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# PHASE I ENVIRONMENTAL SITE ASSESSMENT

**City of Henderson Site D  
Water St.  
(APNs 179-18-710-223, -224,  
-229, -230, and -240)  
Henderson  
Nevada**

***Contract DEP17-026  
Task Number MA09-18***

***State of Nevada  
Department of Conservation & Natural Resources  
Division of Environmental Protection  
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***July 27, 2018***

## TABLE OF CONTENTS

1.	INTRODUCTION.....	1
1.1	Purpose .....	1
1.2	Site Location .....	1
1.3	User Responsibilities .....	1
1.4	Conditions of Contract .....	2
1.5	Scope of Work .....	2
2.	SITE RECONNAISSANCE .....	3
2.1	Methodology .....	3
2.2	Observations During Reconnaissance .....	3
2.3	Site Description and Current Usage.....	5
2.3.1	Structure, 215 and 219 S. Water St. (APN: 179-18-710-230) .....	5
2.3.2	Exterior (APN: 179-18-710-230) .....	5
2.3.3	Exterior (APNs: 179-18-710-223, -224, and -240) .....	5
2.3.4	Exterior (APNs: 179-18-710-229) .....	5
2.4	Adjoining Properties.....	5
2.5	PCB Sources .....	6
3.	ENVIRONMENTAL SETTING .....	7
3.1	Regional Physiographic Setting .....	7
3.2	Geologic Conditions.....	7
3.3	Surface Water Conditions .....	7
3.4	Groundwater Conditions .....	7
4.	SITE HISTORY AND HISTORICAL LAND USE .....	8
4.1	Historical Use of the Subject Property.....	8
4.1.1	APNs 179-18-710-223, -224, -229, and -240 .....	8
4.1.2	APN 179-18-710-230.....	8
4.2	Current and Historical Uses of Properties in the Surrounding Area .....	8
4.3	Interviews .....	9
4.4	Clark County Assessor's Office.....	9
5.	RECORDS REVIEW .....	10
5.1	EDR Radius Map Report .....	10
5.2	Nevada Division of Environmental Protection (NDEP) .....	11
5.2.1	City of Henderson Police Department - 243 Water St. ....	11
5.3	Southern Nevada Health District.....	11
5.4	City of Henderson Pretreatment (Utility Services) .....	11
5.5	EDR Vapor Encroachment Screen.....	11
5.5.1	Tier 1 Screening.....	11
6.	FINDINGS .....	12
6.1	General Findings .....	12
6.2	Historical Recognized Environmental Conditions .....	12
6.3	Controlled Recognized Environmental Conditions .....	12
6.4	Recognized Environmental Conditions.....	12
6.5	Conclusions .....	12
7.	LIMITATIONS.....	14

7.1	General.....	14
7.2	Data Gaps .....	14
8.	SIGNATURES OF ENVIRONMENTAL PROFESSIONALS .....	15
9.	REFERENCES.....	16

## FIGURES

Figure 1 Project Location Map

Figure 2 Site Map

## APPENDICES

Appendix A Assessor's Map and Parcel Information

Appendix B User Questionnaire

Appendix C Site Photographs

Appendix D Historical Aerial Photographs and Topographic Maps

Appendix E Sanborn Map Report and City Directory Listings

Appendix F EDR Radius Map Report

Appendix G EDR Vapor Encroachment Screen

Appendix H Resumes

# EXECUTIVE SUMMARY

*This report presents the findings of a Phase I Environmental Site Assessment (ESA) performed on the property identified as Clark County Assessor Parcel Numbers 179-18-710-223 (214 S. Texas Ave.), 179-18-710-224 (210 S. Texas Ave.), 179-18-710-229 (211 S. Water St.), 179-18-710-230 (215 and 219 S. Water St.), and 179-18-710-240 (unaddressed), located in Henderson, Nevada, and hereafter referred to as the Subject Property. McGinley and Associates, Inc. (McGinley) conducted this investigation for the purpose of identifying recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), and/or controlled recognized environmental conditions (CRECs) on the property in accordance with the 2013 ASTM International standard practice for the performance of Phase I Environmental Site Assessments (ASTM E 1527-13). The U.S. Environmental Protection Agency (EPA) has endorsed this practice as satisfying the requirements of All Appropriate Inquiry (AAI).*

*The Subject Property is located in the SE ¼ of the SW ¼ of Section 05 and the SE ¼ of the SE ¼ of Section 11, Township 15 North, Range 20 East, of the Mount Diablo Baseline and Meridian.*

## **Findings**

### **General Findings**

- *Combined, the parcels encompass approximately 0.91 acres of land.*
- *The Subject Property is comprised of a single-story restaurant with connected office building, three undeveloped parcels, and an asphalt-surfaced parking lot/travel way.*
- *The onsite building is currently occupied by the Lotus Chinese Restaurant. The office portion of the building is currently unoccupied.*
- *One pole-mounted transformer exists near the restaurant building.*
- *One pad-mounted transformer exists on the eastern border of the property near S. Texas Ave.*
- *A 500-gallon below ground grease trap is used by the Lotus Chinese Restaurant to pre-treat their kitchen wastewater. According to City of Henderson Pretreatment, the grease trap has not had any known violations.*
- *An aboveground used fryer oil container is currently stored in the trash receptacle area and on top of the grease trap manhole.*
- *No regulatory sites associated with the Subject Property were identified in the EDR report.*
- *The following regulatory listings were identified within the Approximate Minimum Search Distances in the databases searched by EDR: one Superfund Enterprise Management System (SEMS) site, one Federal Resource Conservation and Recovery Act (RCRA) Corrective Action (CORRACTS) site, 16 Nevada State Hazardous Waste (SHWS) sites, two NV leaking underground storage tank (LUST) site, three Nevada underground storage tank (UST) site, one Nevada solid waste recycling (SWRCY) facility, one RCRA Non-Generator No-Longer-Regulated (NonGen/NLR) site.*
- *None of the identified regulatory sites appear to be of environmental concern to the Subject Property at this time.*

### **Historical Recognized Environmental Conditions (HREC)**

*No historical recognized environmental conditions were found for the Subject Property.*

### **Controlled Recognized Environmental Conditions (CREC)**

*No controlled recognized environmental conditions were found for the Subject Property.*

***Recognized Environmental Conditions (REC)***

*No recognized environmental conditions were found for the Subject Property.*

**Conclusions**

*McGinley has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of the property identified as City of Henderson Site D (APNs 179-18-710-223, -224, -229, -230, and -240) in Henderson, Nevada, the property. Any exceptions to, or deletions from, this practice are described in Section 7 of this report.*

*Upon conclusion of our Phase I ESA, and based on the information reviewed, this assessment has revealed no evidence of recognized environmental conditions or controlled recognized environmental conditions in connection with the Subject Property.*

*Based on the information reviewed for this assessment, McGinley is of the opinion that no additional investigations at the Subject Property are warranted at this time.*

# **1. INTRODUCTION**

## **1.1 Purpose**

This report presents the findings of a Phase I Environmental Site Assessment (ESA) performed on the property identified as City of Henderson Site D (APNs 179-18-710-223, -224, -229, -230, and -240), in Henderson, Nevada, and hereafter referred to as the Subject Property. McGinley and Associates, Inc. (McGinley) conducted this investigation for the purpose of identifying recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), and/or controlled recognized environmental conditions (CRECs) on the property in accordance with the 2013 ASTM International standard practice for the performance of Phase I Environmental Site Assessments (ASTM E 1527-13). The U.S. Environmental Protection Agency (EPA) has endorsed this practice as satisfying the requirements of All Appropriate Inquiry (AAI).

## **1.2 Site Location**

The Subject Property is located in the N ½ of the SE ¼ of Section 18, Township 22 South, Range 63 East, of the Mount Diablo Baseline and Meridian. A parcel map from the Clark County Assessor's Office, which depicts the Subject Property parcel, is provided herein as Appendix A. The location of the site and the property boundary are displayed in Figures 1 and 2.

## **1.3 User Responsibilities**

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the User must complete an AAI compliant user questionnaire and provide it to the environmental professional. Failure to complete this user questionnaire could result in a determination that "all appropriate inquiry" is not complete. The questionnaire determines a baseline of User knowledge of the Subject Property regarding the following items:

1. Environmental cleanup liens that are filed or recorded against the site (40 CFR 312.25);
2. Activity and land use limitations that are in place on the site or have been filed or recorded in a registry (40 CFR 312.26);
3. Specialized knowledge or experience of the person seeking to qualify for the LLP related to the property or nearby properties (40 CFR 312.28);
4. Relationship of the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29);
5. Commonly known or reasonably ascertainable information about the property (40 CFR 312.30); and
6. The degree of obviousness of the presence or likely presence of contamination in, on, or at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).

In order to obtain this information, an AAI compliant user questionnaire was provided to the User of this Phase I ESA. The completed user questionnaire can be found in Appendix B.

## 1.4 Conditions of Contract

McGinley performed this work for the Nevada Division of Environmental Protection (NDEP) on behalf of the City of Henderson Redevelopment Agency (User) as part of the State of Nevada Brownfields Program (NBP) pursuant to Scope of Work outlined within our proposal dated May 7, 2018 and agreed upon through a Scope of Work Approval task letter dated May 9, 2018.

## 1.5 Scope of Work

The scope of work performed and procedures utilized included the following tasks:

- **Site reconnaissance** of the Subject Property and observation of adjoining properties and vicinity by a qualified person under the direct supervision of a McGinley Certified Environmental Manager;
- **Environmental setting review** to determine potential pathways for the migration of contaminants including solids and liquids at the surface or subsurface, and vapor in the subsurface;
- **Review of site history/land use** through city directory listings, historical aerial photographs, historical topographic maps, local jurisdiction records, and personal interviews/questionnaires;
- **Review of regulatory agency records** to identify and assess any listings of regulatory permits, registrations, or enforcement actions at the subject site, adjoining properties, or proximal sites (if necessary), through both a commercial database search and agency inquiries; and,
- **Preparation of this report** that describes all work performed and presents a discussion of the findings and conclusions.

## 2. SITE RECONNAISSANCE

### 2.1 Methodology

For the purpose of assessing current site conditions, a visit to the Subject Property and surrounding area was conducted on May 23, 2018, July 11, 2018, and July 16, 2018 under sunny and hot conditions. During the three site visits, observations were made in regards to *recognized environmental conditions (RECs)*. As defined by ASTM E 1527-13, a REC is the presence, or likely presence, of any hazardous substances or petroleum products in, on, or at the property due to any release to the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment. The term REC is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and which generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Photographs taken during the site reconnaissance are provided in Appendix C.

### 2.2 Observations During Reconnaissance

On May 23, 2018, the exterior portions of the parcels were observed. On July 11, 2018, the interior portions of the Lotus Chinese restaurant were observed. Lastly, on July 16, 2018, the interior portion of the office building were observed.

The entire site was walked and observed for the presence of RECs. The following is a list of some of the items of interest that were looked for during the site visit. If the item was not observed, it will be noted as “Not Observed”. If the item was observed during the site visit, it will be noted as “**Observed**” and a short description of the finding will follow.

- |   |                 |
|---|-----------------|
| <ul style="list-style-type: none"> <li>Staining or discoloration of soil and/or pavement<br/><i>De minimis staining was observed in the parking lot area. The staining appears to be the result of drips from parked vehicles.</i></li> </ul> | <b>Observed</b> |
| <ul style="list-style-type: none"> <li>Wastewater systems, septic systems, sumps, and/or seeps</li> </ul>   | Not Observed    |
| <ul style="list-style-type: none"> <li>Wells</li> </ul>   | Not Observed    |
| <ul style="list-style-type: none"> <li>Patched areas of asphalt or concrete</li> </ul>  | Not Observed    |
| <ul style="list-style-type: none"> <li>Standing surface water, ponds, farm tanks, etc.</li> </ul>   | Not Observed    |
| <ul style="list-style-type: none"> <li>Railroad spurs</li> </ul>  | Not Observed    |
| <ul style="list-style-type: none"> <li>Suspect PCB containing equipment<br/><i>A pole-mounted electrical transformer and a pad-mounted piece of electrical equipment were observed on the Subject Property.</i></li> </ul>                    | <b>Observed</b> |
| <ul style="list-style-type: none"> <li>Hydraulic equipment</li> </ul>   | Not Observed    |



• Underground storage tank (UST) systems/Vent Pipes	Not Observed
• Above ground storage tanks (ASTs), drums, or totes <i>An aboveground used cooking oil tank was observed in the trash receptacle sitting on top of the in-ground grease trap manhole.</i>	<b>Observed</b>
• Unidentified containers	Not Observed
• Sand-oil separators or grease interceptors <i>An in-ground grease trap was observed in the trash receptacle located proximal to the restaurant kitchen. Piping from the building leading to the grease trap were observed.</i>	<b>Observed</b>
• Paint booths, spray rigs, etc.	Not Observed
• Unorthodox heating and ventilation systems	Not Observed
• Emergency generators	Not Observed
• Petroleum products, chemical/waste generation and/or storage	Not Observed
• Unusual odors	Not Observed
• Dumping (including solid waste), disturbed soils, direct burial activity, or unnatural fill areas	Not Observed
• Floor drains <i>Floor drains were observed within the interior of the Lotus Chinese Restaurant (kitchen area).</i>	<b>Observed</b>
• Air quality control equipment, air emissions, or smoke stacks	Not Observed
• Industrial or manufacturing activities	Not Observed
• Stressed vegetation	Not Observed
• Oil or gas well exploration or refinery activities	Not Observed
• Surface water contamination	Not Observed
• Farm waste, feed lot spoils, or manure stockpile	Not Observed
• Prolonged use, misapplication or storage of pesticides	Not Observed
• Discharges, or run-off of potential contaminants from off-site sources	Not Observed

- Basements and/or subsurface vaults

Not Observed

## 2.3 Site Description and Current Usage

The Subject Property is comprised of approximately 0.91 acres of land and consists of a single-story restaurant with connected office building, three undeveloped parcels, and an asphalt-surfaced parking lot/travel way. The property is accessed from the west via S. Water Street and from the east via S. Texas Avenue. Utilities supplied to the Subject Property consist of electric power (NV Energy), natural gas (Southwest Gas), sewer (City of Henderson), and water (Southern Nevada Water Authority).

### 2.3.1 Structure, 215 and 219 S. Water St. (APN: 179-18-710-230)

The structure addressed at 215 S. Water St. and 219 S. Water Street is currently comprised of a Chinese restaurant named Lotus (215 S. Water St.) and an unoccupied commercial office property (219 S. Water St.).

The Chinese restaurant is approximately 3,500 square feet in size and is comprised of a dining area, bathrooms, banquet room, and kitchen. The kitchen was observed to be well kept and clean at the time of the site visit. Multiple floor drains associated with the kitchen were observed. The unoccupied commercial office is approximately 4,000 square feet in size and is comprised of a main entrance, bathrooms, and office rooms.

### 2.3.2 Exterior (APN: 179-18-710-230)

The exterior portion of APN 179-18-710-230 is comprised of an asphalt-surfaced parking area and a trash enclosure. The trash enclosure exists near the northeast corner of the restaurant and was observed to contain an aboveground used cooking oil tank. The tank was situated on top of an access manhole associated with the restaurant's underground grease trap.

### 2.3.3 Exterior (APNs: 179-18-710-223, -224, and -240)

The three parcels located beyond the public right-of-way alley to the northwest of the Chinese restaurant and office building are currently undeveloped. In general, the parcels are gravel-covered. One pad-mounted transformer was observed proximal to S. Texas Ave. Parcel -223 is associated with the address of 214 S. Texas Ave. and parcel -224 is associated with the address of 210 S. Texas Ave. Parcel -240 is unaddressed.

### 2.3.4 Exterior (APNs: 179-18-710-229)

APN 179-18-710-229 is currently used for parking and lies to the north of the Chinese restaurant. The area is connected via asphalt pavement with the public right-of-way, however, the parking lot is not connected to the restaurant property. The parcel is surfaced with asphalt and contains some landscaping near its boundaries. The address associated with this parcel is 211 S. Water St.

## 2.4 Adjoining Properties

The Subject Property is bordered by the following:

North:	Residential properties
South:	City of Henderson buildings
East:	Parking garage and bail bonds shop
West:	Residential properties

At the time of the site visit, the properties immediately surrounding the Subject Property consisted primarily of residential and commercial/vacant properties. Reconnaissance of the publicly accessible portions of the properties located immediately adjoining the Subject Property revealed no visible evidence of environmental concerns that could potentially impact the Subject Property.

## **2.5 PCB Sources**

Polychlorinated biphenyl (PCB) is a man-made chemical known to have potential harmful effects on human health and the environment. Federal law banned U.S. production of PCBs as of July 2, 1979. However, PCB-containing materials may still be present in electrical equipment manufactured prior to 1979. A pole-mounted electrical transformer was observed on the northern portion of the Subject Property on APN 179-18-710-230 and a pad-mounted transformer was observed on the northern boundary of APN 179-18-710-223. The observed transformers appeared to be in fair condition with no observed leaks. The pad-mounted transformer had a placard indicating that the manufacture date was December of 2007. Furthermore, NV Energy has indicated that they no longer use PCB-containing oils in their transformers and make every effort to remove PCB-containing transformers and replace them with environmentally safer equipment.

### **3. ENVIRONMENTAL SETTING**

#### **3.1 Regional Physiographic Setting**

The Subject Property is located within the Basin and Range Physiographic Province at an elevation of approximately 1,956 feet above mean sea level. The climate of the region is described as Mid-Latitude Steppe, which is characterized by cold winters, hot summers, and semi-arid precipitation conditions (Houghton et. al., 1975). Historical average minimum and maximum annual temperatures for the area, as recorded at the nearest climate station in Las Vegas (McCarran AP), Nevada, are 54.3 and 80.1 degrees Fahrenheit, respectively, while historical annual precipitation averages 4.15 inches (Western Regional Climate Center, 2018).

#### **3.2 Geologic Conditions**

The geology underlying the Subject Property has been mapped as Pediment and fan deposits of Henderson. The unit is described as silty, sandy pebble gravel, poorly sorted, and poorly to moderately stratified (Bell and Smith, 1980). The surficial soils found at the Subject Property have been mapped as Caliza very gravelly sandy loam, 2 to 8 percent slopes. These soils are classified as hydrologic soil group A, which is characterized by high infiltration rates with low runoff potential when thoroughly wet and water is transmitted freely through the soil (NRCS, 2018).

#### **3.3 Surface Water Conditions**

There are no surface water bodies such as streams or wetlands located on the Subject Property. The nearest major surface water body to the Subject Property is the Last Vegas Wash, which is located approximately four miles north of the Subject Property.

According to the Federal Emergency Management Agency (FEMA), the site is listed as being within Zone X and having a 0.2 percent annual chance flood hazard.

#### **3.4 Groundwater Conditions**

A review of the Nevada Division of Water Resources (NDWR) Well Log Database did not locate a well located on the Subject Property. It should be noted that historical well records are not always reliable as addresses and parcel numbers are sometimes not labeled on the well logger report.

Groundwater flow direction at the Subject Property is estimated to be generally towards the north based on topography. The depth to groundwater is estimated to be greater than 100 feet below ground surface.

## 4. SITE HISTORY AND HISTORICAL LAND USE

A historical assessment of the Subject Property was performed through a search and review of historical aerial photographs, historical topographic maps, available Sanborn fire insurance maps, available city directory records, newspaper archives, and county records. The purpose of the historical assessment was to identify previous land uses that may have impacted the Subject Property in the past. Copies of the historical resources reviewed in this assessment are provided in Appendix D through Appendix E.

### 4.1 Historical Use of the Subject Property

Historical aerial photos, topographic maps, and city directory information was provided by EDR covering the area of the Subject Property between 1950 and 2015. Based on the historical sources reviewed, it appears that the Subject Property's use was residential in nature prior to 1950. Sources prior to 1950 were not reasonably ascertainable in the time frame of this report.

#### 4.1.1 APNs 179-18-710-223, -224, -229, and -240

Approximate Dates	Type of Use	Historical Sources
1950-2006	Residential homes	Aerial Photos, Topographic Maps
2006 – 2010	Residential homes demolished and removed during this time period	Aerial Photos
2010 – Current	Undeveloped	Aerial Photos

#### 4.1.2 APN 179-18-710-230

Approximate Dates	Type of Use	Historical Sources
1950-1975	Residential homes	Aerial Photos, Topographic Maps
1975-1981	Development of the current building.	Aerial Photos, Topographic Maps
1981-Current	Current building.	Aerial Photos, County Records

### 4.2 Current and Historical Uses of Properties in the Surrounding Area

The current and historical uses of the surrounding properties were identified to the extent that information was available while researching the Subject Property. In general, the Subject Property is currently surrounded by single-family residential properties, commercial properties, and City of Henderson buildings. Historically, the uses were similar in nature. In 1950, most of the surrounding land was developed with residential homes. By the 1980s, it appears some residential housing was razed to facilitate commercial development. Larger

commercial structures to the southwest are observed as early as the 1960 photo and are most likely associated with the City of Henderson. Another larger commercial or office structure is visible directly southeast of the Subject Property in the 1971 aerial photo. This also appears to be associated with the City of Henderson. By 2006, most of the area to the west, south, and southeast appear to be of commercial nature while the properties to the north and directly east appear to remain residential in nature.

#### **4.3 Interviews**

The current owner of the property is the City of Henderson. Mr. Brian Podmenik, Real Property Manager for the City of Henderson completed a questionnaire regarding the Subject Property. According to Mr. Podmenik, and to the best of his knowledge, the site has never been used as a gas station or dry cleaner facility. In addition, Mr. Podmenik indicated a grease trap was utilized by the restaurant. Lastly, Mr. Podmenik indicated that he is not aware of any environmental spills, emergencies, or complaints associated with the Subject Property.

#### **4.4 Clark County Assessor's Office**

The Subject Property is identified as Clark County APNs 179-18-710-223, -224, -229, -230, and -240. According to the Clark County Assessor's office, the land use for APNs 179-18-710-223, -224, and -240 are all listed to be *Vacant – Mixed Zoning* while the land use for APNs 179-18-710-229 and 179-18-710-230 are listed as *General Commercial – General Services*. The structure located on APN 179-18-710-230 is listed as being constructed in 1955 and the structure located on APN 179-18-710-229 is listed as being constructed in 1996.

The current property owner for all parcels is listed as City of Henderson which has owned the property APNs 179-18-710-223, -224, -229, and -230 since 2000 and APN 179-18-710-240 since 2006. Previous property owners listed for parcel APN 179-18-710-223 include: City of Henderson (2000-Current), D Jim & Sally R Jensen and Robert W & Terrie L Sellers (1992-2000), Gloria J Pfeiffer (1989-1992), Gloria J Jones (1981-1989), and Lawrence R & Gloria J Jones (1966-1981). Previous property owners listed for parcel APN 179-18-710-224 include: City of Henderson (2000-Current), Jensen Family Trust (1991-2000), Donald Jim and Sally R Jensen (1981-1991), and Leo W & Rose G Miller (1962-1981). Previous property owners listed for parcel APN 179-18-710-229 include: City of Henderson (2000-Current), Jensen Family Trust and Donald J & Sally R Hensen Co-Trust (1993-2000), D Jim & Sally R Jensen (1993), Dolores White (1993), Earl W & Dolores White (1973-1993), Frank S & Lucille M Bulicz (1973), and Charles C Etal Brown (prior-1973). Previous property owners listed for parcel APN 179-18-710-230 include: City of Henderson (2000-Current), Jensen Family Trust (1991-2000), Donald Jim and Sally R Jensen (1978-1991). Previous property owners listed for parcel APN 179-18-710-240 include: City of Henderson (2006-Current).

## 5. RECORDS REVIEW

As defined in ASTM E 1527-13, a *historical recognized environmental condition* is a past release of any hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (to current regulatory standards) or meets unrestricted residential use criteria established by a regulatory authority, without subjecting the property to institutional controls or engineering controls. A HREC will not be considered a REC per ASTM E 1527-13. To the contrary, a *controlled recognized environmental condition* is a REC that has been addressed to the satisfaction of the applicable regulatory authority with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (i.e., property use restrictions, activity use limitations, institutional/engineering controls, etc.).

A regulatory agency review was conducted through both a commercial database search and local agency inquiries. The purpose of this regulatory agency review was to ascertain if regulatory actions have ever been imposed on the Subject Property, adjoining properties, or on properties within the search radius guidelines established by the 2013 ASTM Standard Practice for Environmental Site Assessments.

### 5.1 EDR Radius Map Report

At the request of McGinley, EDR provided records from federal, state, and local environmental databases for regulatory sites located within the *Approximate Minimum Search Distances* as specified in ASTM E 1527-13. A copy of the EDR report is included herein as Appendix F. Included within the report are summaries of the regulatory databases reviewed, a listing of sites identified within the search radius, detailed data on the identified sites, and maps showing the locations of facilities reported to have had regulatory action. McGinley reviewed and evaluated all of the sites in the EDR report.

According to the databases searched by EDR, no regulatory sites associated with the Subject Property were identified in the EDR report. In addition, the following regulatory listings were identified within the *Approximate Minimum Search Distances* in the databases searched by EDR: one Superfund Enterprise Management System (SEMS) site, one Federal Resource Conservation and Recovery Act (RCRA) Corrective Action (CORRACTS) site, 16 Nevada State Hazardous Waste (SHWS) sites, two NV leaking underground storage tank (LUST) site, three Nevada underground storage tank (UST) site, one Nevada solid waste recycling (SWRCY) facility, one RCRA Non-Generator No-Longer-Regulated (NonGen/NLR) site.

Of the 26 sites identified in the EDR Radius Map Report, only one was researched further. The review of files associated with that site is provided in Section 5.2. The other sites were not researched further because they are considered unlikely to have caused environmental impacts to the Subject Property in the past, because they appear to be located far from the Subject Property, are at locations that are considered likely to be hydrologically downgradient from, or cross-gradient to, the Subject Property, have had no reported releases, have had no reported violations of hazardous waste regulations, and/or have received regulatory closure.

The EDR database search also identified a number of sites that could not be mapped due to insufficient address information. McGinley reviewed all of these sites and has determined that each are located far from the Subject Property, are at locations that are considered likely to be hydrologically downgradient from, or cross-gradient to, the Subject Property, have had no reported releases, have had no reported violations of hazardous waste regulations, and/or have received regulatory closure. For this reason, the unmapped sites are considered unlikely to

cause, or to have caused in the past, environmental impact to the Subject Property.

## **5.2 Nevada Division of Environmental Protection (NDEP)**

### **5.2.1 City of Henderson Police Department - 243 Water St.**

The City of Henderson Police Dept. located on 243 Water St. is identified as Facility ID # 8-000316. According to state records, a 2,000 gallon gasoline UST was removed in 1991. Confirmation samples reported no concentrations above reporting limits, and a no further action (NFA) determination was issued on September 12, 1991.

## **5.3 Southern Nevada Health District**

On May 18th, 2018, an inquiry regarding inspections, complaints, spills or other potential environmental issues in connection with the Subject Property and/or its adjoining properties was submitted via electronic mail to Jennifer Luther with the Southern Nevada Health District. On May 25<sup>th</sup>, 2018, Mrs. Luther replied by email indicating that her office does not have any files pertaining to the Subject Property.

## **5.4 City of Henderson Pretreatment (Utility Services)**

On July 26, 2018, the City of Henderson Utility Services Pretreatment Program was contacted regarding the grease trap used by the restaurant facility. According to Mr. Tom Oles of the Pretreatment Program, there have been no violations associated with the grease trap and the last inspection of the equipment by the City of Henderson occurred in 2010. Mr. Oles also stated that according to their records, the grease trap is 500 gallons in size.

## **5.5 EDR Vapor Encroachment Screen**

McGinley conducted a Vapor Encroachment Screen (VES) investigation in accordance with the 2015 ASTM Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions (ASTM E 2600-15). The VES investigation used available information and professional judgment to derive our conclusions. The goal of the VES is to identify the potential for vapors from hazardous substances and petroleum releases to reach the Subject Property. ASTM E2600-15 defines the term, vapor encroachment condition (VEC) as the presence or likely presence of chemical of concern (COC) vapors in the vadose zone of the Subject Property caused by the release of vapors from contaminated soil and/or groundwater either on or near the Subject Property as identified by Tier 1 or Tier 2 procedures. McGinley performed a VES for the area encompassing the Subject Property by reviewing each of the regulatory sites that were provided by EDR within a 1/3-mile primary search radius from the boundary of the Subject Property.

### **5.5.1 Tier 1 Screening**

Initially, seven sites were identified by EDR within the 1/3-mile primary search radius surrounding the Subject Property. Of these initial seven sites, six were immediately excluded because they were determined to be outside the area of concern for vapor migration based on distance and estimated hydrologic gradient and/or were not identified as a *standard environmental record per* ASTM. McGinley reviewed the remaining site to evaluate its potential to create a vapor encroachment condition. The remaining site was determined to have limited potential for the presence of contaminants of concern (COC). Therefore, a VEC does not exist. A copy of the VES report is included herein as Appendix G.



## 6. FINDINGS

### 6.1 General Findings

- The Subject Property is identified as Clark County Assessor Parcel Numbers 179-18-710-223 (214 S. Texas Ave.), 179-18-710-224 (210 S. Texas Ave.), 179-18-710-229 (211 S. Water St.), 179-18-710-230 (215 and 219 S. Water St.), and 179-18-710-240 (unaddressed). Combined, the parcels encompass approximately 0.91 acres of land.
- The Subject Property is comprised of a single-story restaurant with connected office building, three undeveloped parcels, and an asphalt-surfaced parking lot/travel way.
- The onsite building is currently occupied by the Lotus Chinese Restaurant. The office portion of the building is currently unoccupied.
- One pole-mounted transformer exists near the restaurant building.
- One pad-mounted transformer exists on the eastern border of the property near S. Texas Ave.
- A 500-gallon below ground grease trap is used by the Lotus Chinese Restaurant to pre-treat their kitchen wastewater. According to City of Henderson Pretreatment, the grease trap has not had any known violations.
- An aboveground used fryer oil container is currently stored in the trash receptacle area and on top of the grease trap manhole.
- No regulatory sites associated with the Subject Property were identified in the EDR report.
- The following regulatory listings were identified within the Approximate Minimum Search Distances in the databases searched by EDR: one Superfund Enterprise Management System (SEMS) site, one Federal Resource Conservation and Recovery Act (RCRA) Corrective Action (CORRACTS) site, 16 Nevada State Hazardous Waste (SHWS) sites, two NV leaking underground storage tank (LUST) site, three Nevada underground storage tank (UST) site, one Nevada solid waste recycling (SWRCY) facility, one RCRA Non-Generator No-Longer-Regulated (NonGen/NLR) site.
- None of the identified regulatory sites appear to be of environmental concern to the Subject Property at this time.

### 6.2 Historical Recognized Environmental Conditions

*No historical recognized environmental conditions* were found for the Subject Property.

### 6.3 Controlled Recognized Environmental Conditions

*No controlled recognized environmental conditions* were found for the Subject Property.

### 6.4 Recognized Environmental Conditions

*No recognized environmental conditions* were found for the Subject Property.

### 6.5 Conclusions

McGinley has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of the property identified as City of Henderson Site D (APNs 179-18-710-223, -224, -229, -230, and -240) in Henderson, Nevada, the property. Any exceptions to, or deletions from, this practice are described in Section 7 of this report.

Upon conclusion of our Phase I ESA, and based on the information reviewed, this assessment has revealed no evidence of recognized environmental conditions or controlled recognized environmental conditions in connection with the Subject Property.

Based on the information reviewed for this assessment, McGinley is of the opinion that no additional investigations at the Subject Property are warranted at this time.

## **7. LIMITATIONS**

### **7.1 General**

The conclusions and recommendations presented above are based upon the agreed scope of work outlined in the above report. McGinley and Associates, Inc. makes no warranties or guarantees as to the accuracy or completeness of information obtained from others. It is possible that information exists beyond the scope of this investigation. Additional information, which is not available to McGinley and Associates, Inc. at the time of writing the report, may result in a modification of the conclusions and recommendations presented. The services performed by McGinley and Associates, Inc. have been conducted in a manner consistent with the level of care ordinarily exercised by members of our profession currently practicing under similar conditions. This report is not a legal opinion, but may under certain circumstances be prepared at the direction of counsel, may be in anticipation of litigation, and may be classified as an attorney-client communication or as an attorney work product.

This report has been prepared for the sole use of the addressee(s) of this report, and cannot be released without consent from McGinley & Associates Inc. If a third party relies on the information provided in this report, McGinley and Associates, Inc. accepts no responsibility for damages suffered by the third party as a result of reliance of information contained in this report, and that nothing contained in this report shall create a contractual relationship or cause the third party to bring suit against McGinley & Associates, Inc.

### **7.2 Data Gaps**

The following data gaps were encountered during the course of this Phase I ESA:

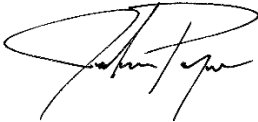
- Historical aerial photographs were not available prior to 1950. However, based on information obtained from EDR and Clark County records, this data gap is not considered significant since it is likely all information obtained would be duplicative of information obtained from other sources.
- Historical information found for the Subject Property may have exceeded five-year intervals. This data gap is not considered significant as specific use of the property and adjoining properties appears unchanged during the period of time that exceeded five years.
- Past owners were not available within reasonable time and/or cost constraints for interview for this report. However, based on information obtained from EDR and Clark County records, this data gap is not considered significant since it is likely all information obtained would be duplicative of information obtained from other sources.

## 8. SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

We certify that, to the best of our knowledge and belief, this Phase I ESA has been prepared and reviewed under the guidance of McGinley staff meeting the definition of Environmental Professionals (EP), as defined in 40 CFR§312.10(b). McGinley EPs have specific qualifications based on education, training, and experience to assess a property of this nature, history, and setting. McGinley has developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. Resumes of the environmental professionals utilized in performance of this Phase I ESA are attached in Appendix H.

Respectfully Submitted:

**McGinley and Associates, Inc.**



JT Payne  
Staff Geologist

**Reviewed by:**

*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.*



Brett Bottenberg, P.E., C.E.M. #1690, Exp. 10/07/2019  
Project Manager

## 9. REFERENCES

ASTM, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM E 1527-13.

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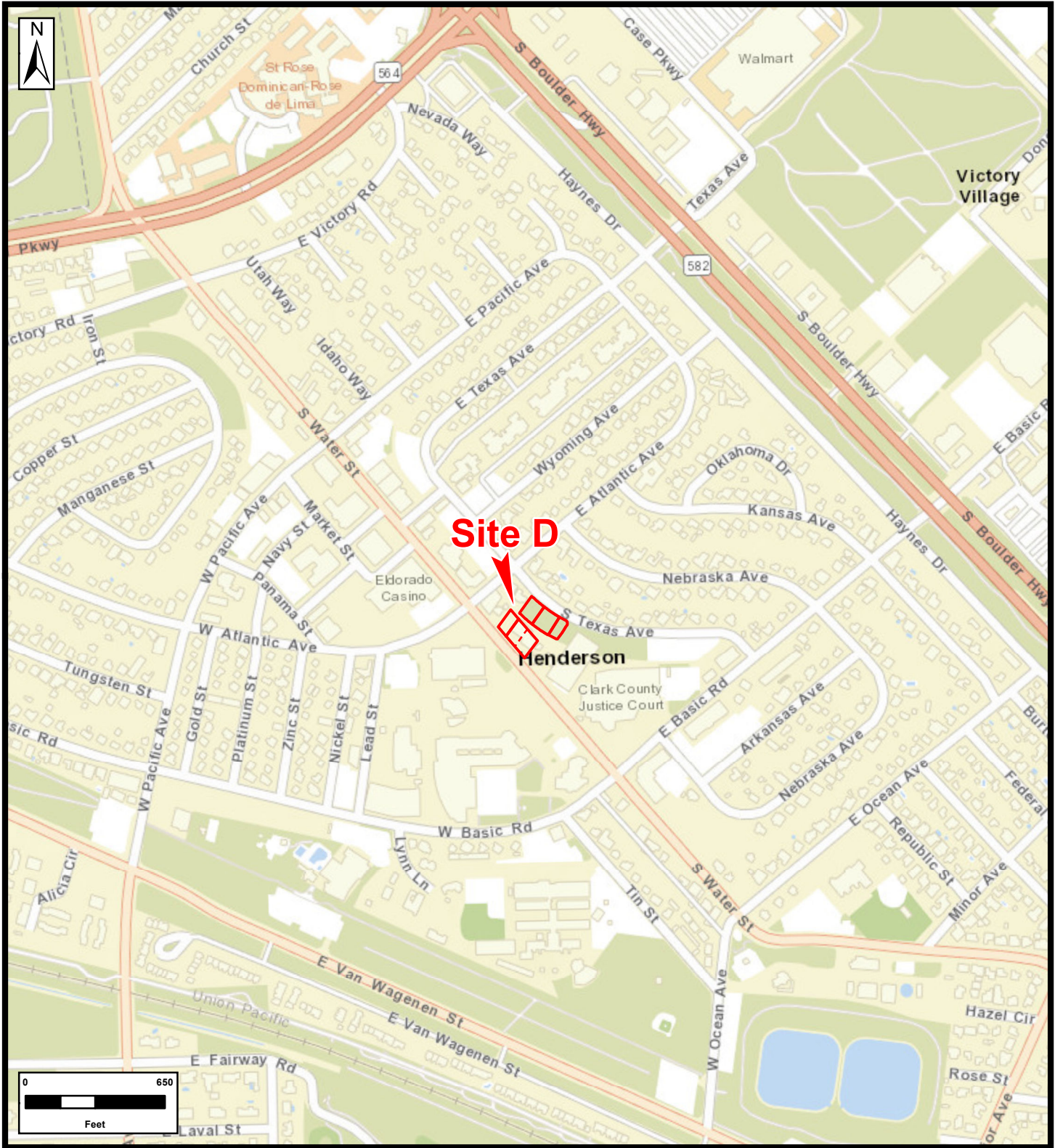
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## FIGURE 1

TITLE:  
**PROJECT LOCATION MAP  
 -SHOWING-  
 CITY OF HENDERSON -SITE D  
 211, 219 S. WATER ST,  
 210 AND 214 S TEXAS AVE.  
 HENDERSON, NV**

JOB NO.:  
**BRN050**

DATE:  
**5/30/2018**



FILE:  
**Fig 1 - Project Location Map**

COORDINATE SYSTEM:  
**NAD 1983 UTM Zone 11N**

REF.	DESIGNED	BB	CHECKED	BB	REVISION:
	DRAWN	HC	APPROVED	BB	





## FIGURE 2

TITLE:

**SITE MAP  
-SHOWING-  
CITY OF HENDERSON -SITE D  
211, 219 S. WATER ST,  
210 AND 214 S TEXAS AVE.  
HENDERSON, NV**

JOB NO.:  
**BRN050**

DATE:  
**5/30/2018**



FILE:  
**Fig 2 - Site Map**

COORDINATE SYSTEM:  
**NAD 1983 UTM Zone 11N**

REF.	DESIGNED	BB	CHECKED	BB	REVISION:
	DRAWN	HC	APPROVED	BB	