



March 11, 2008

Mr. Brian Rakvica  
Nevada Division of Environmental Protection  
2030 E. Flamingo Rd., Suite 230  
Las Vegas, Nevada 89119-0818

Re: Applicability of TRI to the BRC Remediation Project

Dear Mr. Rakvica

Basic Remediation Company (BRC) was asked by the NDEP to ascertain whether the provisions of the Toxic Release Inventory (TRI) required under Federal EPCRA statute and regulations would apply to the BRC remediation project. Specifically, NDEP was interested in whether the act of removing contaminated soils and sediments etc. from their current locations to the proposed CAMU would trigger the reporting requirements under TRI. If so, BRC would potentially have to file the required Forms R or Forms A, as the case may be.

NDEP had indicated that BRC should investigate this independently with the EPA and had provided an EPA contact at Region IX (Ms. Nancy Sockabasin) relating to TRI matters.

Based on BRC's review of the TRI requirements and discussions with Ms. Sockabasin, BRC has concluded that the requirements of TRI do not apply to this project. The reasons for this are as follows.

The TRI requirements apply if each of three specified criteria are satisfied.<sup>1</sup> First, the entity has to be covered under specified Standard Industrial Classification (SIC) two-digit codes (or equivalent North American Industry Classification System (NAICS)) that fall within the range of 20-39, both inclusive. These all pertain to manufacturing processes. The relevant SIC code for the BMI companies, including BRC is 65. Second, the entity has to have 10 or more full time employees. BRC does not meet this criteria either. Thus, based on the first two criteria, the TRI requirements do not apply to the BRC project. BRC did not conduct any further inquiries under the third criteria (namely, whether BRC "...manufactures, imports, processes, or otherwise uses..." since it is moot.

Please let me know if you have any additional questions.

Sincerely

Dr. Ranajit (Ron) Sahu  
Project Manager

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<sup>1</sup> [http://www.epa.gov/tri/guide\\_docs/2001/brochure2000.pdf](http://www.epa.gov/tri/guide_docs/2001/brochure2000.pdf)

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.

A handwritten signature in black ink, reading "Ranajit Sahu". The signature is written in a cursive style with a horizontal line underneath the name.

Dr. Ranajit Sahu, C.E.M. (No. EM-1699, Exp. 10/07/2009)  
BRC Project Manager