



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
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February 12, 2013

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

Maryland Square, LLC
c/o Franklin H. Levy
Lawson & Weitzen, LLP
88 Black Falcon Avenue
Boston, MA 02210

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

SBIC
c/o Jeffrey T. Oberman
Levin & Oberman
361 N. Canon Dr.
Beverly Hills, CA. 90210

Subject: **Fourth Quarter 2012 Groundwater Monitoring and Sampling Report**

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

Dear Messrs. Kushner, Swickard, Levy and Oberman:

The Nevada Division of Environmental Protection (NDEP) received the **Fourth Quarter 2012 Groundwater Monitoring and Sampling Letter Report** prepared by Cardno ATC Associates, Inc. (Cardno ATC) on behalf of the Herman Kushner Trust (Trust) and Maryland Square Shopping Center, LLC (MSSC LLC), dated January 15, 2013 and received in hard copy on January 23, 2013.

NDEP Comments

1. The table on page 11 of the report provides a summary of quarterly results for water-level measurements and analysis for tetrachloroethylene (PCE) and trichloroethylene (TCE). The two right-hand columns on this table show “% change” in PCE and TCE concentrations relative to the previous results for each well. The NDEP notes that long-term trends in concentrations at each well are more meaningful to document than are changes in concentrations from quarter to quarter. Nonparametric statistical tests, such as the Mann-Kendall test for trend, are appropriate to use for evaluating plume stability at each monitoring well.
2. Text on page 12 of the report states that “*The lack of detectable VC [vinyl chloride] indicates that reductive dechlorination is not occurring within the monitoring zone.*” Although the NDEP agrees that reductive



dechlorination is extremely minimal at this site due to the geochemistry of the shallow groundwater system, that conclusion may be derived from the minute amounts of TCE and cis-1,2 dichloroethylene (DCE) measured in some groundwater samples. The presence of small amounts of TCE and cis-1,2 DCE suggest that a trivial amount of PCE may be undergoing reductive dechlorination, but that the process is not sufficient to reduce the mass of PCE at this site. The NDEP also notes that, even at sites that do undergo natural reductive chlorination, the "DCE stall" may result in a lack of degradation beyond cis-1,2 DCE.

3. Section 3, Page 13, is titled "Summary and Conclusions;" however, this section provides only a one-sentence summary and no conclusions. There is one recommendation, which is to "continue monitoring and sampling."
4. Table A-1 breaks out "Maryland Square Wells" and "Boulevard Mall Wells." This nomenclature is potentially misleading, because it implies well ownership rather than well location. What is *meant* is that some of the monitoring wells are located on the Boulevard Mall property, and that is what should be stated to avoid any confusion.
5. Figure 1. Consider fading out the background photo, as is done in Figure 2. This will make it easier to see the annotations on the figure.

NDEP Requirements

The NDEP's letter of August 17, 2012 requested: "*Please evaluate possible locations for additional borings and grab groundwater samples as described above, based on analytical results obtained for samples collected from new wells MW-38 and MW-39. Please provide recommendations for the location of additional borings in the next letter report, due October 31, 2012.*" The NDEP's comment letter of October 30, 2012 requested that such recommendations be provided "*in the first quarter, 2013 monitoring report.*" **Please be sure to provide these recommendations in the first quarter 2013 monitoring report.**

The First Quarter 2013 Groundwater Monitoring Report is due **April 30, 2013.**

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,



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