

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

June 9, 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: Extension for Submittal of the Revised Work Plan for Mitigation of Indoor Air and Well Water, Maryland Square Shopping Center

Facility: Al Phillips the Cleaner (former)
3661 S. Maryland Parkway
Las Vegas, Nevada
Facility ID: **H-000086**

Dear Mr. Swickard and Mr. Kishner:

As discussed with representatives of the Herman Kishner Trust (Trust) on May 25 through 27, 2011, this letter documents that the Nevada Division of Environmental Protection (NDEP) hereby extends the due date for revision to the *Work Plan for Mitigation of Indoor Air and Well Water* (IAWW Work Plan) to **June 28, 2011**. This extension is provided recognizing that additional time is needed to create an outline of the protocol for the human health risk assessment (HHRA). The IAWW Work Plan will contain a description of this protocol. It is NDEP's understanding that data from sampling conducted as part of implementing the IAWW Work Plan will be included in the HHRA. The risk assessment is to be provided in the Corrective Action Report, rather than in the Corrective Action Plan (CAP) for Groundwater.

The NDEP finds that a HHRA can be conducted using (only) indoor air data, and it is our understanding this is consistent with practices by U.S. EPA Region 9. To the extent that you believe that more data are needed, you are free to collect such samples provided that you obtain the homeowners' approvals to do so. However, the Trust shall inform the NDEP at least 2 weeks in advance of contacting the homeowners regarding any sampling within homes. This requirement will be reflected in the NDEP's comments on the Community Relations Plan (CRP); those comments are on hold, pending NDEP concurrence of the CAP for Groundwater and IAWW Workplan.

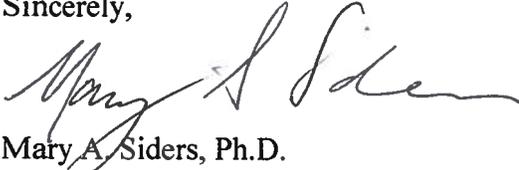


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The NDEP understands that the Trust is currently reviewing the timing and data needs for the HHRA and will advise NDEP if additional guidance or information is requested.

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

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