



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

August 31, 2015

Irwin Kishner
Herman Kishner 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 Thomas E. Vandenburg
Dongell Lawrence Finney LLP
707 Wilshire Blvd, 45th Floor
Los Angeles, CA 90017

Neil Beller
7408 West Sahara
Las Vegas, Nevada 89117

Subject: Second 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. Kishner, Swickard, Levy and Beller:

The Nevada Division of Environmental Protection (NDEP) has reviewed the *First Quarter 2015 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 July 28, 2015 and received in hard copy on August 11, 2015.

Overview

A total of 18 of the 59 site monitoring wells were sampled in the second quarter of 2015; of these 18, there were 13 wells in which the concentration of PCE exceeded the action level of 5 micrograms per liter ($\mu\text{g/L}$). Cardno ATC evaluated the data for site wells and the depths at which groundwater was sampled. It is believed that some of the variation in concentration may have been due 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 will use the consistent depth determined for each well in future sampling events. The NDEP agrees that this strategy may control one factor in the quarter-to-quarter variability for each well.

Assessment of vertical gradients at two of five well clusters yielded upward gradients (0.00033 to 0.06227) in four pairs and downward gradients (0.00333 to 0.03838) in two pairs within the two well clusters (see Table 2-1 in the subject report). Vertical gradients have been observed to periodically change directions at this site. The changes in vertical gradients noted for well MW-19D3 (screened at 92 to 102 feet bgs) appear to coincide with an annual cycle of increases in PCE concentrations (see Table 2-3 on page 13 of the subject report), although additional monitoring data are needed to confirm a pattern.

The NDEP notes that the table showing data for "Metals Concentrations in Select Wells" (Table 2-3, pages 14-17) indicates that groundwater downgradient of the potassium permanganate pilot test continues to show much-reduced concentrations of PCE two years after the pilot test (see data for MW-19I). Wells downgradient of the Pulse-Ox pilot test show mixed results for reduction of PCE.

In evaluating intrawell concentration trends over time, the Mann-Kendall trend test was used to determine if PCE concentrations were stable, increasing or decreasing within wells across the site. Results given in the report show that PCE concentrations are increasing (>90% confidence) in 11 of 59 wells, decreasing (>90% confidence) in 23 of 59 wells, and stable or "not measured" or "no trend" in 25 of 59 wells.

NDEP Requirements

Cardno ATC requested that analyses for the full suite of volatile organic compounds (VOCs) in wells MW-5, MW-6, MW-19, and MW-20 be discontinued and that only tetrachloroethylene and its degradation products be analyzed during future monitoring events. The NDEP concurs.

The report recommends that monitoring and sampling of groundwater during 2015 continue in accordance with the approved schedule; the NDEP concurs, and notes that the next quarterly report is due by **October 31, 2015**.

As a minor comment, the NDEP notes that there are two tables numbered as "Table 2-3" in the report (see pages 13 and 14-17), and that Figures 1 and 2 were inserted at the end of the document rather than under the tab marked "Figures."

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

cc: Scott Smale, BCA, NDEP, Carson City, NV

Todd Croft, BCA, NDEP, Las Vegas, NV

Belinda Suwe, State of Nevada, Office of the Attorney General, 100 N. Carson Street, Carson City, NV

Jasmine Mehta, State of Nevada, Office of the Attorney General, 100 N. Carson Street, Carson City, NV

Ebrahim Juma, Assistant Planning Manager ejuma@cleanwaterteam.com

Joseph R. Leedy, Principal Planner jleedy@cleanwaterteam.com \

Paul Klouse, Environmental Health Manager, Environmental Compliance Section, Southern Nevada Health District, 330 S Valley View Blvd, Las Vegas, NV 89107 klouse@snhdmail.org

Andy Chaney, Environmental Health Supervisor, Environmental Compliance Section, SNHD chaney@snhdmail.org

Donna Houston, Sr. Environmental Health Specialist, Environmental Compliance Section, SNHD houston@snhdmail.org

Jacqueline Reszetar, Director of Environmental Health, SNHD reszetar@snhdmail.org

Ric Jimenez, Chair, Maryland Pkwy Coalition ric.jimenez@rouseproperties.com

Roland Sansone, Boulevard Mall, Roland@sansonecompanies.com

Timo Kuusela, General Manager - Boulevard Mall, 3528 S Maryland Pkwy, Las Vegas, NV 89169
Timo@sansonecompanies.com

Jeffrey R. Diver, P.C., 2S741 Crimson King Lane, Glen Ellyn, IL 60137 JeffDiver@comcast.net

David B. Kuhlman, Procopio, Cory, Hargreaves & Savitch LLP, david.kuhlman@procopio.com

Robert G. Russell, Procopio, Cory, Hargreaves & Savitch LLP, 525 B Street, Suite 2200, San Diego, CA 92101
bob.russell@procopio.com

Steven J. Parsons, Law Offices of Steven J. Parsons, 7201 W. Lake Mead Blvd., Suite 108, Las Vegas, Nevada 89128-8354
steve@sjplawyer.com

Drew Flynn, P.G., President, MMA Environmental, drew.flynn@MMA-ENV.com

Paul G. Roberts, Vice President and General Counsel, The Interface Group proberts@tigmass.com

Jerry Tidball, Key Golf Management, Las Vegas National Golf Club kmgjerry@yahoo.com

Coy Wood, General Manager, Las Vegas National Golf Course coy@lasvegasnational.com

Chris Giunchigliani, County Commissioner CHRISG@ClarkCountyNV.gov

Senator Ruben Kihuen, Nevada State Legislature Ruben.Kihuen@sen.state.nv.us

Assemblywoman Heidi Swank, Nevada State Legislature Heidi.Swank@asm.state.nv.us

Tamara Williams, Clark County Community Liaison, 3900 Cambridge Suite #111, Las Vegas, NV 89119
TGW@ClarkCountyNV.gov

Peter Krasnoff, P.E., WEST, Inc., 711 Grand Avenue, Suite 220, San Rafael, CA 94901 peterk@westenvironmental.com

James Jimenez, Cardno ATC, 7115 Amigo Street, Suite 100, Las Vegas, NV 89119 james.jimenez@cardno.com

cc: Joe Blagg, Project Manager, Diversified Real Estate Group, 4255 Dean Martin Rd, Ste J, Las Vegas, NV 89103

Jan Greben, 125 E. De La Guerra St, Ste 203, Santa Barbara, CA 93101-7204

Alexander Robertson, 32121 Lindero Canyon Rd, Ste 200, Westlake Village, CA 91361

Glenn D. Phillips, The Travelers Companies, Inc., SLCU-Suite 160, 4650 Westway Park Blvd., Houston Texas 77041

Clark County Emergency Management, 500 S. Grand Central Parkway 6th Floor, P.O. Box 551713, Las Vegas, NV 89155