

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 4A

Facility: BMI Common Areas (Eastside Site)
Clark County, Nevada
Portions of APN Nos. 179-07-201-009, 179-08-299-010, 179-07-701-012, 179-08-299-009, 179-07-699-001, 179-08-201-016, 179-08-201-017
NDEP Facility ID: H-000688

Dear Mr. Paris:

The Nevada Division of Environmental Protection (NDEP) has reviewed the March 12, 2008 *Technical Memorandum – Data Review for 2007 Parcel 4A Investigation* (“Data Review”) and May 2, 2008 *Errata Pages for Technical Memorandum – Data Review for 2007 Parcel 4A Investigation* 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 May 15, 2008 NFA issued by the NDEP for Parcel 4A.



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
Jeff Gibson, AMPAC
Larry Cummings, AMPAC

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
Susan Crowley, Crowley Environmental C/O Tronox LLC, PO Box 55, Henderson, NV 89009
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

EXHIBIT "A"

0138.0300/32
FILE:0032LG03
JULY 6, 1995
BY: R.D.F.
CKD. BY:F.W.O.

EXPLANATION: THIS LEGAL DESCRIBES PARCEL "4A" OF THE AREAS RECOMMENDED FOR EXCLUSION FROM THE COMMON AREA IN THAT PORTION OF B.M.I. VILLAGE EAST WITHIN SECTIONS 7 AND 8, GENERALLY LOCATED IN THE NORTHERLY QUADRANT OF BOULDER HIGHWAY AND LAKE MEAD DRIVE.

DO NOT RECORD ABOVE THIS LINE

LEGAL DESCRIPTION

BEING THOSE PORTIONS OF SECTIONS 5, 6, 7 AND 8, TOWNSHIP 22 SOUTH, RANGE 63 EAST, M.D.M., IN THE CITY OF HENDERSON AND CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

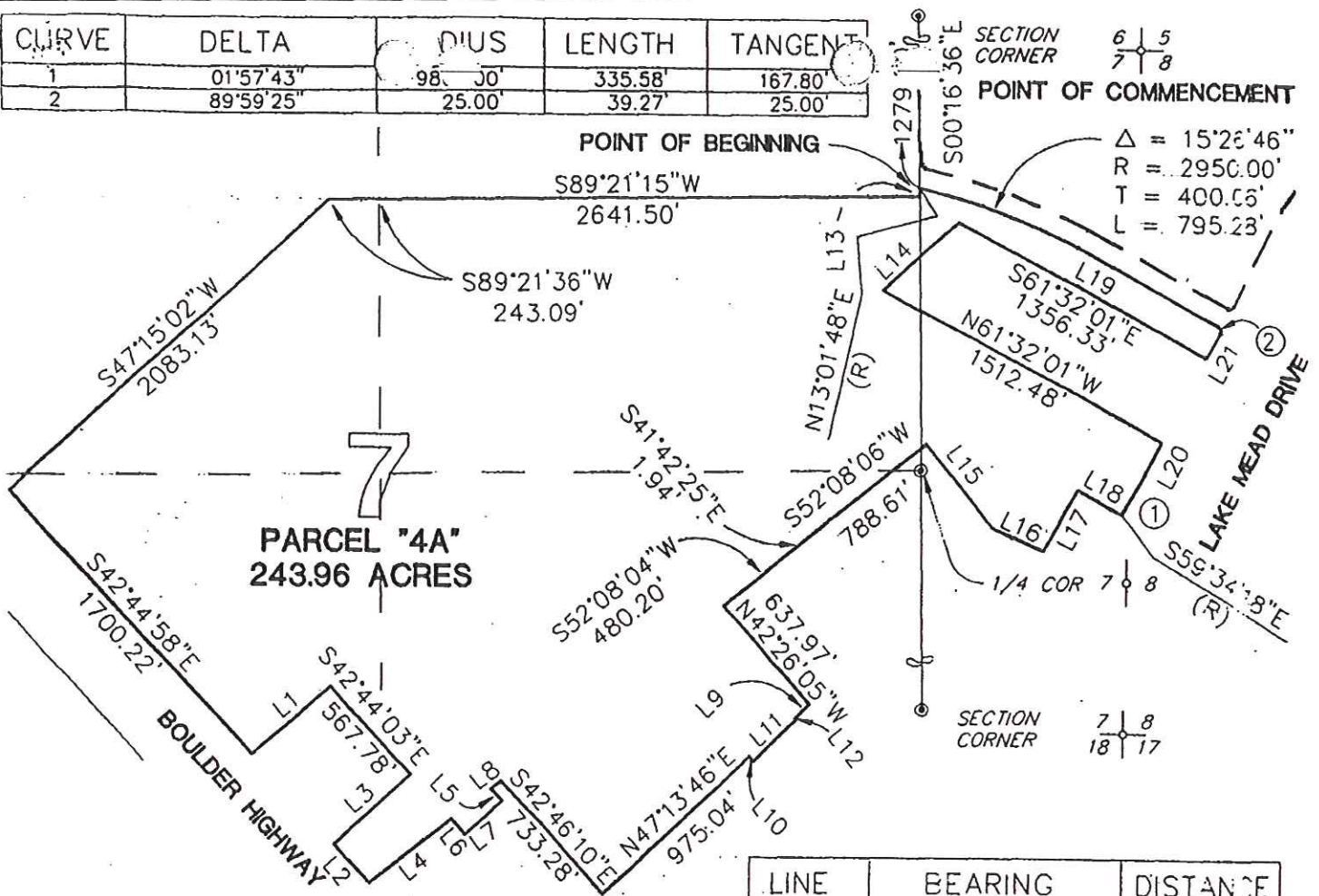
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE SOUTH 00°16'36" EAST ALONG THE EAST LINE OF SAID SECTION 7 A DISTANCE OF 1279.20 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WARM SPRINGS ROAD BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: FROM A TANGENT WHICH BEARS SOUTH 76°58'12" EAST, CURVING TO THE RIGHT ALONG A 2950.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°26'46", AN ARC LENGTH OF 795.28 FEET; THENCE SOUTH 61°31'26" EAST, 782.48 FEET; THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 89°59'25", AN ARC LENGTH OF 39.27 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LAKE MEAD DRIVE - STATE ROUTE 147 (400.00 FEET WIDE); THENCE SOUTH 28°27'59" WEST ALONG SAID RIGHT-OF-WAY LINE, 140.28 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BALLERINA STREET (60.00 FEET WIDE); THENCE NORTH 61°32'01" WEST ALONG SAID RIGHT-OF-WAY LINE, 1356.33 FEET; THENCE SOUTH 47°12'59" WEST, 485.78 FEET; THENCE SOUTH 61°32'01" EAST, 1512.48 FEET TO THE AFOREMENTIONED NORTHWESTERLY RIGHT-OF-WAY LINE OF LAKE MEAD DRIVE; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: SOUTH 28°27'59" WEST, 64.95 FEET; THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 9800.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°57'43", AN ARC LENGTH OF 335.58 FEET TO THE

MOST EASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DEED TO B.P.O.E. LODGE NO. 1956, RECORDED 13 JANUARY 1982 AS DOCUMENT NO. 93338, OFFICIAL RECORDS, CLARK COUNTY, NEVADA, A RADIAL LINE TO SAID POINT BEARS SOUTH 59°34'18" EAST; THENCE ALONG THE NORTHERLY AND WESTERLY LINES OF SAID B.P.O.E. PARCEL THE FOLLOWING TWO (2) COURSES: NORTH 61°31'46" WEST, 245.00 FEET; THENCE SOUTH 28°28'25" WEST, 335.00 FEET TO THE NORTHERLY LINE OF PARCEL 1 AS SAID PARCEL 1 IS DELINEATED ON THAT CERTAIN PARCEL MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE AS FILE 43, PAGE 81 OF PARCEL MAPS; THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINES OF PARCELS 1 AND 2 OF SAID PARCEL MAP THE FOLLOWING FIVE (5) COURSES: NORTH 65°45'15" WEST, 264.17 FEET; THENCE NORTH 37°51'35" WEST, 504.90 FEET; THENCE SOUTH 52°08'06" WEST, 788.61 FEET; THENCE SOUTH 41°42'25" EAST, 1.94 FEET; THENCE SOUTH 52°08'04" WEST, 480.20 FEET; THENCE SOUTH 42°26'05" EAST, 637.97 FEET TO THE MOST NORTHERLY CORNER OF PARCEL 1 AS SAID PARCEL 1 IS DELINEATED ON THAT CERTAIN PARCEL MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE AS FILE 71, PAGE 63 OF PARCEL MAPS; THENCE ALONG THE NORTHWESTERLY AND SOUTHWESTERLY LINES OF SAID PARCEL 1 THE FOLLOWING TWO (2) COURSES: SOUTH 47°33'55" WEST, 100.00 FEET; THENCE SOUTH 42°26'05" EAST, 8.25 FEET; THENCE SOUTH 47°14'04" WEST, 292.64 FEET TO A POINT IN THE NORTHEASTERLY LINE OF MANGANESE PARK SUBDIVISION, THE PLAT OF SAID SUBDIVISION BEING ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE AS BOOK 3, PAGE 54 OF PLATS; THENCE ALONG THE NORTHEASTERLY AND NORTHWESTERLY LINES OF SAID MANGANESE PARK SUBDIVISION THE FOLLOWING TWO (2) COURSES: NORTH 42°45'56" WEST, 30.00 FEET; THENCE SOUTH 47°13'46" WEST, 975.04 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF TAYLOR STREET (60.00 FEET WIDE); THENCE NORTH 42°46'10" WEST ALONG SAID RIGHT-OF-WAY LINE, 733.28 FEET; THENCE SOUTH 52°08'04" WEST, 60.22 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID TAYLOR STREET; THENCE SOUTH 42°46'10" EAST, ALONG SAID RIGHT-OF-WAY LINE, 79.24 FEET TO THE MOST EASTERLY CORNER OF LOT 2 AS SAID LOT 2 IS DELINEATED ON THAT CERTAIN PARCEL MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE AS FILE 14, PAGE 22 OF PARCEL MAPS; THENCE SOUTH 47°13'50" WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2, A DISTANCE OF 240.00 FEET; THENCE NORTH 42°46'10" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2 AND THE NORTHWESTERLY PROLONGATION THEREOF, 99.83 FEET TO THE MOST NORTHERLY CORNER OF LOT 3 AS SAID LOT 3 IS DELINEATED ON THAT CERTAIN PARCEL MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE AS FILE 20, PAGE 42 OF PARCEL MAPS; THENCE SOUTH 52°08'04" WEST ALONG THE NORTHWESTERLY LINE OF SAID LOT 3 AND THE SOUTHWESTERLY PROLONGATION THEREOF, 500.76 FEET TO

THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 93 - BOULDER HIGHWAY (400.00 FEET WIDE); THENCE NORTH 42°44'58" WEST ALONG SAID RIGHT-OF-WAY LINE, 250.25 FEET TO THE MOST SOUTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN A DEED TO ARDESHIR AND ASHKAN KARIMI RECORDED 22 MAY 1990 IN BOOK 900522 AS INSTRUMENT NO. 00200, OFFICIAL RECORDS, CLARK COUNTY, NEVADA; THENCE NORTH 47°15'57" EAST ALONG THE SOUTHEASTERLY LINE OF SAID KARIMI PARCEL, 499.41 FEET; THENCE NORTH 42°44'03" WEST ALONG THE NORTH LINE OF SAID KARIMI PARCEL AND THE NORTHWESTERLY PROLONGATION THEREOF, 567.78 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN A DEED TO ERIC PERONNARD, et al., RECORDED 30 SEPTEMBER 1992 IN BOOK 920930 AS INSTRUMENT NO. 02478, OFFICIAL RECORDS CLARK COUNTY, NEVADA; THENCE SOUTH 49°56'39" WEST ALONG THE ADJUSTED NORTHWESTERLY LINE OF SAID PERONNARD PARCEL AS SHOWN ON A MAP ON FILE IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE AS FILE 73, PAGE 19 OF SURVEYS, 500.11 FEET TO THE AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 95 - BOULDER HIGHWAY; THENCE NORTH 42°44'58" WEST ALONG SAID RIGHT-OF-WAY LINE, 1700.22 FEET; THENCE NORTH 47°15'02" EAST, 2083.13 FEET TO A POINT ON THE NORTHERLY LINE OF A 200.00 FOOT WIDE NEVADA POWER COMPANY EASEMENT DESCRIBED AS PARCEL "P" IN A DOCUMENT RECORDED 10 OCTOBER 1950 IN BOOK 63, PAGE 41 OF DEEDS, DOCUMENT NO. 352472, OFFICIAL RECORDS, CLARK COUNTY, NEVADA WHERE IT INTERSECTS WITH THE NORTH LINE OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 7; THENCE NORTH 89°21'36" EAST ALONG SAID NORTH LINE, 243.09 FEET; THENCE NORTH 89°21'15" EAST ALONG THE NORTH LINE OF THE SOUTH HALF (S1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 7, A DISTANCE OF 2641.50 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 8; THENCE NORTH 00°16'36" WEST ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 39.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 243.96 ACRES

CURVE	DELTA	DIUS	LENGTH	TANGENT
1	01°57'43"	98.30'	335.58'	167.80'
2	89°59'25"	25.00'	39.27'	25.00'



LINE	BEARING	DISTANCE
L1	N49°56'39"E	500.1'
L2	S42°44'58"E	250.25'
L3	N47°15'57"E	499.4'
L4	N52°08'04"E	500.75'
L5	N42°46'10"W	79.24'
L6	S42°46'10"E	99.83'
L7	N47°13'50"E	240.00'
L8	N52°08'04"E	60.25'
L9	N47°33'55"E	100.00'
L10	S42°45'56"E	30.00'
L11	N47°14'04"E	292.64'
L12	S42°26'05"E	8.25'
L13	N00°16'36"W	39.95'
L14	N47°12'59"E	485.75'
L15	S37°51'35"E	504.90'
L16	S65°45'15"E	26.1'
L17	N28°28'25"E	335.00'
L18	S61°31'46"E	245.00'
L19	S61°31'26"E	782.43'
L20	S28°27'59"W	64.95'
L21	N28°27'59"E	140.25'



Basic Management Inc.

**BMI COMMON AREAS
AREAS RECOMMENDED FOR EXCLUSION
PARCEL "4A"**

RDF
10 JULY 1995
\\0138\\0300\\0032\\EX\\0032EX03