its occupancy of or work upon the Site. Site Occupant further certifies that it has provided or will provide a copy of the SMP to its contractors and any third parties that Site Occupant may invite to the Site or allow to access the Site and shall ensure said contractors' or invitees' compliance with the SMP.

An executed copy of this Certification of Compliance must be submitted to the Trust representative at the Site before any activity at the Site begins.

Company: Ramboll Environ US Corporation  
By:   
Printed Name: Allan DeCorne  
Title: Principal  
Date: 8/20/15

**Certification of Compliance with Site Management Plan**

The undersigned ("Site Occupant") acknowledges receipt of a copy of the Site Management Plan dated July 2015 (the "SMP") prepared by ENVIRON International Corporation pertaining to the Nevada Environmental Response Trust Site located in Clark County, Nevada (the "Site"), which Site is more thoroughly described in the SMP. Site Occupant affirms that it is an owner, operator, tenant, lessee, project manager or other entity with responsibility for activities at the Site. Site Occupant specifically acknowledges having read and understood the provisions of the SMP. Site Occupant further acknowledges that it has the responsibility to ensure that the risk management measures and procedures described in the SMP are fully implemented in any applicable activity or operation. Site Occupant certifies that it will comply with all provisions of the SMP applicable to its occupancy of or work upon the Site. Site Occupant further certifies that it has provided or will provide a copy of the SMP to its contractors and any third parties that Site Occupant may invite to the Site and shall ensure said contractors' or invitees' compliance with the SMP.

An executed copy of this Certification of Compliance must be submitted to the Trust representative at the Site before any activity at the Site begins.

Company: Tetra Tech, Inc.  
By: *Derek Amidon*  
Printed Name: Derek Amidon  
Title: Vice President  
Date: August 24, 2015



## Certification of Compliance with Site Management Plan, Revision 2

The undersigned ("Site Occupant") acknowledges receipt of a copy of the Site Management Plan, Revision 2 dated 8/20/2015 (the "SMP") prepared by Ramboll Environ US Corporation ("Ramboll Environ") pertaining to the Nevada Environmental Response Trust ("NERT" or the "Trust") Site located in Clark County, Nevada (the "Site"), which Site is more thoroughly described in the SMP. Site Occupant affirms that it is an owner, operator, tenant, lessee, project manager or other entity with responsibility for activities at the Site. Site Occupant specifically acknowledges having read and understood the provisions of the SMP. Site Occupant further acknowledges that it has the responsibility to ensure that the risk management measures and procedures described in the SMP are fully implemented in any applicable activity or operation. Site Occupant certifies that it will comply with all provisions of the SMP applicable to its occupancy of or work upon the Site. Site Occupant further certifies that it has provided or will provide a copy of the SMP to its contractors and any third parties that Site Occupant may invite to the Site or allow to access the Site and shall ensure said contractors' or invitees' compliance with the SMP.

An executed copy of this Certification of Compliance must be submitted to the Trust representative at the Site before any activity at the Site begins.

Company: ENVIROGEN TECHNOLOGIES INC.

By:

Wendy Prescott

Printed Name:

WENDY PRESCOTT

Title:

PROJECT MANAGER

Date:

8-20-2015