

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

September 8, 2011

Irwin Kishner
Herman Kishner Trust
294 Convention Center Drive
Las Vegas, NV 89109

Maryland Square Shopping Center, LLC
c/o Tim Swickard
Dongell Lawrence Finney LLP
770 L St., Suite 950
Sacramento, CA 95814

Subject: **Addendum to Corrective Action Plan for Groundwater**
Facility: Al Phillips the Cleaner (former)
3661 S. Maryland Parkway
Las Vegas, NV
NDEP Facility ID: H-000086

Dear Mr. Kishner and Mr. Swickard:

The Nevada Division of Environmental Protection (NDEP) has received and reviewed the Addendum to the Corrective Action Plan (CAP) for Groundwater, prepared by Tetra Tech on behalf of the Herman Kishner Trust (Trust) and Maryland Square Shopping Center, LLC. (MSSC). The Addendum was received electronically on the due date, **August 25, 2011**, and in hard copy on **August 31, 2011**.

Overview of Addendum

The addendum was required by the NDEP (see **August 10, 2011** letter) to address the need for detailed vertical delineation of the lithology and PCE concentrations in groundwater in the proposed treatment areas. Specifically, the NDEP requested continuous core borings from two boreholes west of the mall and three boreholes east of the mall to provide detailed lithologic information, along with use of technology that enables groundwater sampling at precise depths.

The Addendum specifies the following:

- Collection of continuous core borings (two west and three east of the Boulevard Mall)
- Collection of “up to 3 soil samples” from the borings near MW-13 and MW-19, with at least one sample from the unsaturated zone and two samples from the saturated zone in each boring
- Use of SonicPoint discrete-depth water-sampling system, which will be used to collect “up to 10” discrete groundwater samples; first at the water table, then at 5 foot intervals thereafter.



Maryland Square Shopping Center, LLC
Mr. Irwin Kishner
Mr. Tim Swickard
H-000086
September 8, 2011
Page 2 of 3

The Addendum also states that FloVision and resistivity surveys will not be conducted and that a pumping test will not be conducted on the west side of the Mall between wells MW-6 and MW-14. (In a phone call, the Tetra Tech CEM clarified that pumping tests would still be conducted in the proposed treatment area on the east side of the Boulevard Mall.)

NDEP General Comments

The NDEP requests the following:

1. Collect digital photographs of the cores as they are logged, with appropriate labels to identify each section of core.
2. Sample groundwater from the most-permeable zones, with a minimum of one sample every five feet from each boring. In the event the interval sampled is determined to be clay, as indicated by an unsuccessful groundwater sampling attempt, advance the boring several feet and make another sampling attempt. In this manner, groundwater samples will be collected from approximately 5-foot intervals in the more permeable lithologies.
3. Consider conducting a resistivity survey in the boreholes and correlating the responses with the logged core to provide a "lithology baseline" for possible future resistivity surveys in borings where no core is collected.

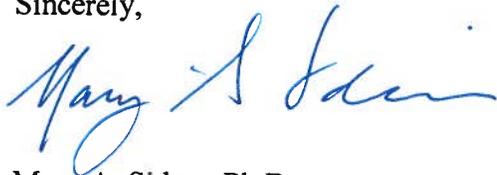
NDEP Requirements

Provided that NDEP Comments 1 and 2 above are incorporated into the revised Addendum, the NDEP **concurs** with the **CAP for Groundwater**, as modified by the changes proposed in the revised Addendum. Please provide a revised schedule of activities for the CAP no later than **October 10, 2011**.

Please keep in mind that the Corrective Action Report for Groundwater (to be prepared following field studies and pilot tests conducted as described in the CAP for Groundwater) should provide and discuss the data collected during laboratory and field pilot testing, along with the results of the human health risk assessment. The information collected during the laboratory and field pilot tests should be used to evaluate and recommend the alternative that appears to provide the most effective and appropriate technology for cleanup of PCE-contaminated groundwater at the Site.

If you have any questions or require additional information regarding this letter, contact me by telephone at (775) 687-9496 or e-mail at msiders@ndep.nv.gov.

Sincerely,



Mary A. Siders, Ph.D.
Bureau of Corrective Actions
Fax (775) 687-8335

Maryland Square Shopping Center, LLC
Mr. Irwin Kishner
Mr. Tim Swickard
H-000086
September 8, 2011
Page 3 of 3

cc: Greg Lovato, Supervisor, Bureau of Corrective Actions, NDEP, Carson City, NV
Todd Croft, Supervisor, BCA, NDEP, Las Vegas, NV
Carolyn Tanner, State of Nevada, Office of the Attorney General, 100 N. Carson Street, Carson City, NV
Jasmine Mehta, State of Nevada, Office of the Attorney General, 100 N. Carson Street, Carson City, NV
Ebrahim Juma, Assistant Planning Manager ejuma@cleanwaterteam.com
Joseph R. Leedy, Principal Planner jleedy@cleanwaterteam.com
Kathryn L. Hoffmann, Planner khoffmann@cleanwaterteam.com
Dennis Campbell, Southern Nevada Health District campbell@snhdmail.org
Tim Swickard, Dongell Lawrence Finney LLP tswickard@dlflawyers.com
Paul G. Roberts, Vice President and General Counsel, The Interface Group proberts@tigmass.com
Tamara Pelham, Tetra Tech EMI, 639 Isbell Road, Reno, NV 89509 tamara.pelham@tetrattech.com
Peter Krasnoff, P.E., WEST, Inc., 711 Grand Avenue, Suite 220, San Rafael, CA 94901
peterk@westenvironmental.com
Lynne S. Stella, Manager of Environmental Services, General Growth Properties, Inc., 110 N. Wacker Drive,
Chicago, IL 60606 lynne.stella@ggp.com
Scott Telford, Clark County Development Services, Department, 4701 W. Russell Rd, Las Vegas, NV 89118
telfords@ClarkCountyNV.gov
Ric Jimenez, General Manager, The Boulevard Mall, 3528 S. Maryland Parkway, Las Vegas, NV 89169
ric.jimenez@ggp.com
Michael Houghtaling, P.E., Senior Engineer, Clark County Department of Development Services, 4701 Russell Rd,
Las Vegas, NV 89118 mhoughta@co.clark.nv.us
Jack Stoberski, General Manager, Las Vegas National Golf Course jstoberski@lasvegasnational.com

cc: Joe Blagg, Project Manager, Diversified Real Estate Group, 4255 Dean Martin Rd, Ste J, Las Vegas, NV 89103
John Griffin, Kaempfer Crowell, 510 W Fourth St., Carson City NV 89703.
John Knott, CBRE, 3993 Howard Hughes Parkway, Suite 700, Las Vegas, NV 89169
Jan Greben, 1332 Anacapa, Suite 110, Santa Barbara, CA 93101
Alexander Robertson, 880 Hampshire Road, Suite B, Westlake Village, CA 91361
Tamara Williams, Clark County Community Liaison, 3900 Cambridge Suite #111, Las Vegas, NV 89119
Jan Villaire, Coordinator, Environmental Compliance, Safety & Environmental Services, 1700 Galleria Drive, Bldg
C, Henderson, NV 89014
Jeffrey T. Oberman, Levin & Oberman, 361 N. Canon Dr., Beverly Hills, CA. 90210
Glenn D. Phillips, The Travelers Companies, Inc., SLCU-Suite 160, 4650 Westway Park Blvd., Houston Texas
77041