



TETRA TECH EM INC.

February 18, 2011

Mr. Tim Swickard, Esq.
Agent for Herman Kishner Trust
770 L St., Suite 950
Sacramento, CA 95814

**Subject: Revised Proposed Schedule for Implementation of the Corrective Action Plan for Source Area Soil
Former Maryland Square Shopping Center Site
3661 South Maryland Parkway, Las Vegas Nevada**

Dear Mr. Swickard,

In accordance with your request, on behalf of the Herman Kishner Trust (Trust), Tetra Tech EM Inc. (Tetra Tech) is pleased to present a revised Source Area Corrective Action Implementation Schedule for the former Maryland Square Shopping Center (MSSC) remediation project. The enclosed schedule and response to comments were prepared in response to the Nevada Department of Environmental Protection (NDEP) letter dated February 11, 2011.

If you have any questions or require additional clarification, please contact us at (619) 525-7188.

Sincerely,
Tetra Tech EM Inc.

**Robert L. Manriquez, PG
Program Manager**

**Tamara Pelham
Project Manager, CEM**

Attachments:

Response to Comments – NDEP letter dated February 11, 2011
Source Area Corrective Action Implementation Revised Schedule
Source Area Corrective Action Implementation Schedule Notes
NDEP letter dated February 11, 2011

Dist: 3/addressee
Nevada Division of Environmental Protection, 901 South Stewart Street, Suite 4001
Carson City Nevada
Attn: Mary Siders

Tom Vandenburg, Esq.
Agent for Herman Kishner Trust
707 Wilshire Boulevard, 45th Floor,
Los Angeles, Ca. 90017

**RESPONSE TO COMMENTS
NDEP COMMENTS DATED FEBRUARY 11, 2011
FORMER MARYLAND SQUARE SHOPPING CENTER SITE**

1. The NDEP notes "bench-scale test" listed under the task for "Pre-design Activities." The question is bench scale testing of what?
Response: This refers to bench-scale testing for selection and dosing of chemical oxidant to be added to soil at the bottom of the excavation. Please refer to the schedule notes for details on specific tasks.
2. Add a task to "identify, test, and select borrow material" under "Pre-design Activities."
Response: This would be considered part of geotechnical testing, which is already included in the schedule. The schedule notes have been updated to include geotechnical characterization of site soils. Tetra Tech will provide specifications for borrow material to be imported in the bid package. Identification, testing and selection of borrow material will be left to the contractor. Tetra Tech will review borrow material testing results submitted by the contractor before allowing use.
3. Revise to "Permitting and Notification"
Response: This has been revised.
4. Address shoring and encroachment under "Permitting and Notification" or "Remedial Action"
Response: Encroachment is not anticipated, and it is not yet clear whether shoring will be required. Where slopes cannot be cut back or benched, excavation contractors will be told to provide shoring to maintain excavation stability. . Shoring provisions will be addressed within the Clark County Grading permit, if required.
5. Address erosion and run-off controls under "Permitting and Notification" or "Remedial Action"
Response: A stormwater permit will not be required because the area disturbed will be less than one acre. Best management practices will be used to control erosion during earthwork at this site. This would be part of site preparation that is already included in the schedule. The schedule notes have been updated to clarify this.
6. Under "Remedial Action," include subtasks for decontamination (decon) and site security
Response: They have been added. These subtasks will not impact schedule.
7. For backfill ("backfill and compact soil"), please note that there must be adequate data on quality of the backfill material to allow a risk assessment to be conducted.
Response: Noted. This will be taken into consideration while developing the remedial design documents.
8. Regarding "mix chemical oxidant into bottom of excavation," will any monitoring points be installed to track effectiveness of the oxidant? What metrics are proposed to assess efficacy of the oxidant?
Response: Please refer to "Groundwater Sampling" under Section 5.2 of the Corrective Action Plan for Source Area Soil.

Other Issues:

1. NDEP will be notified in advance of field work schedule.
2. Please refer to response in Item 8 above.
3. NDEP will be notified of changes, with advanced warning to the extent practicable.



MARYLAND SQUARE SOIL REMEDIATION SCHEDULE - REVISION 1

February 18, 2011

Task	Start	End	Duration
			<i>c</i> days
Pre-design activities	2/21/2011	3/15/2011	22
Bench-scale test			
Geotechnical testing			
Utility survey			
Land survey			
Bid Package Preparation and Contractor Procurement	3/8/2011	5/25/2011	78
Drawings and specifications			
Request for proposal			
Pre-approve contractors			
Bid			
Evaluate bids			
Select/procure contractor ²			
Plans	3/15/2011	4/5/2011	21
Contingency Plan ³			
Permitting and Notification	3/29/2011	5/13/2011	45
Underground Injection Control Permit			
Dust Control Permit			
Waste characterization and pre-acceptance certification			
Traffic Control			
Remedial Action ²	5/26/2011	7/22/2011	57
Pre-construction submittals			
Mobilization			
Site security			
Site preparation			
Stake excavation areas			
Excavate and haul			
Collect and analyze confirmation samples ⁴			
Mix chemical oxidant into bottom of excavation			
Backfill and compact soil			
Grade site			
Restore site			
Decontamination			
Demobilize			
Remedial Action Completion Report	7/25/2011	9/8/2011	45
Narrative			
As-built drawings			
Test reports			
Submittals			
Photolog			
Notes:			
1 - Assumes timely approval to proceed and contracting processes. 2 - Assumes Trust will directly contract soil excavation and disposal firms. 3 - Schedule includes preparation and submittal only of Contingency Plan. 4 - Assumes initial confirmation samples show all necessary soil has been removed. - cday- calendar day			

Former Maryland Square Shopping Center Site
 3661 South Maryland Parkway
 Las Vegas Nevada

Detailed Schedule Notes



TETRA TECH EM INC.

Volume of contaminated soil	583 cy
Excavation contingency	50%
Total volume of material to be excavated	874.5 cy
Percent caliche	30%
Volume of caliche to be excavated	262.35 cy
Volume of soil to be excavated	612.15 cy
Mass of permanganate to be introduced	2,800 lbs

Excavate and load soil		
Production rate	250 cy/day	Excavator with 1 cy bucket
Duration	3 days	

Excavate and load caliche		
Production rate	100 cy/day	Drill and excavate
Duration	3 days	

Backfilling production rate	150 cy/day	Backfill in 12" lifts and compact with roller
Backfilling duration	6 days	

TASK

DURATION

COMMENT

Pre-Design Activities

22 cday

Boring and Sampling	1 cdays
Bench-scale test	21 cday
Geotechnical testing	14 cday

Collect samples for bench-scale and geotechnical testing
 Oxidant demand testing and oxidant selection
 Obtain soil strength parameters for excavation design. Test particle size distribution, Atterberg's Limits and bulk density of representative sample of site soil.
 Get utility drawings from City. Have utility companies mark lines on ground.
 Perform topographic survey, develop site plan, utility plan, and install semi-permanent benchmark

Utility survey	1 day
Land survey	1 day

Design/Bid Package Preparation

78 cdays

Drawings and specifications	45 cday
Draft request for proposal	cday
Pre-approve contractors	cday
Bid	14 cday
Evaluate bids	5 cday
Select/procure contractor	14 cday

Complete drawings and specifications for bid package
 Advertise upcoming bid
 Simultaneous review contractor qualifications and select bidders
 Invitation to bid, Q&A, and bid submission
 Score bids and recommend contractor to client
 Obtain client approval and provide contractor notice to proceed (assuming Trust will contract firm directly)

Plans

Contingency Plan	21 cdays
------------------	----------

Write and submit Contingency Plan.

Permitting and Notification

45 cdays

Underground Injection Control Permit	45 cdays
Dust Control Permit	45 cdays
Waste characterization and pre-acceptance certification	45 cdays
Traffic Control	30 cdays
Grading permit	45 cdays

Two weeks for preparation, 30 days for approval.
 Two weeks for preparation, 30 days for approval.
 Contractor collects soil samples and characterizes for disposal
 Preparation by subcontractor.
 Clark County grading permit (including shoring if required)

Remedial Action

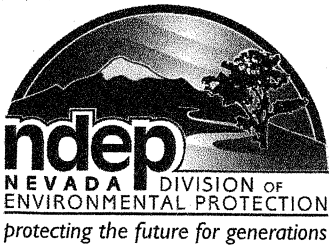
57 cday

Pre-construction submittals	21 cday
Mobilization	2 day
Site security	NA
Site preparation	7 cday
Excavate and haul	10 cday
Collect and analyze confirmation samples	3 day
Apply chemical oxidant into bottom of excavation	2 day
Backfill and compact soil	8 cday
Grade site	1 day
Restore site	2 day
Decontamination	NA
Demobilize	1 day

Contractor mobilizes to site
 Mobilize equipment, trailers and personnel to site
 Provide site security
 Prepare access, staging, modify fence, erosion controls, stake excavation area and traffic control.
 Excavate material, load directly into truck or roll-off and haul off site
 Assumes 48-hour turnaround
 Apply oxidant into soil
 Backfill and compact
 Fine grade site surface
 Remove all temporary facilities and clean up
 Decontaminate equipment and vehicles before they leave the site

Remedial Action Completion Report

45 cday



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 11, 2011

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: Proposed Schedule for Implementation of the Corrective Action Plan for Source Area Soil, Maryland Square Shopping Center

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 Proposed Schedule for Implementation of the Corrective Action Plan” (CAP) for Source Area Soil, prepared by Tetra Tech on behalf of the Herman Kushner Trust (Trust) and Maryland Square Shopping Center, LLC. (MSSC). This document was received electronically by the NDEP on February 2, 2011. The NDEP has reviewed the proposed schedule for implementation of the CAP and provides the following comments, along with requests clarification and/or additional information.

NDEP Comments

1. The NDEP notes “bench-scale test” listed under the task for “Pre-design Activities.” The question is bench-scale testing of what?
2. Add a task to “identify, test, and select borrow material” under “Pre-design Activities.”
3. Revise to “**Permitting and Notification**”
4. Address shoring and encroachment under “Permitting and Notification” or “Remedial Action”
5. Address erosion and run-off controls under “Permitting and Notification” or “Remedial Action”



Maryland Square Shopping Center, LLC
c/o Mr. Tim Swickard
H-000086
February 11, 2011
Page 2 of 3

6. Under "Remedial Action," include subtasks for decontamination (decon) and site security
7. For backfill ("backfill and compact soil"), please note that there must be adequate data on quality of the backfill material to allow a risk assessment to be conducted.
8. Regarding "mix chemical oxidant into bottom of excavation," will any monitoring points be installed to track effectiveness of the oxidant? What metrics are proposed to assess efficacy of the oxidant?

Other issues include the following:

1. Notify the NDEP case officer by e-mail and phone 5 business days in advance of the start of excavation
2. Please describe how use of oxidant will be documented.
3. Any proposed modifications to proposed work or schedule must be provided in writing to the NDEP when you become aware of the need for proposed changes to work or schedule. Such changes to work or schedule shall be accompanied by a detailed rationale supporting the need for the changes. Changes to the proposed work or schedule must be reviewed by the NDEP prior to implementing changes to work or schedule. The NDEP will determine whether specific NDEP concurrence with proposed changes is necessary.

Finally, with regard to the contingency footnotes at bottom of proposed schedule: The NDEP notes that delays due to the RP's internal discussions are not acceptable to the NDEP. For example, the assumption that "*the Trust will contract directly with the soil excavation and disposal firms.*" The failure of this assumption will not represent an adequate or acceptable rationale for delay.

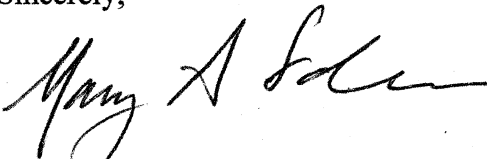
NDEP Requirements

The NDEP requests that you begin implementation of the work proposed in the CAP for Source Area Soil (CAP dated December 14, 2010) consistent with the comments in this letter and the NDEP's previous letter dated January 5, 2011. Concurrently, you should respond to the NDEP's comments in this letter no later than **February 18, 2011.**

The NDEP expects to receive corrective action completion report documenting completion of the work by **September 8, 2011.**

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
Nevada Division of Environmental Protection
Fax (775) 687-8335

Maryland Square Shopping Center, LLC
c/o Mr. Tim Swickard
H-000086
February 11, 2011
Page 3 of 3

ec: Greg Lovato, Supervisor, Bureau of Corrective Actions, NDEP, Carson City, NV
Todd Croft, Supervisor, BCA, NDEP, Las Vegas, NV
Bill Frey, State of Nevada, Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
Ebrahim Juma, Assistant Planning Manager [ejuma@cleanwaterteam.com]
Joseph R. Leedy, Principal Planner [jleedy@cleanwaterteam.com]
Kathryn L. Hoffmann, Planner [khoffmann@cleanwaterteam.com]

cc: Tamara Pelham, Tetra Tech EMI, 639 Isbell Road, Reno, NV 89509
Peter Krasnoff, P.E., WEST, Inc., 711 Grand Avenue, Suite 220, San Rafael, CA 94901
Lynne S. Stella, Manager of Environmental Services, General Growth Properties, Inc., 110 N. Wacker Drive, Chicago, IL 60606
Jason Gerber, Marquis and Aurbach, 10001 Park Run Drive, Las Vegas, NV 89145
Travis Harmon, Boulevard Mall, 3528 S. Maryland Parkway, Las Vegas, NV 89109
Nick Till, Prudential KRES-IPG, 127 E. Warm Springs Road, Las Vegas, NV 89119
Joe Blagg, Project Manager, Diversified Real Estate Group, 4255 Dean Martin Rd, Ste J, Las Vegas, NV 89103
Paul G. Roberts, Vice President and General Counsel, The Interface Group, 300 First Avenue, Needham, MA 02494
John Griffin, Kaempfer Crowell, 510 W Fourth St., Carson City NV 89703.
John Knott, CBRE, 3993 Howard Hughes Parkway, Suite 700, Las Vegas, NV 89169
Jan Greben, 1332 Anacapa, Suite 110, Santa Barbara, CA 93101
Alexander Robertson, 880 Hampshire Road, Suite B, Westlake Village, CA 91361
Kevin A. Brown, Thagard, Reiss & Brown, LLP, 5528 South Fort Apache Road, Las Vegas NV 89148
Dennis Campbell, Environmental Health Manager, Solid Waste and Compliance, Southern Nevada Health District, PO Box 3902, Las Vegas, NV 89127
Tamara Williams, Clark County Community Liaison, 3900 Cambridge Suite #111, Las Vegas, NV 89119
Jan Villaire, Coordinator, Environmental Compliance, Safety & Environmental Services, 1700 Galleria Drive, Bldg C, Henderson, NV 89014
Jeffrey T. Oberman, Levin & Oberman, 361 N. Canon Dr., Beverly Hills, CA. 90210
Glenn D. Phillips, The Travelers Companies, Inc., SLCU-Suite 160, 4650 Westway Park Blvd., Houston Texas 77041