



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

June 26, 2007

Mr. Mark Paris
Basic Remediation Company
875 West Warm Springs Road
Henderson, NV 89011

Ms. Susan Crowley
Tronox LLC
PO Box 55
Henderson, NV 89009

Mr. Larry Landry
Pioneer Companies, Inc.
700 Louisiana St, Ste 4300
Houston, TX 77002

Mr. Joe Kelly
Montrose Chemical Corp of CA
600 Ericksen Ave NE, Suite 380
Bainbridge Island, WA 98110

Mr. Brian Spiller
Stauffer Management Co LLC
1800 Concord Pike
Wilmington, DE 19850-6438

Mr. Craig Wilkinson
Titanium Metals Corporation
PO Box 2128
Henderson, NV 89009

Re. BMI Plant Sites and Common Areas Projects, Henderson, Nevada
Advisement Regarding RCRA and Underlying Hazardous Constituents (UHCs)

Dear Sirs and Madam:

In response to questions from several of the parties listed above, the NDEP is providing this advisement regarding RCRA guidance on UHCs.

Historically, at the BMI Complex, some parties have only considered the toxicity characteristic and not "listed" compounds. This is an assumption that is not conservative.

In light of the preponderance of data available at the Sites for soils and groundwater, it is known that there are numerous "listed" compounds present in the groundwater. These compounds are "contained in" the soil and groundwater and are not concentration-specific. These compounds can not be "contained out" by the BMI Companies, this is a determination that must be made by the NDEP and the BMI Companies must request this "contained out" determination utilizing site-specific data.

In the future, please note that all underlying hazardous constituents (UHCs) must be addressed and appropriately recorded on the manifests. Please consult with your company's RCRA expert regarding this matter and the NDEP's Bureau of Waste Management, Las Vegas office (Mike Richardson) with additional questions.

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Please contact me with any questions (tel: 702-486-2850 x247; e-mail: brakvica@ndep.nv.gov).

Sincerely,

Brian A Rakvica, P.E.
Supervisor, Special Projects Branch
Bureau of Corrective Actions

BAR:s

CC: Jim Najima, NDEP, BCA, Carson City
Marysia Skorska, NDEP, BCA, Las Vegas
Shannon Harbour, NDEP, BCA, Las Vegas
Todd Croft, NDEP, BCA, Las Vegas
Greg Lovato, NDEP, BCA, Carson City
Mike Richardson, NDEP, BWM, Las Vegas
Barry Conaty, Akin, Gump, Strauss, Hauer & Feld, L.L.P., 1333 New Hampshire Avenue, N.W.,
Washington, D.C. 20036
Brenda Pohlmann, City of Henderson, PO Box 95050, Henderson, NV 89009
Mitch Kaplan, U.S. Environmental Protection Agency, Region 9, mail code: WST-5,
75 Hawthorne Street, San Francisco, CA 94105-3901
Rob Mrowka, Clark County Comprehensive Planning, PO Box 551741, Las Vegas, NV, 89155-
1741
Ranjit Sahu, BRC, 311 North Story Place, Alhambra, CA 91801
Rick Kellogg, BRC, 875 West Warm Springs, Henderson, NV 89011
Kirk Stowers, Broadbent & Associates, 8 West Pacific Avenue, Henderson, Nevada 89015
George Crouse, Syngenta Crop Protection, Inc., 410 Swing Road, Greensboro, NC 27409
Nicholas Pogoncheff, PES Environmental, Inc., 1682 Novato Blvd., Suite 100, Novato, CA
94947-7021
Lee Erickson, Stauffer Management Company LLC, P.O. Box 18890 Golden, CO 80402
Keith Bailey, Tronox, Inc, PO Box 268859, Oklahoma City, Oklahoma 73126-8859
Jeff Gibson, AMPAC, 3770 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89109
Sally Bilodeau, ENSR, 1220 Avenida Acaso, Camarillo, CA 93012-8727
Chris Sylvia, Pioneer Americas LLC, PO Box 86, Henderson, Nevada 89009
Paul Sundberg, Montrose Chemical Corporation, 3846 Estate Drive, Stockton, California
95209
Joe Kelly, Montrose Chemical Corporation of CA, 600 Ericksen Avenue NE, Suite 380,
Bainbridge Island, WA 98110
Jon Erskine, Northgate Environmental Management, Inc., 300 Frank H. Ogawa Plaza, Suite 510,
Oakland, CA 94612
Deni Chambers, Northgate Environmental Management, Inc., 300 Frank H. Ogawa Plaza, Suite
510, Oakland, CA 94612
Robert Infelise, Cox Castle Nicholson, 555 California Street, 10th Floor, San Francisco, CA 94104-1513
Michael Ford, Bryan Cave, One Renaissance Square, Two North Central Avenue, Suite 2200,
Phoenix, AZ 85004

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