

STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

April 14, 2011

Mr. Mark Paris
Basic Remediation Company (BRC)
875 West Warm Springs
Henderson, NV 89011

Subject: **No Further Action Determination** – Parcel 4B

Facility: BMI Common Areas (Eastside Site)
Clark County, Nevada
Portions of APN Nos. 179-08-101-002, 179-08-202-002, 179-05-401-001, 179-05-301-004, 179-05-502-001, 179-05-501-002 and 160-32-801-004
NDEP Facility ID: H-000688

Dear Mr. Paris:

The Nevada Division of Environmental Protection (NDEP) has reviewed the October 23, 2009 *Technical Memorandum – Data Review for Parcel 4B Investigation* (“Data Review”) prepared under the responsible charge of Dr. Ranajit Sahu, CEM of Basic Remediation Company (“BRC”) on behalf of BRC for the above-referenced area and more specifically as depicted on Figure 1 of the Data Review and in the legal description and exhibit attached to the April 4, 2011 e-mail from Mr. Lee Farris of BRC. The Data Review contains a request for a no further action determination from the NDEP.

The NDEP has reviewed the following information and has determined that no further assessment or remediation of soil is required:

1. A voluntary Environmental Covenant (“EC”) has been prepared and executed in accordance with Nevada Revised Statutes 445D relating to the prospective use of the subject property;
2. A screening level human health risk assessment; and
3. Supporting technical data.

The EC was recorded as of February 3, 2011 with the Clark County Recorder office for the area designated above and therefore is a matter of public record.

This determination modifies and supersedes the November 12, 2009 NFA issued by the NDEP for Parcel 4B.



Should you have any questions or concerns, please do not hesitate to contact me at (775) 687-9373 or glovato@ndep.nv.gov.

Sincerely,



Greg Lovato, P.E.
Supervisor, Remediation Branch
Bureau of Corrective Actions
Fax: (775) 687-8335

GL:s

cc: Jim Najima, Bureau of Corrective Actions, NDEP
William Knight, Bureau of Corrective Actions, NDEP
Joe McGinley, McGinley & Associates
Brian Rakvica, McGinley and Associates
Brenda Pohlmann, City of Henderson
Barry Conaty, Holland & Hart LLP
Stephen Tyahla, U.S. Environmental Protection Agency, Region 9
Ebrahim Juma, Clark County Water Reclamation District, Clean Water Team
Kathryn Hoffmann, Clark County Water Reclamation District, Clean Water Team
Joseph R. Leedy, Clark County Water Reclamation District, Clean Water Team
Ranajit Sahu, BRC
Lee Farris, BRC
Rick Kellogg, BRC
Mark Jones, ERM
Rex Heppe, ATC
Jay Steinberg, Nevada Environmental Response Trust
Allan Delorme, ENVIRON International Corporation
Mark Travers, ENVIRON International Corporation
Susan Crowley, Crowley Environmental
Deni Chambers, Northgate Environmental
Craig Wilkinson, TIMET
Kirk Stowers, Broadbent & Associates
Victoria Tyson, Tyson Contracting
George Crouse, Syngenta Crop Protection, Inc.
Nick Pogoncheff, PES Environmental
Lee Erickson, Stauffer Management Company
Michael Bellotti, Olin Corporation
Curt Richards, Olin Corporation
Paul Sundberg, Montrose Chemical Corporation
Joe Kelly, Montrose Chemical Corporation of CA
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cc: Robert Williams, Clark County Fire Department, 575 East Flamingo Road, Las Vegas, Nevada 89119
David Sadoff, AIG Consultants, Inc., 121 Spear Street, 3rd Floor, San Francisco, CA 94105
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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 Ave. Suite 2200, Phoenix, AZ 85004
Lee Erickson, Stauffer Management Company, P.O. Box 18890, Golden, CO 80402
Lee Farris, BRC, 875 W. Warm Springs Road, Henderson, NV 89011



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EXHIBIT "B"



JOB NO. 0138.0300/32

FILE:0032LG04

BY: LYZ

08 JANUARY 1997

CHK: MJJ

PAGE 1 OF 2

REVISED: 09 JANUARY 1997

EXPLANATION:

THIS LAND DESCRIPTION DESCRIBES PARCEL OF LAND GENERALLY LOCATED IN THE NORTH OF BOULDER HIGHWAY AND WEST OF LAKE MEAD DRIVE, AND GENERALLY REFERRED TO AS EXCLUSION AREA PARCEL 4B.

LAND DESCRIPTION

BEING PORTIONS OF SECTIONS 5 AND 8, TOWNSHIP 22 SOUTH, RANGE 63 EAST, MOUNT DIABLO MERIDIAN, CITY OF HENDERSON, CLARK COUNTY, NEVADA, AS SHOWN ON THAT CERTAIN MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE, IN FILE 79 OF SURVEYS, AT PAGE 11, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 8, MARKED BY A UNITED STATES GENERAL LAND OFFICE BRASS CAP; THENCE SOUTH 00°16'36" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4), 156.83 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 31°41'44" EAST, DEPARTING SAID WEST LINE, 1868.71 FEET; THENCE NORTH 64°48'02" EAST, 2510.98 FEET; THENCE NORTH 37°44'06" EAST, 1724.95 FEET; THENCE NORTH 52°15'54" WEST, 2605.72 FEET TO THE NORTH LINE OF SAID SECTION 5; THENCE ALONG SAID NORTH LINE, IN THE FOLLOWING THREE (3) COURSES: (1). NORTH 88°40'19" EAST, 369.92 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 5; (2). NORTH 88°40'19" EAST, 373.43 FEET; (3). NORTH 89°36'45" EAST, 2270.19 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 00°14'14" EAST, DEPARTING SAID NORTH LINE, ALONG SAID EAST LINE, 417.15 FEET TO THE NORTHWEST RIGHT-OF-WAY OF LAKE MEAD DRIVE (400 FEET WIDE), SAME BEING THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 5200.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 61°32'01" WEST; THENCE SOUTHWESTERLY, DEPARTING SAID EAST LINE, 39.27 FEET ALONG SAID CURVE AND SAID NORTHWEST RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 00°11'29"; THENCE SOUTH 28°27'59" WEST, CONTINUE ALONG SAID NORTHWEST RIGHT-OF-WAY, 7845.09 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY, DEPARTING SAID NORTHWEST RIGHT-OF-WAY, 39.27 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'35"; THENCE NORTH 61°31'26" WEST, 782.45 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3050.00 FEET; THENCE NORTHWESTERLY, 815.88 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°19'36" TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 13°08'58" WEST; THENCE NORTHWESTERLY, 33.41 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 76°34'26", THENCE NORTH 00°16'36" WEST, 59.05 FEET; THENCE SOUTH 89°39'42" WEST, 10.01 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 8; THENCE NORTH 00°16'36" WEST, 943.17 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEING A PORTION OF THE SOUTH HALF (S1/2) OF SECTION 32, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

LOT 1 AS SHOWN ON AN AMENDED PARCEL MAP ON FILE IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE AS FILE 56, PAGE 31 OF PARCEL MAPS

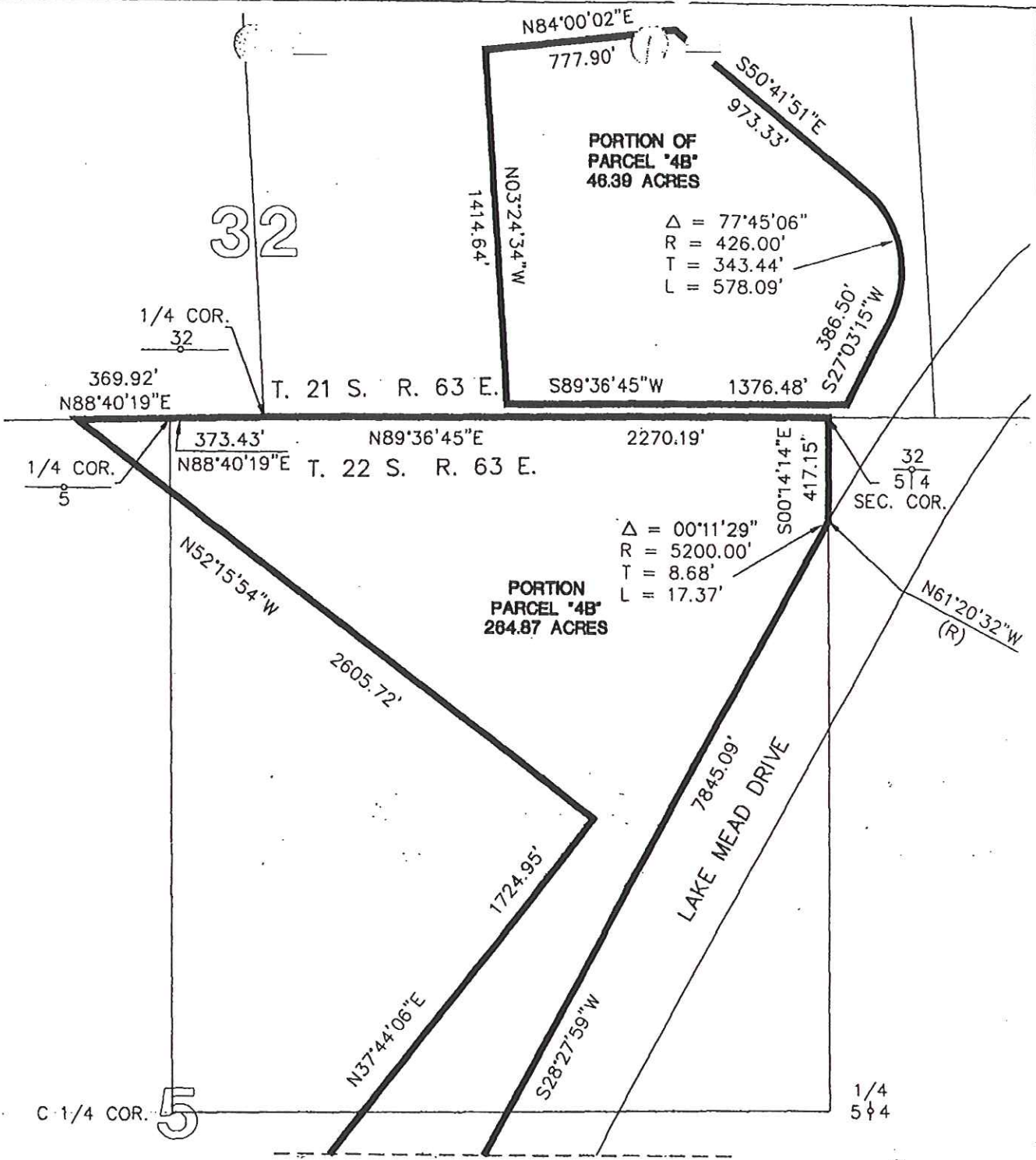
CONTAINING 311.26 ACRES, AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS:

NORTH 28°27'59" EAST, BEING THE CENTERLINE OF LAKE MEAD DRIVE, SITUATE WITHIN SECTION 5, TOWNSHIP 22 SOUTH, RANGE 63 EAST, MOUNT DIABLO MERIDIAN, CLARK COUNTY, NEVADA, AS SHOWN ON THAT CERTAIN MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE, IN FILE 79 OF SURVEYS, AT PAGE 11.

NOTE: THIS LAND DESCRIPTION IS PROVIDED AS A CONVENIENCE AND IS NOT INTENDED FOR THE PURPOSES OF SUBDIVIDING LAND NOT IN CONFORMANCE WITH NEVADA REVISED STATUTES.

END OF DESCRIPTION



MATCHLINE
SEE SHEET 2 FOR CONTINUATION

EXHIBIT TO ACCOMPANY
LAND DESCRIPTION

SHEET 1 OF 2



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SEE SHEET 1 FOR CONTINUATION
MATCHLINE

5

N64°48'02"E
2510.98'

S31°41'44"W
1868.71'

PORTION
PARCEL "4B"
264.87 ACRES

S28°27'59"W
7845.09'
LAKE MEAD DRIVE

POINT OF COMMENCEMENT

6 1/5 SEC. COR.
7 1/8 FOUND USGLO BRASS CAP

S00°16'36"E
156.83'

POINT OF BEGINNING

S89°39'42"W
10.01'

N00°16'36"W 943.17'

N00°16'36"W
59.05'

Δ = 15°19'36"
R = 3050.00'
T = 410.39'
L = 815.88'

Δ = 90°00'35"
R = 25°00'35"
T = 25.00'
L = 39.27'

S13°08'58"W
(R)

Δ = 76°34'26"
R = 25.00'
T = 19.73'
L = 33.41'

N61°31'26"W 782.45'



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EXHIBIT TO ACCOMPANY
LAND DESCRIPTION

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SHEET 2 OF 2