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Know Before You Dig or Excavate Soil on Your Property

Because of past industrial use, your property is subject to a use restriction called an Environmental Covenant (EC). If you plan to dig or excavate soil on your property, approval may be required from the Cadence Homeowners Association (HOA), the City of Henderson, and/or the Nevada Division of Environmental Protection (NDEP). Examples of typical residential excavation projects include installation of pools, utility lines, patios, and ponds.

Before you begin a project you must complete the HOA's Environmental Covenant Elevation Verification Form. On this form you will describe how deep below ground surface you plan to dig or excavate. If you plan to dig more than three feet below the surface, the Form must be signed by a surveyor and submitted to the City of Henderson Building Department. The Form may be found on the HOA's website at <http://cadencenv.com> or by calling Cadence HOA at 702-568-2888.

By completing the Form, you will also be providing the required notice to City of Henderson and NDEP. Notice requirements vary depending on how deep you dig. The EC requires that NDEP be notified for any soil disturbance below 9 feet and that NDEP approve a Soil Management Plan for any disturbance deeper than 10 feet.

History of Industrial Activity and Clean-up

For decades, the land under and around Cadence was an industrial site, beginning with the Basic Magnesium Inc. (BMI) plant which opened in 1941. Since then, many products such as titanium, chlorine gas, magnesium chloride, manganese dioxide, pesticides and perchlorates have been manufactured in the area. Because much of this industrial activity took place before environmental regulation, soil and groundwater contamination occurred in some areas.

Contaminated soils from zero to ten feet were cleaned up to levels at or below those considered protective in residential areas by the U.S. Environmental Agency. Because people do not routinely come into contact with soils below ten feet it was not deemed necessary to perform comprehensive sampling below this depth. Data collected did show decreasing levels below ten feet. The EC is part of the overall plan put in place so that NDEP can continue to monitor the success of the clean-up.

More detailed information about the history of the site and the extensive clean-up can be found at: <http://ndep.nv.gov/bmi/basic.htm>. Please call 702-486-2850 if you have any questions or concerns.
