

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 690
Chicago, Illinois 60601
Tel: (702) 960-4309

September 2, 2020

Dr. Weiquan Dong, P.E.
Bureau of Industrial Site Cleanup
Nevada Division of Environmental Protection
375 E. Warm Springs Road, Suite 200
Las Vegas, Nevada 89119

RE: Site Management Plan Annual Report, June 1, 2019 – May 31, 2020
Nevada Environmental Response Trust
Henderson, Nevada

Dear Dr. Dong:

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 3.6.2 of the SMP, Revision 5 (Ramboll 2019a) 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. The April 2012 SMP and two errata letters (ENVIRON 2012; hereafter referred to as the SMP, Revision 0) were approved by NDEP on June 1, 2012. The Trust has updated the SMP as follows to accurately reflect Site conditions and comply with the document's update requirement¹:

- SMP, Revision 1 dated October 2013 (ENVIRON 2013), which was approved by NDEP on November 7, 2013;
- SMP, Revision 2 dated July 17, 2015 (Ramboll Environ 2015), which was approved by NDEP on August 8, 2015;
- SMP, Revision 3 dated February 13, 2017 (Ramboll Environ 2017), which was approved by NDEP on February 28, 2017;
- SMP, Revision 4 dated March 22, 2018 (Ramboll 2018), which was approved by NDEP on March 29, 2018; and
- SMP, Revision 5 dated December 31, 2019 (Ramboll 2019a), which was approved by NDEP on January 21, 2020.

During the current annual reporting period (June 1, 2019 through May 31, 2020), SMP, Revision 4 was effective between June 1, 2019 and January 20, 2020 and SMP, Revision 5 was effective between January 21, 2020 and May 31, 2020.

¹ Provisions in the Environmental Covenant recorded on May 30, 2014 stipulate that the SMP be updated annually (NDEP and NERT, 2014).

As described in both SMP, Revisions 4 and 5, 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
- Recording of any changes to each Excavation Control Area (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, 2019 through May 31, 2020 is provided below.

- The Site's 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.
- Table 1 in both SMP, Revisions 4 and 5 reflect the most current Basic Comparison Levels (BCLs) dated July 2017 (NDEP 2017).
- Groundwater has not been used for drinking water at the Site.
- No changes to ECA boundaries were made based on work conducted during the evaluation period.
- The groundwater monitoring data evaluated in the Annual Remedial Performance Report for Chromium and Perchlorate (Ramboll 2019b) indicated that there were no significant changes in Site environmental conditions that require modification of the SMP; and
- On behalf of the Trust, Ramboll and Tetra Tech inspected the Site as necessary and verified that risk management controls as outlined in the SMP are being implemented at the Site.

SMP Compliance

Upon NDEP approval of the SMP, Revision 5 on January 21, 2020, 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 certified that it would comply with the provisions in the SMP, Revision 5. The Certifications of Compliance (included as Requirement 1 of the SMP, Revision 5) for all Site Occupants are included as Attachment B of this letter. All Site Occupants had previously certified their compliance with the provisions of SMP, Revision 4 following its approval by NDEP. Those Certifications of Compliance were included in the 2018-2019 SMP Annual Report.

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.

Office of the Nevada Environmental Response Trust Trustee
September 2, 2020

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.

Office of the Nevada Environmental Response Trust



Stephen R. Clough, P.G., CEM
Remediation Director
CEM Certification Number: 2399, exp. 3/24/21

Cc (via NERT Sharefile Distribution):

Jeff Kinder, NDEP, Deputy Administrator
Frederick Perdomo, NDEP, Deputy Administrator
James Dotchin, NDEP, Chief, Bureau of Industrial Site Cleanup
Carlton Parker, NDEP, Bureau of Industrial Site Cleanup
Alan Pineda, NDEP, Bureau of Industrial Site Cleanup
Christa Smaling, NDEP, Bureau of Industrial Site Cleanup
Alison Fong, U.S. Environmental Protection Agency, Region 9
Mark Duffy, U.S. Environmental Protection Agency, Region 9
Jay Steinberg, as President of the Nevada Environmental Response Trust Trustee and not individually
Andrew Steinberg, as Vice President of the Nevada Environmental Response Trust Trustee and not individually
Brian Loffman, Le Petomane, Inc.
Tanya C. O'Neill, Foley and Lardner, LLP
Allan DeLorme, Ramboll
John Pekala, Ramboll
Kim Kuwabara, Ramboll
Dan Pastor, Tetra Tech
David Bohmann, Tetra Tech

Cc (via NERT Stakeholder Sharefile Distribution):

Betty Kuo, Metropolitan Water District of Southern California
Brenda Pohlmann, City of Henderson
Carol Nagai, Metropolitan Water District of Southern California
Dave Johnson, LV Valley Water District
David Parker, Central Arizona Project
Eric Fordham, Geopentech
Jill Teraoka, Metropolitan Water District of Southern California
Kevin Fisher, LV Valley Water District
Marcia Scully, Metropolitan Water District of Southern California
Maria Lopez, Metropolitan Water District of Southern California
Mauricio Santos, Metropolitan Water District of Southern California
Mickey Chaudhuri, Metropolitan Water District of Southern California
Orestes Morfin, Central Arizona Project
Peggy Roefler, Colorado River Commission
Steven Anderson, LV Valley Water District
Todd Tietjen, Southern Nevada Water Authority

**Site Management Plan (SMP) Annual Report
June 1, 2019 – May 31, 2020**

**Nevada Environmental Response Trust
(Former Tronox LLC Site)
Henderson, Nevada**

Nevada Environmental Response Trust (Trust) Representative Certification

I certify that this document and all attachments submitted to the Division were prepared at the request of, or under the direction or supervision of the Trust. Based on my own involvement and/or my inquiry of the person or persons who manage the system(s) or those directly responsible for gathering the information or preparing the document, or the immediate supervisor of such person(s), the information submitted and provided herein is, to the best of my knowledge and belief, true, accurate, and complete in all material respects.

Office of the Nevada Environmental Response Trust

Le Petomane XXVII, Inc., not individually, but solely in its representative capacity as the Nevada Environmental Response Trust Trustee

Signature:  **Not Individually, but Solely
as President of the Trustee**

Name: Jay A. Steinberg, not individually, but solely in his representative capacity as President of the Nevada Environmental Response Trust Trustee

Title: Solely as President and not individually

Company: Le Petomane XXVII, Inc., not individually, but solely in its representative capacity as the Nevada Environmental Response Trust Trustee

Date: 9/2/2020

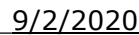
**Site Management Plan (SMP) Annual Report
June 1, 2019 – May 31, 2020**

**Nevada Environmental Response Trust
(Former Tronox LLC Site)
Henderson, Nevada**

Responsible Certified Environmental Manager (CEM) for this project

I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and, to the best of my knowledge, comply with all applicable federal, state and local statutes, regulations and ordinances.





**Stephen R. Clough, PG, CEM
Remediation Director
Nevada Environmental Response Trust**

Date

Certified Environmental Manager
CEM Certificate Number: 2399
CEM Expiration Date: March 24, 2021

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. (“SMP, Revision 0”).
- 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. (“SMP, Revision 1”).
- Nevada Division of Environmental Protection (NDEP) and Nevada Environmental Response Trust (NERT), 2014. Environmental Covenant. Recorded on May 30.
- NDEP, 2017. User’s Guide and Background Technical Document for the NDEP Basic Comparison Levels (BCLs) for Human Health for the BMI Complex and Common Areas. Revision 14. July.
- Ramboll Environ US Corporation (Ramboll Environ), 2015. Site Management Plan, Revision 2, Nevada Environmental Response Trust Site, Henderson, Nevada. July 17. Revised July 30, 2015. NDEP approved August 8, 2015. (“SMP, Revision 2”).
- Ramboll Environ, 2017a. Site Management Plan, Revision 3, Nevada Environmental Response Trust Site, Henderson, Nevada. February 13. NDEP approved February 28, 2017. (SMP, Revision 3).
- Ramboll US Corporation (Ramboll), 2018. Site Management Plan, Revision 4, Nevada Environmental Response Trust Site, Henderson, Nevada. March 22. NDEP approved March 29, 2018. (SMP, Revision 4).
- Ramboll, 2019a. Site Management Plain, Revision 5, Nevada Environmental Response Trust Site, Henderson, Nevada. December 31. NDEP approved January 21, 2020. (SMP, Revision 5).
- Ramboll, 2019b. Annual Remedial Performance Report for Chromium and Perchlorate, Nevada Environmental Response Trust Site, Henderson, Nevada. December 31. NDEP approved April 30, 2020.

Attachment B


Certifications of Compliance with Site Management Plan, Revision 4

Certification of Compliance with Site Management Plan, Revision 5

The undersigned ("Site Occupant") acknowledges receipt of a copy of the Site Management Plan, Revision 5 dated December 31, 2019 (the "SMP") prepared by Ramboll US Corporation ("Ramboll") 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: EMO ACQUISITION LLC

By: 

Printed Name: WILLIAM GOLDEN

Title: GENERAL COUNSEL

Date: 2/6/20

Certification of Compliance with Site Management Plan, Revision 5

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Company: ENVIROGEN TECHNOLOGIES

By: Wendy Prescott

Printed Name: WENDY PRESCOTT

Title: PROJECT MANAGER


Date: 2-3-2020

Certification of Compliance with Site Management Plan, Revision 5

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Company: Ramboll US Corporation

By: 

Printed Name: John Pekala

Title: Principal

Date: 01/23/2020

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Company: Tetra Tech

By: Kyle S. Hansen

Printed Name: Kyle S. Hansen

Title: Field Operations Manager

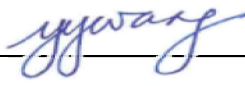
Date: 1/29/2020

Certification of Compliance with Site Management Plan, Revision 5

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Company: Arcadis U.S., Inc.

By: 

Printed Name: Jo Wang

Title: Project Manager

Date: 5/4/2020

Certification of Compliance with Site Management Plan, Revision 5

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Company: BASIC WATER COMPANY
By: Mark Paris
Printed Name: MARK PARIS
Title: PRESIDENT + GEO
Date: 20 FEBRUARY 2020

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Company: demaximis, inc.

By: Edward Maclean

Printed Name: Edward Maclean

Title: Consultant to Montrose

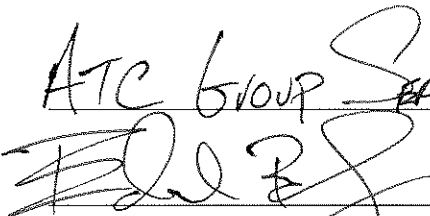
Date: 05/04/2020

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Company: ATC GROUP SERVICE

By: 

Printed Name: EDWARD BYERS

Title: PROJECT SCIENTIST

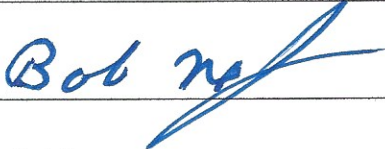
Date: 4/30/20

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Company: Cascade Drilling LP

By: 

Printed Name: Bob Nix

Title: Operations Manager


Date: 1/28/20

Certification of Compliance with Site Management Plan, Revision 5

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Company: de maximis, inc., GWTS operator as authorized representative of
Montrose Chemical Corporation of California, Stauffer
Management Company, LLC/Syngenta Crop Protection, LLC, and
Pioneer Americas LLC d/b/a Olin Chlor-Alkali Products

By: 

Printed Name: Spencer Lapiers

Title: GWTS Programs Manager

Date: January 31, 2020

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Company: STEWART ENVIRONMENTAL, INC.

By: Keith Stewart

Printed Name: KEITH STEWART

Title: PRESIDENT


Date: 1-30-2020

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Company: Convera Consultants

By: 

Printed Name: Kevin Paprocki

Title: Project Manager

Date: 2/10/2020