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June 6, 2017
MGA Project #SYD002

Washoe County Planning Commission
1001 East Ninth Street
Reno, Nevada

**HAND DELIVERED
TO PUBLIC MEETING**

**RE: SOIL SAMPLING AND ANALYTICAL TESTING REPORTING, ASCENTÉ
RESIDENTIAL DEVELOPMENT, RENO, NEVADA**

My name is Joe McGinley and I am the President, CEO, Founder, and majority owner of McGinley and Associates, Inc. (MGA). I am a respected expert in the field of environmental assessment and remediation and have been practicing in Nevada and the western United States over the past 30 years. I have reviewed the comments prepared by Mr. John Beach regarding our October 3, 2016 report entitled *Soil Sampling and Analytical Testing Summary Report*, which was prepared under my direct supervision. Mr. Beach's comments were provided in his December 30, 2016 and May 10, 2017 letters to the Washoe County Planning Commission. Our qualifications and rebuttal comments are provided herein.

MGA is an environmental engineering and science firm that has been in operation since 2001. MGA was founded in Reno, NV and currently holds offices in Reno and Las Vegas and employs approximately 25 engineers, geologists, hydrogeologists, environmental scientists, environmental field technicians and support staff. Certifications and licenses held by our staff include Professional Civil and Environmental Engineering Licensure across several states, Professional Geologists Licensure across several states, and Nevada Certified Environmental Manager (C.E.M.) Certifications. I personally hold a Bachelor's Degree in Geological Engineering from the University of Nevada, Reno and a Master's Degree in Civil Engineering from the University of Colorado, Boulder. I am also registered as a Professional Engineer in Nevada, a Professional Geologist in California, and a Certified Environmental Manager in Nevada. Mr. Anthony Dimpel who was the Project Manager for this study holds a Bachelor's in Civil Engineering and Master's Degree in Civil and Environmental Engineering from the University of Nevada, Reno, is a registered Professional Environmental Engineer in Nevada, and is a Nevada Certified Environmental Manager.

I have personally been involved with the vast majority of major environmental assessment and remediation projects in Northern Nevada for over 30 years. Prior to founding MGA in 2001, I was a principal engineer at SRK consultants in Reno, NV where I was the head of the environmental department. My company and I are considered experts in the practice of environmental assessments and remediation by both the Washoe County Health District and the Nevada Department of Environmental Protection. This is demonstrated by the fact that MGA currently holds three (of six total) state contracts with the NDEP Bureau of Corrective Actions¹ and over the course of our history have at one time held nearly every major contract associated with environmental assessments and remediation in the State of Nevada.

MGA was contracted by Symbio Development, LLC (Symbio) to conduct a screening level analysis for the presence of lead in the soils within the proposed development. Symbio elected to perform this

¹ Nevada State Brownfield Contract; Environmental Mitigation, Assessment, and Remediation (EMAR) Contract; Three Kids Mine Contract

analysis of their own volition in response to concerns from the surrounding community that lead contamination may exist as a result of historic mining operations. Symbio was not required to complete this analysis by any regulatory authority, nor was there any evidence, other than conjecture that any lead contamination existed. The purpose of the study was to collect screening level data to assess whether or not a more rigorous sampling program was warranted based on the confirmed presence of lead in soils at concentrations exceeding Environmental Protection Agency (EPA) standards. As indicated in our report, the EPA screening level² for lead in soils for residential properties is 400 milligrams per kilogram (mg/kg), which is also the current Nevada Division of Environmental Protection's (NDEP) reportable concentration³. The concentration of 80 mg/kg referenced by Mr. Beach is not published in any NDEP or EPA documents that we could locate. The personal communication with an EPA toxicologist referenced by Mr. Beach's letter is not considered a relevant source of information when the concentration in published and current EPA documentation is 400 mg/kg.

Mr. Beach's opinion that our sampling design was not appropriate to achieve the desired goal is unfounded. The goal of our study was to collect screening level data to assess if lead at regulatory significant concentrations, the industry standard for public safety limits, was present in the surface soils⁴, which our study adequately accomplished for the sample area. The sampling design methodology referenced by Mr. Beach is typically for sites with known contamination at regulatory significant concentrations and/or verified sources of contamination. The highest lead concentration reported in any of the samples we collected was 18.4 mg/kg, which is less than 5% of the published NDEP reportable concentration and the EPA residential screening level.

Mr. Beach also purports that the use of composite sampling diminishes the usefulness of our data set. Although he is correct in that compositing results in an average concentration for an area, this sample methodology is an accepted practice, which my firm and I have utilized on numerous projects in Nevada, including projects regulated by the NDEP that involve residential land use. Furthermore, it is mathematically impossible that any of our 440 sub-samples (called increment samples in Mr. Beach's letter) was equal to the concentration of concern (i.e. 400 mg/kg) given that the highest reported composite sample result was 18.4 mg/kg. These facts render Mr. Beach's comments on our sampling design and data analysis baseless, as to date the only data that exists indicates that lead concentrations in the surface soils are far below the concentration of concern (i.e 400 mg/kg) and that the expenditure of further effort and resources on this issue is not warranted. Upon review of our report by the NDEP and the Washoe County Health District, they jointly indicated no special conditions related to the alleged lead contamination would be required for the proposed development (see email correspondence in Attachment 1).

As a point of clarification, the sample extraction method utilized by the laboratory for the collected soil samples was EPA method 3051A, which is an appropriate method and is considered equivalent to the sample extraction method referenced my Mr. Beach (i.e. EPA Method 3050B).

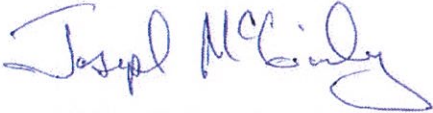
² EPA published health based screening level considered safe for residential use

³ This is the concentration at which the reporting of lead in soils to the NDEP is required. At lead concentrations below this value (naturally occurring and anthropogenic contamination) no reporting to the NDEP is required and therefore the NDEP takes no action.

⁴Study was limited to surface soils as only expected form of potential contaminant deposition is aeolian transport

In closing, many of Mr. Beach's comments have merit in regards to sites with known contamination at levels of concern; however, the data collected by us to date indicates that lead concentrations in the soils at the subject property are not at levels anywhere near the current EPA screening levels or NDEP reportable concentrations. Therefore, the sampling design and data analysis discussed by Mr. Beach in his letter is not required or warranted based on available information.

Respectfully submitted,
McGinley and Associates, Inc.

A handwritten signature in blue ink that reads "Joseph McGinley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Joseph McGinley, P.E., P.G., C.E.M.
Project Manager

ATTACHMENT 1

Washoe County E-Mail Correspondence

From: [Mullin, Kelly](#)
To: [Michael Barnes](#); [Paul Tanguay](#)
Cc: [Angela Fuss](#); [Lloyd, Trevor](#)
Subject: Response from Health District on lead
Date: Sunday, October 9, 2016 3:03:14 PM

Michael, Paul and Angela,

Thank you for sending over the Ascente property's lead report last week. The Washoe County Health District (WCHD) reviewed the report in conjunction with NDEP. Their response was as follows: "At this time, WCHD and NDEP will not require any special conditions related to lead contamination or clean-up based on these results. It may make sense for the developer to take deeper soil samples and have them tested for lead if there will be large cuts or excavations of soil in areas where past mining took place." Overall comments and conditions from the Health District will be provided to you for the agency review meeting next week.

Regards,

Kelly Mullin
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