

# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION  
BUREAU OF CORRECTIVE ACTIONS

P: 775.687.9368 F: 775.687.8335

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

June 19, 2007

Mr. Kevin M. Lyng  
CEO  
DCI Management Group, Ltd.  
6970 W. 152<sup>nd</sup> Terrace  
Overland Park, KS 66223

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7005 0390 0002 0502 3778**

Subject: Notice of NDEP Intent to Use Contingency Account for Hazardous Materials to Address Area Affected by Spill or Accident and Require Performance of Additional Site Assessment and Corrective Action

Facility: 3661 S. Maryland Parkway, Las Vegas, NV  
NDEP Facility #H-00086

Dear Mr. Lyng:

This letter provides notice to DCI Management Group, Ltd. ("DCI") and Al Phillips the Cleaner Inc. ("APTC"), as current or former property owners or operators of the former Al Phillips the Cleaner drycleaning facility previously located at 3661 S. Maryland Parkway in Las Vegas, NV ("facility"), that the Nevada Division of Environmental Protection ("NDEP") considers DCI and APTC potentially responsible for perchloroethylene ("PCE") soil and groundwater contamination caused by releases from the facility. Based on environmental data collected at and in the vicinity of the facility, the NDEP has determined additional site assessment and corrective action is needed to address potential human exposure to contamination caused by releases from the facility.

The NDEP is currently finalizing plans to address a portion of the site assessment work needed to determine whether PCE groundwater contamination underlying the neighborhood between the Boulevard Mall and Las Vegas National Golf Course poses a potential human exposure. The NDEP plans to take action utilizing state funds to perform this work. This letter also informs you that the NDEP will seek cost recovery from DCI and APTC if it is determined that DCI and APTC are responsible parties for the contaminant release(s) from the property.

Concurrently, the NDEP plans to direct each former owner or operator to take the following actions under NDEP direction and oversight to address the contamination resulting from releases at the facility, as provided by Nevada Administrative Code 445A.227 and 445A.22725:

- 1) Evaluate options, design, construct, operate and maintain a remedy to reduce concentrations of PCE in groundwater at the east end of the Boulevard Mall;
- 2) Conduct additional site characterization to characterize the lateral extent of PCE in groundwater to the east of Spencer Street; and
- 3) Continue conducting quarterly groundwater monitoring and reporting consistent with the NDEP's March 2, 2007 letter.

The NDEP and Attorney General's office are available to meet with you to discuss this matter.



Mr. Kevin M. Lyng  
DCI Management Group, Ltd.  
June 19, 2007  
Page 2 of 2

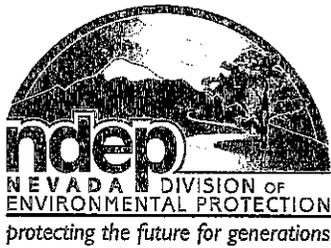
Please contact me at (775) 687-9373 or [glovato@ndep.nv.gov](mailto:glovato@ndep.nv.gov) if you have any questions regarding this letter or wish to arrange a meeting individually or jointly with other parties receiving this letter to discuss these matters with the NDEP and Attorney General's office.

Sincerely



Greg Lovato, P.E.  
Supervisor, Remediation and Certification Branch

cc: Leo Drozdoff, Administrator, NDEP  
Jim Najima, Chief, Bureau of Corrective Actions, NDEP  
Mary Siders, Bureau of Corrective Actions, NDEP  
William J. Frey, Senior Deputy Attorney General, State of Nevada, 100 N. Carson St., Carson City, NV 89701  
Glenn Savage, Southern Nevada Health District, Ravenholt Public Health Center, 625 Shadow Lane, Las Vegas, NV 89127  
William J. Goines, Greenberg Traurig, LLP, 1900 University Avenue, 5<sup>th</sup> Floor, East Palo Alto, CA 94303  
Franklin H. Levy, Maryland Square LLC, 3355 S. Las Vegas Boulevard, Las Vegas, NV 89109  
Herman Kishner Trust c/o Mr Irwin Kishner, 294 Convention Center Drive, Las Vegas, NV 89109  
Sonja A. Inglin, Baker & Hostetler, LLP, 12100 Wilshire Boulevard, 15<sup>th</sup> Floor, Los Angeles, CA 90025  
Mr. Jeffrey Waddel, President, National Drycleaners, Inc., 3850 Gravois Road, St. Louis City, MO 63126



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Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

June 19, 2007

Mr. Irwin Kushner  
Herman Kushner Trust  
294 Convention Center Drive  
Las Vegas, NV 89109

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7005 0390 0002 0502 3785**

Subject: Notice of NDEP Intent to Use Contingency Account for Hazardous Materials to Address Area Affected by Spill or Accident and Require Performance of Additional Site Assessment and Corrective Action

Facility: 3661 S. Maryland Parkway, Las Vegas, NV  
NDEP Facility #H-00086

Dear Mr. Kushner:

This letter provides notice to the Herman Kushner Trust ("Kishner Trust"), as a current or former property owner or operator of the former Al Phillips the Cleaner drycleaning facility previously located at 3661 S. Maryland Parkway in Las Vegas, NV ("facility"), that the Nevada Division of Environmental Protection ("NDEP") considers the Kishner Trust potentially responsible for perchloroethylene ("PCE") soil and groundwater contamination caused by releases from the facility. Based on environmental data collected at and in the vicinity of the facility, the NDEP has determined additional site assessment and corrective action is needed to address potential human exposure to contamination caused by releases from the facility.

The NDEP is currently finalizing plans to address a portion of the site assessment work needed to determine whether PCE groundwater contamination underlying the neighborhood between the Boulevard Mall and Las Vegas National Golf Course poses a potential human exposure. The NDEP plans to take action utilizing state funds to perform this work. This letter also informs you that the NDEP will seek cost recovery from the Kishner Trust if it is determined that the Kishner Trust is a responsible party for the contaminant release(s) from the property.

Concurrently, the NDEP plans to direct each former owner or operator to take the following actions under NDEP direction and oversight to address the contamination resulting from releases at the facility, as provided by Nevada Administrative Code 445A.227 and 445A.22725:

- 1) Evaluate options, design, construct, operate and maintain a remedy to reduce concentrations of PCE in groundwater at the east end of the Boulevard Mall;
- 2) Conduct additional site characterization to characterize the lateral extent of PCE in groundwater to the east of Spencer Street; and
- 3) Continue conducting quarterly groundwater monitoring and reporting consistent with the NDEP's March 2, 2007 letter.

The NDEP and Attorney General's office are available to meet with you to discuss this matter.



Mr. Irwin Kishner  
The Herman Kishner Trust  
June 19, 2007  
Page 2 of 2

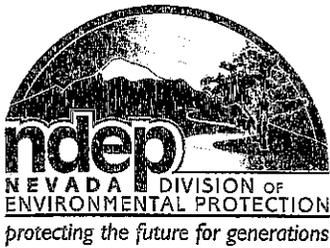
Please contact me at (775) 687-9373 or [glovato@ndep.nv.gov](mailto:glovato@ndep.nv.gov) if you have any questions regarding this letter or wish to arrange a meeting individually or jointly with other parties receiving this letter to discuss these matters with the NDEP and Attorney General's office.

Sincerely,



Greg Lovato, P.E.  
Supervisor, Remediation and Certification Branch

cc: Leo Drozdoff, Administrator, NDEP  
Jim Najima, Chief, Bureau of Corrective Actions, NDEP  
Mary Siders, Bureau of Corrective Actions, NDEP  
William J. Frey, Senior Deputy Attorney General, State of Nevada, 100 N. Carson St., Carson City, NV 89701  
Glenn Savage, Southern Nevada Health District, Ravenholt Public Health Center, 625 Shadow Lane, Las Vegas, NV 89127  
William J. Goines, Greenberg Traurig, LLP, 1900 University Avenue, 5<sup>th</sup> Floor, East Palo Alto, CA 94303  
Franklin H. Levy, Maryland Square LLC, 3355 S. Las Vegas Boulevard, Las Vegas, NV 89109  
Kevin M. Lyng, DCI Management Group, Ltd., 6970 W 152nd Terrace, Overland Park, KS 66223  
Jeffrey Waddel, President, National Drycleaners, Inc., 3850 Gravois Rd., St. Louis City, MO 63126  
Sonja A. Inglin, Baker & Hostetler, LLP, 12100 Wilshire Boulevard, 15<sup>th</sup> Floor, Los Angeles, CA 90025



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June 19, 2007

Mr. Franklin H. Levy  
Maryland Square, LLC  
3355 S. Las Vegas Blvd.  
Las Vegas, NV 89109

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7005 0390 0002 0502 3808**

Subject: Notice of NDEP Intent to Use Contingency Account for Hazardous Materials to Address Area Affected by Spill or Accident and Require Performance of Additional Site Assessment and Corrective Action

Facility: 3661 S. Maryland Parkway, Las Vegas, NV  
NDEP Facility #H-00086

Dear Mr. Levy:

This letter provides notice to Maryland Square LLC, as a current or former property owner or operator of the former Al Phillips the Cleaner drycleaning facility previously located at 3661 S. Maryland Parkway in Las Vegas, NV ("facility"), that the Nevada Division of Environmental Protection ("NDEP") considers Maryland Square LLC potentially responsible for perchloroethylene ("PCE") soil and groundwater contamination caused by releases from the facility. Based on environmental data collected at and in the vicinity of the facility, the NDEP has determined additional site assessment and corrective action is needed to address potential human exposure to contamination caused by releases from the facility.

The NDEP is currently finalizing plans to address a portion of the site assessment work needed to determine whether PCE groundwater contamination underlying the neighborhood between the Boulevard Mall and Las Vegas National Golf Course poses a potential human exposure. The NDEP plans to take action utilizing state funds to perform this work. This letter also informs you that the NDEP will seek cost recovery from Maryland Square LLC if it is determined that Maryland Square LLC is a responsible party for the contaminant release(s) from the property.

Concurrently, the NDEP plans to direct each former owner or operator to take the following actions under NDEP direction and oversight to address the contamination resulting from releases at the facility, as provided by Nevada Administrative Code 445A.227 and 445A.22725:

- 1) Evaluate options, design, construct, operate and maintain a remedy to reduce concentrations of PCE in groundwater at the east end of the Boulevard Mall;
- 2) Conduct additional site characterization to characterize the lateral extent of PCE in groundwater to the east of Spencer Street; and
- 3) Continue conducting quarterly groundwater monitoring and reporting consistent with the NDEP's March 2, 2007 letter.

The NDEP and Attorney General's office are available to meet with you to discuss this matter.



Mr. Franklin H. Levy  
Maryland Square, LLC  
June 19, 2007  
Page 2 of 2

Please contact me at (775) 687-9373 or [glovato@ndep.nv.gov](mailto:glovato@ndep.nv.gov) if you have any questions regarding this letter or wish to arrange a meeting individually or jointly with other parties receiving this letter to discuss these matters with the NDEP and Attorney General's office.

Sincerely,



Greg Lovato, P.E.  
Supervisor, Remediation and Certification Branch

cc: Leo Drozdoff, Administrator, NDEP  
Jim Najima, Chief, Bureau of Corrective Actions, NDEP  
Mary Siders, Bureau of Corrective Actions, NDEP  
William J. Frey, Senior Deputy Attorney General, State of Nevada, 100 N. Carson St., Carson City, NV 89701  
Glenn Savage, Southern Nevada Health District, Ravenholt Public Health Center, 625 Shadow Lane, Las Vegas, NV 89127  
William J. Goines, Greenberg Traurig, LLP, 1900 University Avenue, 5<sup>th</sup> Floor, East Palo Alto, CA 94303  
Kevin M. Lyng, DCI Management Group, Ltd., 6970 W 152nd Terrace, Overland Park, KS 66223  
Herman Kishner Trust c/o Mr Irwin Kishner, 294 Convention Center Drive, Las Vegas, NV 89109  
Jeffrey Waddel, President, National Drycleaners, Inc., 3850 Gravois Rd., St. Louis City, MO 63126  
Sonja A. Inglin, Baker & Hostetler, LLP, 12100 Wilshire Boulevard, 15<sup>th</sup> Floor, Los Angeles, CA 90025

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 City, State, ZIP+4 LAS VEGAS, NV 89109

PS Form 3800, June 2002 See Reverse for Instructions

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 Street, Apt. No., or PO Box No. 3850 GRAYOIS RD.  
 City, State, ZIP+4 ST. LOUIS CITY, MO 63126

PS Form 3800, June 2002 See Reverse for Instructions

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Total Postage & Fees	\$ 5	

Sent To MR. KEVIN M. LYNCH DCI MANAGEMENT  
 Street, Apt. No., or PO Box No. 6970 W. 152<sup>nd</sup> TERRACE  
 City, State, ZIP+4 OVERLAND PARK, KS 66223

PS Form 3800, June 2002 See Reverse for Instructions

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