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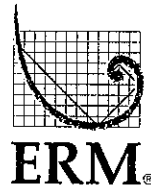
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Environmental
Resources
Management

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December 29, 2009

Mr. Brian A. Rakvica, P.E.
Nevada Division of Environmental Protection
Bureau of Corrective Actions
2030 E. Flamingo Road, Suite 230
Las Vegas, Nevada 89119-0818



Subject: Response to Comments, CAMU Groundwater Monitoring Report, 3rd Quarter 2009, BMI Common Areas (Eastside), Clark County, Nevada

Dear Brian:

On behalf of Ranajit Sahu, please find attached BRC's response to NDEP's November 25, 2009, comments on the *CAMU Groundwater Monitoring Report, 3rd Quarter 2009* (November 2009). Your comment letter stated that the subject report was rejected due to incomplete data, and specified that the report be resubmitted with the missing data by December 18, 2009. We respectfully request that the NDEP reconsider the rejection of the report.

In any event, as explained in the response to comments (Attachment A), the missing 3rd Quarter CAMU monitoring data do not exist, as those wells were not sampled during the 3rd (and prior) Quarters due to a miss-understanding between BRC and the Upgradient companies. As a result and as discussed in the response to comments, BRC has agreed to extend the CAMU monitoring program such that at least four quarters of data are collected for each well identified in the approved CAMU monitoring program. Because of this, we do not believe that the missing data will pose a significant data gap. Annual and historical chemical occurrence trends (including results from the wells omitted during the 3rd Quarter) will be provided in the annual monitoring report, which will be submitted to NDEP in January 2010. The plan for extending the monitoring of the missing-data wells will also be provided in the annual report. Therefore, BRC does not believe that reissuance of the 3rd Quarter report would be of any value. We believe that the NDEP is in agreement with this position based on prior discussions between NDEP and BRC.



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If you have any questions or comments, please contact me at 916-924-9378 or
Ranajit Sahu at 626-382-0001.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark K. Jones". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Jones".

Mark K. Jones
Project Manager

Enclosures: Response to Comments on the CAMU Groundwater
Monitoring Report

cc: Jim Najima, NDEP, BCA, Carson City, NV 89701
Ranajit Sahu, BRC, 875 West Warm Springs Road, Henderson, NV 89011

Attachment A

Attachment A

1. Appendix A, response-to-comment 2, as noted below, it appears that BRC has not addressed the issue of obtaining data from the upgradient Companies.

Response: BRC has recently confirmed that the approved CAMU Groundwater Monitoring Plan (GMP) was based on a proposed (i.e., not final) monitoring plan then in preparation by the upgradient Companies. Based on this draft plan from the Companies, BRC was under the impression that the upgradient Companies would be collecting data in accordance with that plan during the 3rd Quarter of 2009. Because the upgradient monitoring plan had not been finalized at that time, however, the upgradient Companies did not sample the wells included in the CAMU GMP. As a result, 3rd Quarter 2009 data are not available for some of the wells identified in the GMP as being sampled by the upgradient Companies.

Recognizing this issue, BRC has been in direct communication with the upgradient Companies' consultant directing the monitoring activities for the 4th Quarter 2009 to ensure that all wells specified in the GMP were sampled during the 4th Quarter 2009. It should be noted that certain wells listed in the GMP for sampling by the upgradient Companies have been removed from the upgradient Companies' monitoring program, and BRC undertook sampling of those wells. Therefore, the annual report will include data for all monitoring wells in the GMP, with the exception of well MC80, which cannot be found and is presumed destroyed. However, there is no possible way to backfill the missing third quarterly data discussed above.

2. Appendix D, the NDEP has the following comments:
 - a. These figures should include an appropriate comparison metric such as the USEPA Maximum Contaminant Level (MCL) or the NDEP Basic Comparison Level (BCL).
 - b. Some figures do not have data for the older sampling events (e.g.: the April 2005 or the October 2007 events), however, the figures have not been adjusted to correct the x-axis. This obfuscates the presentation of the data that has been collected. Please address this in the next report.
 - c. Some figures have wide variances in the range of concentrations. For example, chloroform varies from non-detect to 16,000 ug/l. It is requested that the presentation of this data be modified to make it more usable. For example, the use of log scale or presentation of low range and high range data on separate figures.

Response: In future CAMU monitoring report submittals, BRC will revise the Appendix D concentration trend graphs in accordance with NDEP's comments above.

3. Appendix E, the NDEP has the following comments:
 - a. Some figures do not present data from wells which were required to be sampled. For example, Figure E-1, the wells on the southwest side of the CAMU. BRC notes that this data has not been received from the other Companies that collected this data. As noted previously, this is not acceptable.

- i. If BRC can not coordinate obtaining this data in a timely fashion, the Groundwater Monitoring Program (GMP) will need to be modified and BRC will be required to collect this data themselves.
- ii. In addition, BRC needs to obtain this data immediately and revise the Deliverable.
- iii. In addition, since the GMP has not been implemented as designed in the 1st, 2nd or 3rd quarters, NDEP is requesting the GMP be extended for an additional four quarters. If there are modifications to the GMP that BRC believes are appropriate they should be submitted in a revised GMP with the annual report which is expected to be submitted in late December 2009.

Response: As noted in the response to comment #1, certain data were missing from the 3rd Quarter monitoring report because the upgradient Companies did not collect samples as expected. As such, such data are not available.

As further noted, the final, approved upgradient Companies' monitoring plan does not include all of the wells assumed in the CAMU GMP. Therefore, BRC has collected data from these wells in the fourth quarterly event.

Because the data referenced in this comment do not exist, the 3rd Quarter report cannot be revised to include it.

BRC will extend the CAMU monitoring program and collect data for the wells with missing data such that every well in the program (except MC80 as noted above) has a full four quarters of data as specified in the GMP. BRC will review historical data to assess the comparability of chemical occurrence over time for the GMP wells (i.e., regarding well-specific and lateral variability). The results of this assessment will be presented in the annual report and will be used to support a proposed approach for extending the GMP into future quarters.

- b. Figure E-1, based upon the presentation of the data it appears that there is a benzene source on the north side of the CAMU area or the lack of data from the southwest portion of the property is distorting the contours. This is an issue that needs to be addressed immediately.

Response: BRC will evaluate the potential for a benzene source on the north side of the CAMU after obtaining data from the southwestern portion of the property, which may affect contour presentation. This evaluation will be presented in the annual report.