



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 24, 2014

Irwin Kishner  
Herman Kishner Trust  
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Las Vegas, NV 89109

Maryland Square Shopping Center, LLC  
c/o Thomas E. Vandenburg  
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707 Wilshire Blvd, 45th Floor  
Los Angeles, CA 90017

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

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

Subject: **First Quarter 2014 Groundwater Monitoring and Sampling Report**

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

Dear Messrs. Kishner, Swickard, Levy and Oberman:

The Nevada Division of Environmental Protection (NDEP) received the ***First Quarter 2014 Groundwater Monitoring and Sampling Letter Report*** prepared by Cardno ATC Associates, Inc. (Cardno ATC) on behalf of the Herman Kishner Trust (Trust) and Maryland Square Shopping Center, LLC (MSSC LLC), dated April 25, 2014 and received in hard copy on April 29, 2014.

The subject report provides the analytical data for groundwater samples collected from 59 individual, multi-level, and nested wells across the site. The data in Table 1 of the report continue to show mixed results for the direction of the vertical gradient, with some well pairs indicating a downward gradient and some indicating an upward gradient. However, the main focus of this comment letter has to be on the anomalous results reported for the first-quarter samples.

Samples collected during March, 2014 from wells across the site exhibited concentrations of PCE ranging from 10 percent to more than 500 percent lower than the previous quarter. These anomalous results were reported for about one-third of the 59 site monitoring wells. The only other time when anomalously low concentrations of PCE were reported for samples across the site was in the third quarter of 2007, when the sampling method changed from traditional sampling to low-flow sampling.



Excluding the results for third-quarter 2007 samples, the “new minimum” results posted for first-quarter 2014 samples were significantly lower than the long-term averages for 19 of the 59 wells sampled. Wells showing these dramatic decreases in PCE concentrations are located in areas across the site, from west of S. Maryland Parkway all the way to Eastern Avenue.

After initial review of the first-quarter report, the NDEP had requested that you evaluate the field sampling sheets, chain-of-custody paperwork, and the laboratory results; however, no cause of the anomalously low concentrations was found. Nonetheless, the NDEP did not believe these results were representative of groundwater conditions; rather, the first-quarter data are considered to be the result of some as-of-yet unidentified cause.

The anomalous nature of the first-quarter data was confirmed on June 20, 2013, when the NDEP received an e-mail from Cardno ATC stating that the second-quarter data just received showed that PCE concentrations for “*the wells in question are back to within normal range.*” Cardno ATC indicated that the analytical laboratory is “*still looking into it*” (i.e., what may have caused the anomalous results seen for at least 19 of the 59 wells).

#### **NDEP Requirements**

The NDEP requests that the analytical data from first-quarter 2014 be excluded from all statistical analysis, including trend testing performed for the site. Additionally, the tables in the Second Quarter 2014 Groundwater Monitoring Report should show the first-quarter data in a different format (e.g., gray instead of black font) and exclude these data from all data analysis. If a cause of the error is found and the data can be corrected by the laboratory, corrections should be made; otherwise, these anomalous data should not be used as is in any data evaluation.

The Second Quarter 2014 Groundwater Monitoring Report is due by **July 31, 2014**.

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.  
Bureau of Corrective Actions  
Fax (775) 687-8335

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