



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
David Emme, Administrator

November 13, 2015

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

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

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

Neil Beller
7408 West Sahara
Las Vegas, Nevada 89117

Subject: Third Quarter 2015 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 Beller:

The Nevada Division of Environmental Protection (NDEP) has reviewed the *Third Quarter 2015 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 October 28, 2015 and received in hard copy on November 6, 2015.

Overview

A total of 32 of the 59 site monitoring wells were sampled in the third quarter of 2015; of these 32, there were 27 wells in which the concentration of PCE exceeded the action level of 5 micrograms per liter ($\mu\text{g/L}$). Previously, Cardno ATC evaluated the data for site wells and the depths at which groundwater was sampled. Some of the variation in concentration was attributed to sampling groundwater at inconsistent depths (relative to the top of casing [TOC]) from quarter to quarter. A consistent depth relative to TOC for each well was determined based on previous data; Cardno ATC is now using the consistent depth determined for each well in the sampling events. The NDEP agreed that this strategy may control one factor in the quarter-to-quarter variability for each well.

NDEP Requirements

Please provide a table showing the consistent depth of sampling from TOC that is now being used.

The report recommends that monitoring and sampling of the site monitoring wells continue in accordance with the NDEP-approved 2014 schedule for 2015, with the exception that metals testing be reduced to only MW-19I, MW-40 CMT-55, and MW-40 CMT-60. The NDEP concurs with both recommendations, and notes that the next quarterly report is due by **January 29, 2016**.

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
Fax (775) 687-8335

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