

STATE OF NEVADA

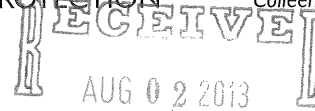
Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator



BY: _____

July 31, 2013

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

Subject: **No Further Action Determination** – Galleria Drive Right of Way

Facility: BMI Common Areas (Eastside Site)
Clark County, Nevada
Portion of APNs
179-05-301-004, 179-05-301-004, 179-05-401-001, 179-06-301-004, and 179-07-501-009
NDEP Facility ID: H-000688

Dear Mr. Paris:

The Nevada Division of Environmental Protection (NDEP) has reviewed the December 7, 2012 *Human Health Risk Assessment and Closure Report for the Galleria Dr. Right-of-Way* as revised by the January 23, 2013 correspondence from ERM on behalf of BRC ("Galleria ROW HHRA") and the July 25, 2013 *Technical Memorandum – Request of Inclusion of Supplemental Right-of-Way Areas into Galleria Dr. Right-of-Way No Further Action Determination* ("Supplement"). These documents were prepared under the responsible charge of Dr. Ranajit Sahu, CEM of Basic Remediation Company ("BRC") on behalf of BRC for the above-referenced areas and more specifically as depicted on Figures 1, 2 and Appendix J (legal description) of the Galleria ROW HHRA and Figure 1 and Attachment D (legal description) of the Supplement. The Galleria ROW HHRA and Supplement contain 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 formal human health risk assessment; and
3. Supporting technical data.

The EC is recorded as of February 3, 2011 (and as subsequently amended by NDEP and BRC) with the Clark County Recorder office for the areas designated above and therefore is a matter of public record.



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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
Chief, Bureau of Corrective Actions

GL:gl

cc: James Dotchin, NDEP, BCA, Las Vegas
Adam Bass, Edgcomb
Allan Delorme, ENVIRON International Corporation
Andrew Barnes, GeoSyntec
Ashley Katri, McGinley and Associates
Brenda Pohlmann, City of Henderson
Brian Rakvica, McGinley and Associates
Brian Waggle, Hargis & Associates
Chuck Elmendorf, Stauffer Management Company LLC
Curt Richards, Olin Corporation
Ebrahim Juma, Clark County Water Reclamation District, Clean Water Team
George Crouse, Syngenta Crop Protection, Inc.
Jay Gear, Olin Corporation
Jay Steinberg, Nevada Environmental Response Trust
Jeff Gibson, AMPAC
Joe Kelly, Montrose Chemical Corporation of CA
Joe McGinley, McGinley & Associates
John Pekala, Environcorp
Joseph R. Leedy, Clark County Water Reclamation District, Clean Water Team
Kurt Fehling, The Fehling Group, LLC
Kyle Gadley, Geosyntec
Lee Farris, BRC
Mark Jones, ERM
Mark Paris, BRC
Michael Long
Mike Balshi, Neptune and Company, Inc.
Nick Pogoncheff, PES Environmental
Paul Black, Neptune and Company, Inc.
Paul Sundberg, Montrose Chemical Corporation
Ranajit Sahu, BRC
Rebecca Shircliff, Neptune and Company, Inc.
Rex Heppe, Ninyo & Moore
Rick Kellogg, BRC
Richard Pfarrer, TIMET

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
Robert Infelise, Cox Castle Nicholson, 555 California Street, 10th Floor, San Francisco, CA 94104-1513

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Michael C. Ford , Polsinelli Shugart PC, CityScape Office Tower, 1 East Washington St., Suite 1200, Phoenix, AZ
85004
Lee Farris, BRC, 875 W. Warm Springs Road, Henderson, NV 89011