

QUARTERLY PROGRESS REPORT

AS REQUIRED BY

**SETTLEMENT AGREEMENT AND
ADMINISTRATIVE ORDER ON CONSENT
(AOC3)**

SECTION XIII, PARAGRAPHS 1 and 2.

SUBMITTED BY

BASIC REMEDIATION COMPANY

DATED OCTOBER 15, 2013

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. I hereby certify that all laboratory analytical data was generated by a laboratory certified by the NDEP for each constituent and media presented herein.



10/14/13

Dr. Ranajit Sahu, C.E.M. (No. EM-1699, Exp. 10/07/2015)
BRC Project Manager

Date

1. Introduction

This Quarterly Progress Report is being submitted to the Nevada Division of Environmental Protection (NDEP) pursuant to the requirements of Paragraphs 1 and 2 of Section XIII of the AOC3 executed between the Parties and NDEP on February 15, 2006. The format of this report is based on the requirements stated in Paragraph 1 of Section XIII. This report covers activities between July 1 and September 30, 2013.

2. Actions Taken Towards Achieving Compliance

In addition to the various documents submitted to the NDEP discussed below, BRC and NDEP held meetings and telephone calls in order to achieve progress on project activities. Telephone meetings were held between the BRC management, the BRC Project Manager and the NDEP Project Manager (occasionally along with representatives from the City of Henderson as well as consultants representing the prospective property buyer) roughly every two weeks. Minutes of these meetings are maintained separately.

The CAMU (Phase V only) remains open in order to accept wastes as needed and will remain open till remediation activities cease and the requisite soils NFAs are obtained from the NDEP. Wastes from various “polygon” scrapes from the Eastside were placed into Phase V during this period. BRC also implemented various maintenance tasks at the CAMU, conducted repairs to rectify storm damage to portions of the CAMU storm channel during this period, and conducted leachate collection and sampling of the various CAMU sumps, as needed.

BRC submitted the data validation report for data collected as part of the field sampling for the first annual groundwater monitoring at the CAMU pursuant to the NDEP-approved long-term CAMU groundwater monitoring work plan.

During this period, BRC also re-submitted the application to the NDEP for renewal of the CAMU RAP. All NDEP comments that were received prior were addressed except for financial assurance. Discussions between NDEP and BRC on the documentation needed for post-closure financial assurance continue. As these discussions have progressed, BRC has also submitted to the NDEP certain design changes for the CAMU that are expected to be incorporated into the re-issued CAMU.

Additionally, BRC: (a) obtained the NFA for the Southern RIBs sub-area; (b) obtained the revised NFA for the supplemental Galleria ROW (i.e., including the two additional small pieces to the ROW’s previous NFA); (c) received final NDEP comments on the HRA for the Sunset North sub-area; (d) is awaiting feedback from NDEP review of the submitted HRA for the North of Galleria ROW (NoROW) sub-area; (e) continued clean soils placement activities in the Hook/Open Space sub-areas; (f) continued cleanup activities (iterative confirmation sampling/scraping) in the Eastside Main sub-area; (g) continued scraping and consolidation activities of impacted soils in the Triangle area near Pabco Rd/Warm Springs Rd/Jokers Wild casino for ultimate placement into the CAMU; and (h) continued discussions with the NDEP on various policy and technical

groundwater issues including discussions on the Technical Memorandum relating to upgradient groundwater issues for the Eastside, with focus on arsenic as an example.

Results of previous confirmation sampling were received and analyzed and appropriate data validation activities also occurred.

3. Sampling Conducted

BRC collected various samples in support of the remediation effort including confirmation and re-confirmation soil samples as noted above in targeted portions of the Eastside Main area.

4. Work Plans and Other Deliverables Submitted Including Modifications

Attachment A shows a list of all documents that were submitted to NDEP in this period. Attachment B shows a list of all NDEP documents received during this period.

5. Actions Scheduled for Next Quarter

Activities planned include: continue placing clean fill on portions of the Hook/Open Space sub-area; obtaining the NFA for the Sunset Industrial sub-area; obtaining the NFA for the NoROW sub-area; likely submittal of the HRA for the Eastside main sub-area after concluding scraping and iterative confirmation sampling of the targeted polygons in the Eastside Main (exclusive of the Triangle area); completing the assessment of the Triangle area including sampling after debris/impacted soils removal; resolving the financial assurance documentation issues associated with the RAP renewal; and continuing policy and technical discussions with the NDEP regarding various groundwater issues for the Eastside including providing feedback to the NDEP on its draft BMI groundwater policy document.

The following Work Plans and Other Deliverables are planned to be submitted to the NDEP in the next period:

- (i) Revised Project Schedule (updated as needed).
- (ii) Various Data Validation Summary Reports, as needed.
- (iii) Various documents discussed above.

Additional documents may also be submitted depending on project progress.

6. Completions, Delays and Mitigations

While the remediation effort is not on schedule, BRC and the NDEP continue to have discussions and to make progress in streamlining various project submittals and approvals.

7. Planned Modifications to Remedial Actions

None planned.

8. Community Relations Plan Actions Taken

None.

9. Community Relations Plan Actions for Next Quarter

The project website is updated periodically, as needed, to include documents submitted to the NDEP.

Appendix A - Documents Submitted To NDEP

TO	FROM	DATE	SUBJECT
BMI Compliance Coordinator	ERM on behalf of Ranajit Sahu	7/12/2013	Data Validation Summary Report for the 2013 CAMU Annual Long-Term Groundwater Monitoring Event-April 2013 (Dataset 74a), Revision 0
Greg Lovato	ERM on behalf of Ranajit Sahu	7/25/2013	Technical Memorandum – Request for Inclusion of Supplemental Right-of-Way Areas into the Galleria Dr. Right-of-Way No Further Action Determination
Greg Lovato	ERM on behalf of Ranajit Sahu	8/1/2013	Human Health Risk Assessment and Closure Report for the Southern RIBs Sub-Area, BMI Common Areas (Eastside), Revision 3
Michael Friend	Geosyntec on behalf of Ranajit Sahu	8/2/2013	BRC CAMU Status Memo 130
Michael Friend	Geosyntec on behalf of Ranajit Sahu	8/9/2013	BRC CAMU Status Memo 131
Michael Friend	Geosyntec on behalf of Ranajit Sahu	8/16/2013	BRC CAMU Status Memo 132
Michael Friend	Geosyntec on behalf of Ranajit Sahu	8/23/2013	BRC CAMU Status Memo 133
Michael Friend	Geosyntec on behalf of Ranajit Sahu	8/30/2013	BRC CAMU Status Memo 134
Michael Friend	Geosyntec on behalf of Ranajit Sahu	9/6/2013	BRC CAMU Status Memo 135
BMI Compliance Coordinator	ERM on behalf of Ranajit Sahu	9/10/2013	DVSR for the 2013 CAMU Annual Long-Term Groundwater Monitoring Event - April 2013 (Dataset 74a), Revision 1
Michael Friend	Geosyntec on behalf of Ranajit Sahu	9/13/2013	BRC CAMU Status Memo 136
Michael Friend	Geosyntec on behalf of Ranajit Sahu	9/20/2013	BRC CAMU Status Memo 137

Appendix B - Documents Received From NDEP

TO	FROM	DATE	SUBJECT
Mark Paris	Michael Friend	7/17/2013	BRC Leachate Removal and Reporting, BRC Corrective Action Management Unit (CAMU)
Mark Paris	Greg Lovato	7/31/2013	NFA Determination - Galleria Drive Right-of-Way
Mark Paris	James Dotchin	8/5/2013	BMI Plant Sites and Common Areas Projects - August 2013 Basic Comparison Levels-Updated User's Guide and Tables
Mark Paris	Greg Lovato	8/9/2013	NFA Determination - Southern RIBS Sub-Area
Mark Paris	Michael Friend	8/23/2013	NDEP Response to: DVSR 2013 CAMU Annual Long-Term Groundwater Monitoring Event-April 2013 (Dataset74a)