



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

April 16, 2012

Irwin Kishner
The Herman Kishner Trust
252 Convention Center Drive, Ste 12A
Las Vegas, NV 89109

Maryland Square Shopping Center, LLC,
The Herman Kishner Trust,
Herman Kishner d/b/a Maryland Square Shopping Center, and
Irwin Kishner, Jerry Engel, and Bank of America, N.A. as
Trustees for The Herman Kishner Trust
c/o Tim Swickard
Dongell Lawrence Finney LLP
770 L St., Suite 950
Sacramento, CA 95814

Subject: **Request for Detailed Description of Work Implemented to Date on the Corrective Action Plan for Groundwater at the Maryland Square PCE Site**

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

Dear Mr. Swickard and Mr. Kishner:

The Nevada Division of Environmental Protection (NDEP) requests that you provide a detailed account of all preparations and work conducted toward performing the work described in the Corrective Action Plan (CAP) for Groundwater.

As fully set forth in NDEP's letter of December 27, 2011, this letter serves to remind you of the following:

The Permanent Injunction (December 27, 2010) allows 180 days for the Correction Action Report for Groundwater to be submitted, after NDEP concurrence with the Corrective Action Plan (CAP) for Groundwater and the proposed schedule for implementation of the CAP. The NDEP has concurred with the CAP for Groundwater (June 14, 2011), following the receipt of the Addendum to the Draft Corrective Action Plan for Groundwater (August 25, 2011), but requested a revised implementation schedule.



*The Revised Draft Schedule for the Corrective Action Plan for Groundwater proposes to begin field work at the site in mid-January, 2012. (The NDEP is aware that the Boulevard Mall requested no field work be conducted during the busy holiday shopping season.) As requested by the NDEP (December 2, 2011), the period of pilot testing has been compressed by conducting certain testing concurrently instead of consecutively. This places submittal of the Corrective Action Report on **June 29, 2012** instead of July 15, 2012.*

The NDEP has provided ample time for planning and preparation to conduct the field work for the Groundwater CAP. It has been known for more than a year that access to the Boulevard Mall property would be required to perform the characterization and pilot testing; however, the NDEP is advised that an access agreement has still not been reached. Failure to meet the approved schedule and deadlines may subject the parties named in the December 27, 2010 Permanent Injunction to sanctions for violating the same.

The current approved schedule (dated December 16, 2011) for conduct of the work described in the Groundwater CAP shows that, as of April 16, 2012, the following work is to have been conducted:

- Pilot Study Preparation, including: Design, specification and drawing preparation; bid document preparation; subcontractor procurement; equipment procurement (to have been performed from 9/15/2011 to 1/13/2012)
- Permitting, including: Notification of Well Installation and Intent to Abandon; discharge permitting; and underground Injection Control Permit (to have been performed from 12/19/2011 to 1/13/2012)
- Vertical Delineation, including: Drilling and sample collection of borings to 60 feet; downhole geophysics and depth-discrete water sampling; laboratory analysis of samples collected; complete 2 borings to pumping /monitoring wells and well development; compilation of boring/well logs and laboratory data; and waste disposal (to have been performed from 1/16/2012 to 1/28/2012)
- Drilling and well installation of 1 injection point, 1 sparge well, 8 monitoring wells (3 multiple completion), including: Installation of wells; compilation of boring and well logs; and waste disposal (to have been performed from 1/23/2012 to 2/3/2012)
- Groundwater Pumping Tests (2 wells to 60 feet), including: Constant rate test (up to 5 days); post-test monitoring and recovery data (1 day); and equipment decommissioning and demobilization (to have been performed from 2/6/2012 to 2/23/2012)
- Step-Drawdown Pumping Test (wells 13, 18, 27, 30, & 32), including: Step-drawdown tests (5 days) (to have been conducted from 2/24/2012 to 3/2/2012)
- Air Sparging/Soil Vapor Extraction (AS/SVE) Pilot Test, including: Baseline groundwater sampling (2 days; 6 points); SVE-only pilot test (1 day); AS-only pilot test (1 day); combined AS/SVE pilot test (1 day); post-test monitoring and sampling (3 days); and system decommission and demobilization (to have been conducted from 3/5/2012 3/14/2011)

Please provide details for the time period of September 15, 2011 to the date of this letter (April 16, 2012) covering all facets of planning, preparation and permitting. Please provide a detailed chronology and description of the communications and negotiation efforts conducted to achieve access to Boulevard Mall.

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Please include dates of permitting requests and dates of bid requests sent for drilling and other subcontracted work. Please also include the specific date on which the Trust contracted and authorized Tetra Tech to perform the work as described in the Groundwater CAP.

NDEP Requirements

Please provide all the information requested in this letter by **April 30, 2012**. Nothing in this letter alters the deadline of the Corrective Action Report for Groundwater due to the NDEP by **June 29, 2012**.

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.
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