

Overview of the Multistate Environmental Response Trust

Kerr-McGee Chemical Corp – Navassa Superfund Site, Navassa, North Carolina

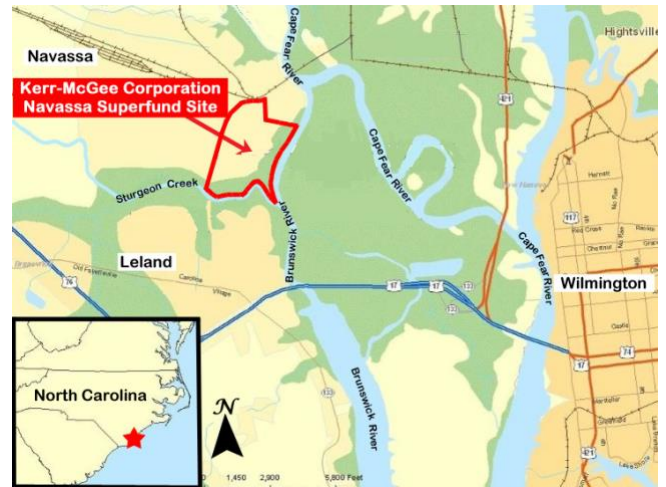
June 2019

The U.S. Environmental Protection Agency (EPA), the N.C. Department of Environmental Quality (NCDEQ) and the Multistate Environmental Response Trust (the Multistate Trust) prepared this fact sheet to explain the roles and responsibilities of the organizations involved in remediation, redevelopment planning, and natural-resource restoration at the Kerr-McGee Chemical Corp – Navassa Superfund Site in Navassa, North Carolina (the Site).

Overview of the Multistate Trust

In 2005, Kerr-McGee created Tronox by transferring the Site in Navassa and hundreds of other contaminated sites into this corporate “shell” without the funds needed for cleanup of the sites. Kerr-McGee then sold its most valuable oil and gas assets to Anadarko Petroleum. In 2009, unable to pay for cleanup of the Kerr-McGee sites, Tronox filed for bankruptcy. In 2011, the bankruptcy court approved a settlement agreement with the U.S. government, 22 state governments and Tronox, which established several trusts, including the Multistate Environmental Response Trust (the Multistate Trust).

The Multistate Trust is an environmental response trust responsible for owning and managing approximately 400 former Kerr-McGee contaminated sites in 31 states, remediating the sites using funds earmarked for each site, and facilitating safe redevelopment and long-term stewardship of the sites. Since its creation in 2011, the Multistate Trust has been working at the Site in Navassa to perform remediation activities approved by EPA and NCDEQ, using the remediation funds allocated for the Site. The Multistate Trust will eventually sell or transfer the property for future reuse. The Multistate Trust has a fiduciary duty to its beneficiaries—EPA and NCDEQ. The Multistate Trust is a private entity with the public purpose of protecting human health and the environment. Greenfield Environmental Multistate Trust LLC is the court-appointed Trustee of the Multistate Trust.



Kerr-McGee Chemical Corp – Navassa Superfund Site

From 1936 until 1974, Kerr-McGee and other companies operated a creosote-based wood treatment facility at the 246-acre Site situated on the bank of the Brunswick River. In 2010, EPA added the Site to the National Priorities List of federal Superfund sites because of contamination in groundwater, soils and sediments resulting from the wood-treating activities.



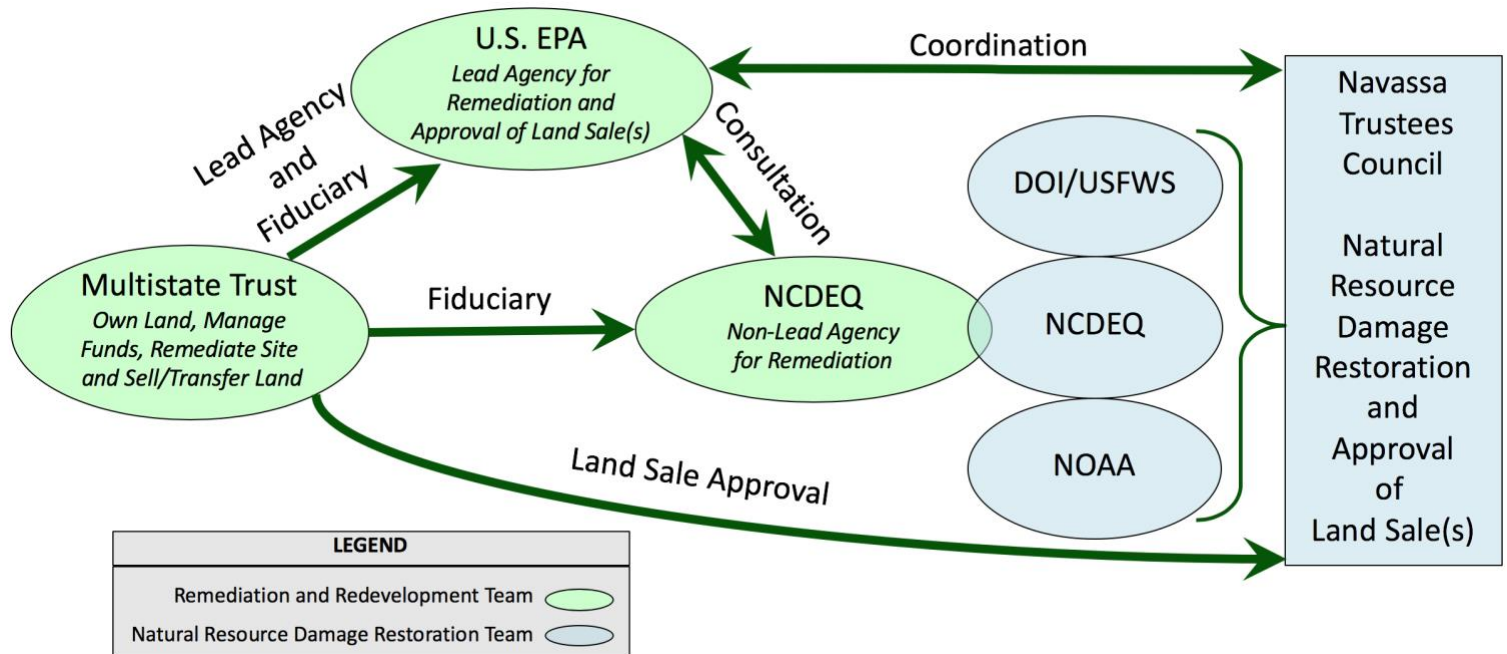
Multistate Trust Cleanup Funds

- ✓ The Multistate Trust received \$92.5 million to remediate the Site in Navassa. These remediation funds are managed and invested by the Multistate Trust. EPA and NCDEQ do not hold or control the remediation funds.
- ✓ Cleanup funds can be spent only on environmental actions (such as Site investigations and remediation).
- ✓ The Multistate Trust is **prohibited** from using remediation funds to: engage in for-profit activities; restore damage to natural resources (see Navassa Trustees Council, page 2); compensate people for health effects caused by past exposure to Site contamination (see Tronox Tort Claims Trust, page 2); and implement (construct) Site redevelopment, though funds can be used to integrate future reuse into remediation plans and engage in multistakeholder discussion about future Site reuse.
- ✓ The companies responsible for Site contamination—Tronox, Kerr-McGee and Anadarko Petroleum—were the source of Multistate Trust remediation funds, which did not come from the U.S. government or U.S. tax dollars.

Overview of the Multistate Environmental Response Trust Kerr-McGee Chemical Corp – Navassa Superfund Site, Navassa, North Carolina

Government Agencies Involved in Multistate Trust Activities at the Site and in Tronox Bankruptcy Settlement

- ✓ **EPA—Lead Agency:** approves Multistate Trust remediation plans and budgets, in consultation with NCDEQ
- ✓ **NCDEQ—Non-Lead Agency:** consults with EPA on Multistate Trust remediation plans and budgets
- ✓ **Navassa Trustees Council (NTC)—**Represented by the **U.S. Fish & Wildlife Service (USFWS)**, the **National Oceanic and Atmospheric Administration (NOAA)** and **NCDEQ:** responsible for restoration of damaged natural resources
- ✓ **EPA and NCDEQ—Beneficiaries** of the Multistate Trust for the Site
- ✓ **EPA and NTC—**Approve any sale or transfer of Multistate Trust property



Navassa Trustees Council (NTC) for the Kerr-McGee Navassa Superfund Site

The NTC is made up of natural resource trustees from USFWS, NOAA and NCDEQ. The NTC is responsible for restoration of natural resources damaged by Site contamination. The NTC received \$22 million from the Tronox bankruptcy settlement to be used for projects aimed at restoring natural resources and habitat for fish, birds and other wildlife in the Navassa region that were injured by creosote-based contaminants from the Site. Please contact Howard Schnabolk from NOAA at 843-740-1328 or howard.schnabolk@noaa.gov for more information or visit the NOAA website at <https://darrp.noaa.gov/hazardous-waste/kerr-mcgee-chemical-corp-tronox>.

Tronox Tort Claims Trust

As part of the bankruptcy settlement, the U.S. Bankruptcy Court established the Tronox Tort Claims Trust to address personal claims – such as health/medical claims or property damage claims – related to Kerr-McGee contaminants at sites throughout the United States. For more information, please contact the Tronox Tort Claims Trust helpline at helpline@tronoxtrust.com or at 800-753-2480, or visit <http://www.tronoxtrust.com>.

Note: EPA, NCDEQ, and the Multistate Trust have no involvement in the Tronox Tort Claims Trust.

For more information about remediation and redevelopment of the Kerr-McGee Chemical Corp – Navassa Superfund Site, please contact:

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