



**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

February 16, 2012

Irwin Kushner  
Herman Kushner 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: Corrective Action Report for Source Area Soil** (dated November 30, 2011)

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

Dear Mr. Kushner and Mr. Swickard:

The Nevada Division of Environmental Protection (NDEP) has reviewed the Corrective Action Report for Source Area Soil, received by the NDEP on November 30, 2011. This report documents the corrective action conducted to remediate soil contaminated with tetrachloroethylene (PCE) at the site of the former Al Phillips the Cleaner (APTC), located at the former Maryland Square Shopping Center.

### **Overview of the Corrective Action Report**

The corrective action implemented at the site of the former dry cleaner consisted of excavation of PCE-contaminated soils, with offsite disposal and treatment. Excavation was followed by application of the oxidant, potassium permanganate, across the floor of the pit, at approximately 18 feet below grade.

The Corrective Action Report shows that a total of 2,557 cubic yards (estimated 4,554 tons) of soil were excavated, with about half of the soils (Zones A and B) shipped offsite for disposal. Soils from Zone C were stockpiled and tested to confirm that these soils met project specifications for use as backfill at the site. Zone C soils were also tested for leachability using the synthetic precipitation leaching procedure (SPLP); PCE was not detected in any of the Zone C soils and leachates (see Table 3 in Corrective Action Report). Clean fill and Zone C soils were used to backfill the excavation.



Two deviations from the Corrective Action Plan (CAP) were noted (see Section 2.2 in subject report):

1. Accidental rupture of a water line to a fire hydrant
2. Contaminated soil extending beyond the planned excavation on the north side of the property

In the case of the water-line rupture, water was contained in the excavation, pumped into holding tanks, then tested and treated to destroy the PCE, which was initially present at 13 to 25 micrograms per liter ( $\mu\text{g/L}$ ). Following confirmation that the treated water did not contain detectable concentrations of PCE or its degradation products (detection limit =  $0.5 \mu\text{g/L}$ ), the water was used for dust suppression at the site.

In the case of contaminated soil found to extend beyond the planned excavation, the report noted that concentrations of PCE in soil sampled from the northern sidewall of the planned extent of the excavation exceeded 550 micrograms per kilogram ( $\mu\text{g/kg}$ ). As a result, the excavated area was extended northward, leading to a 28 percent increase in the volume of soil excavated. Concentrations of PCE exceeding 550  $\mu\text{g/kg}$  in soil were excavated and did not extend beyond the property boundary.

#### **NDEP Comments**

1. There is one potentially confusing sentence under Section 6, Monitoring Activities. The second sentence of the first paragraph states that "*The PCE concentration in the treatment zone is expected to decrease initially and then to increase gradually as the oxidant concentrations decrease and PCE desorbs from the soil.*" As written, the reader may be unclear as to the net effect of the oxidant on PCE (i.e., will the oxidant lead to decreased or increased concentrations in groundwater?) This text requires some clarification.
2. Page 13, second paragraph under Section 6 states that "*If wells MW-5, MW-7, MW-8, and MW-14 show increasing trends in PCE...*" What time period will be evaluated for increasing trends? What is proposed as the earliest sample to be included in the trend analysis? (e.g., June 2009 to present).
3. Page 13, third paragraph under Section 6 states that "*Changes in PCE concentration versus time will serve as a measure of remedial progress. A decreasing trend will indicate that the corrective action is working.*" Some wells (e.g., MW-1) already show decreasing trend for PCE concentrations. How does this pre-existing condition affect this proposal?
4. Page 13, third paragraph under Section 6 states that "*Elevated levels of dissolved metals will imply that metals present in the soil may be oxidized to more soluble species.*" The operational definition of "dissolved" is that portion of metals dissolved/suspended that pass through a 0.45 micron filter during field filtering while collecting the water sample. The NDEP cautions that careful sampling is needed to avoid inclusion of particulates in the sample bottle, because these will dissolve upon acidification (for sample preservation) and incorrectly indicate high concentrations of "dissolved" metals.

#### **Editorial and Minor Comments**

5. "Alternative" is misspelled in the last sentence on page 1.

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6. There is a typographical error in the last entry of Table 5 on page 10: "...wells MW-34 and MW-25..."  
The latter should be well MW-35.
7. On page 12, last paragraph, the date should be September 14, not September 15.

### **NDEP Requirements**

Please address the comments listed above, including revision of the first paragraph of Section 6 to make it clear to the reader that a net decrease in PCE concentrations is expected as a result of the oxidant treatment, if that is the case. Submit responses to comments by **March 20, 2012**, and include these RTCs along with the revised report. Submit one hard copy of the revised report and RTCs to the NDEP, along with an electronic copy.

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](mailto:msiders@ndep.nv.gov).

Sincerely,



Mary A. Siders, Ph.D.  
Remediation Branch  
Bureau of Corrective Actions

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