November 15, 2011

Maryland Square Shopping Center, LLC
Herman Kishner Trust
c/o Mr. Tom Vandenburg
Dongell Lawrence Finney LLP
707 Wilshire Boulevard, Suite 4500
Los Angeles, California 90017

RE: **COMMUNITY INVOLVEMENT PLAN**
MARYLAND SQUARE PCE SITE
3661 SOUTH MARYLAND PARKWAY
LAS VEGAS, NEVADA
FACILITY ID NO. H-000086

Dear Mr. Vandenburg:

Enclosed please find one copy of the Community Involvement Plan for the above referenced project. Comments provided on the Nevada Division of Environmental Protection on October 10, 2011 on the Community Relations Plan have been incorporated. This report is being provided to the NDEP Bureau of Corrective Action (BCA) in electronic Adobe Acrobat format on this date, November 15, 2011, with hard copy to follow.

Should you have questions or require additional information, please do not hesitate to contact me or Robert Manriquez, Program Manager, at 619.321.6748. Thank you for your time and consideration in this matter.

Regards,

Tamara Pelham
Project Manager
CEM No. 1537, Exp. Sept. 11, 2012
Class A 60505

Enclosure(s) (1) Community Involvement Plan

Dist: 1/Addressee
1/NDEP, Carson City, NV, Attn: Ms. Mary Siders

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COMMUNITY INVOLVEMENT PLAN
FOR THE MARYLAND SQUARE PCE SITE

MARYLAND SQUARE SHOPPING CENTER
3661 SOUTH MARYLAND PARKWAY
LAS VEGAS, NEVADA 89169

Submitted to

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF CORRECTIVE ACTIONS
901 SOUTH STEWART STREET, SUITE 4001
CARSON CITY, NEVADA 89701-5249

Prepared for

HERMAN KISHNER TRUST
C/O MR. TOM VANDENBERG, ESQ.
707 WILSHIRE BOULEVARD, 45TH FLOOR
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Prepared by

TETRA TECH

1771 EAST FLAMINGO ROAD, A113
LAS VEGAS, NEVADA 89119

November 15, 2011

SIGNATURE PAGE

COMMUNITY INVOLVEMENT PLAN
FOR THE MARYLAND SQUARE PCE SITE

Maryland Square Shopping Center
3661 South Maryland Parkway
Las Vegas, Nevada 89169

For the services provided and described to develop this document, the following language is from NAC 459:

> *I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances.*

Tamara Pelham
Project Manager
Nevada Certified Environmental Manager
CEM # 1537, Exp. September 11, 2012

Robert L. Manriquez
Program Manager, RG

EXECUTIVE SUMMARY

This community involvement plan (CIP) has been prepared as a part of cleanup activities associated with hazardous substances at and emanating from the property identified as the former Maryland Square Shopping Center, located at 3661 S. Maryland Parkway, Las Vegas, Nevada (the "Property"). Historical releases of dry cleaning solvent containing tetrachloroethene (also known as perchloroethene, or PCE) by a former tenant at the shopping center, Al Phillips the Cleaner, Inc. (APTC), have led to environmental investigations and planning for remediation efforts. On December 27, 2010, a court-ordered permanent injunction was issued for the Property (U.S. District Court, District of Nevada, Case 2:08-cv-01618-RJC-GWF, Document 592, Filed December 27, 2010). This CIP was prepared in cooperation with the Nevada Division of Environmental Protection (NDEP) and is a reference guide, outlining the approach for the dissemination of information and updates to residents and other stakeholders regarding the progress of mitigation and remediation efforts related to the Property.

The APTC dry-cleaning business was operational from 1969 to 2000. During the time of APTC operations, PCE was a commercially available solvent/degreaser commonly used by dry cleaners to clean clothes. It is a colorless, nonflammable liquid that does not occur naturally. The historic discharge of PCE at the former APTC location was first reported on November 29, 2000, via the NDEP's spill reporting hotline. The historic release was discovered during a due diligence environmental site assessment performed as part of a real estate transaction involving the shopping center (NDEP 2008). The date(s) of the release of PCE at the former APTC location is unknown and could have occurred anytime during the operation of the dry cleaners.

As follow-up to the observed historic release, a series of environmental investigations were conducted at the Property on behalf of APTC from 2000 to 2008 to estimate the approximate extent of PCE contamination in soil and groundwater beneath the Property. Groundwater investigations were conducted across the Site (both on and off the Property) to determine the approximate extent of PCE contamination in the groundwater. Soil gas investigations focused on the known PCE plume east of Boulevard Mall. Activities for the investigation and remediation of the contamination have since been undertaken by The Herman Kishner Trust (the "Trust"), for itself and for the former owner, Maryland Square Shopping Center, LLC (MSSCLLC), and for the present owner, Maryland Square, LLC. The present owner, Maryland Square, LLC has no relationship to the Trust or MSSCLLC. After the bankruptcy of the former tenant, APTC, the Trust stepped in to conduct the remedial cleanup of the Property. The Trust is currently working with the NDEP, which is providing regulatory oversight for the remediation of PCE contamination in soil and groundwater associated with the Property.

In 2007, NDEP began outreach activities to the local community regarding the release and ongoing investigation activities. The outreach activities also included requests to collect samples of indoor air in selected homes downgradient of the former APTC facility and overlying the PCE-contaminated groundwater. Monitoring of indoor air concentrations was performed by NDEP at various times from 2007 to 2010, resulting in the installation of sub-slab depressurization systems in some homes. Continued monitoring will be conducted to determine when PCE concentrations achieve the remediation standard for residential indoor air quality.

The Maryland Square PCE Site (the "Site"), includes the area of the former APTC facility and any area or media where hazardous substances released at or from the Property have come to be located. Although the Site is not a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; commonly known as Superfund) site, the cleanup process will mirror the CERCLA cleanup process. For purposes of this document, the local community associated

with the Site is defined as the people living in ZIP code 89169. Demographic information on the population, race, ages, education, average income, employment, and housing for the local community are included in this document.

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COMMUNITY INVOLVEMENT PLAN

This community involvement plan (CIP) has been prepared as a part of cleanup activities associated with hazardous substances at and emanating from the former Al Phillips the Cleaner (APTC) dry-cleaning facility located at the Maryland Square Shopping Center, 3661 South Maryland Parkway, Las Vegas, Nevada, 96819 (the "Property"). This CIP was prepared in cooperation with the Nevada Division of Environmental Protection (NDEP).

The former dry-cleaning facility and any area or media where hazardous substances released at or from the Property have come to be located are referred to as the Maryland Square PCE Site (the "Site"). This CIP outlines the communication approach to be used for distributing information and providing updates to residents and other key stakeholders regarding the progress of remediation efforts for the Site. The remediation efforts are focused on soil and groundwater contaminated with tetrachloroethene (also known industrially as perchloroethene, or PCE). Specifically these remediation efforts are focused on cleanup of PCE-contaminated soil at the source (3661 South Maryland Parkway) and cleanup of the PCE-plume in the groundwater at the Site. Comprehensive management of this Property includes continued groundwater and indoor air monitoring, along with mitigation at individual residences, as needed, until the remediation goals for indoor air quality and groundwater are achieved.

1.0 INTRODUCTION AND BACKGROUND

This section provides information on the overall purpose of the CIP, and provides information on the site location and history.

1.1 Purpose and Objectives of the Community Involvement Plan

The main purpose of this CIP is to describe how residents, key stakeholders and other interested parties can find and review information on activities and documents for the Site. On December 27, 2010, a court-ordered permanent injunction was issued for the Property (U.S. District Court, District of Nevada, Case 2:08-cv-01618-RJC-GWF, Document 592, Filed December 27, 2010) (the "Injunction"). This CIP is to be provided as a resource and reference guide for the community and other key stakeholders regarding information about the cleanup at the Site.

The objectives of this CIP are as follows:

- Provide a brief description of the Property, Site conditions, and the local community
- Inform the local community about the cleanup process and schedule, including a list of upcoming documents related to cleanup of the Site
- Define how and when formal input from the local community is requested during this process
- Outline the information that is available to the public regarding the Property and Site, including where the information can be found and how to access it
- Establish roles and responsibilities for the key stakeholders, including the local community
- List key contacts and references useful for interested stakeholders
- Explain basic terms referenced throughout documents associated with this project

1.2 Description of the Project

A historical release from former dry-cleaning operations at the Property resulted in PCE contamination in soil and groundwater. Planning and preparation to clean up contaminated soil and groundwater are currently being performed by Tetra Tech EM Inc. on behalf of The Herman Kishner Trust (the "Trust"), for itself and for the former owner, Maryland Square Shopping Center, LLC (MSSCLLC), and for the present owner, Maryland Square, LLC. The Trust was the primary entity of MSSCLLC, which previously held the title to the property. After bankruptcy of the former tenant, APTC, the Trust stepped in to conduct the remedial cleanup of the property.

The activities are being performed to protect human health and the environment pursuant to the Nevada Administrative Code (NAC), with direct oversight by the NDEP. The NDEP is responsible for reviewing the investigation and cleanup plans and activities related to the Site to make sure that applicable regulations are followed. The NDEP is the primary regulatory agency actively involved at the Site.

The Property is located in the northeast corner of Parcel No. 162-15-602-004, on the northwest corner of Maryland Parkway and East Twain Avenue, across the street from the Boulevard Mall (Converse Consultants [Converse] 2009), in the Southeast ¼ of the Northeast ¼ of Section 15, Township 21 South, Range 61 East, Clark County, Nevada (Figure 1). The Property was first developed in 1969 as a shopping center that included a dry-cleaning facility. APTC took over the dry-cleaning business operations later that same year, and continued to operate the dry-cleaning facility until 2000.

The Property was owned by the Trust until 1999, when the Trust transferred the property to an entity which it formed for purposes of holding title to the property, MSSCLLC. Subsequently, MSSCLLC transferred the property to Clark County School District. Thereafter (in about 2005) Clark County School District transferred the property to Maryland Square, LLC. The present owner, Maryland Square, LLC, has no relationship to the Trust or MSSCLLC.

A historic release of PCE was discovered in soil and groundwater near the southeast corner of the Property during a Phase II Environmental Site Assessment in 2000 (Converse 2000) and was first reported on November 29, 2000, via the NDEP's spill reporting hotline (NDEP 2008) (Figure 2). The NDEP spill reporting hotline receives notices of current spills as well as historic releases. The date(s) of the release of PCE at the former APTC location is unknown and could have occurred anytime during the operation of the dry cleaners. PCE is a solvent/degreaser commonly used by dry cleaners to clean clothes. It is a colorless, nonflammable liquid that does not occur naturally. For more information on PCE, visit NDEP's website: http://ndep.nv.gov/pce/about.htm.

In the summer of 2006, the shopping center was demolished, including the concrete floor and foundation. In August through October 2011, remediation activities, including excavation of contaminated soil and chemical oxidation, occurred at the source area as described in the Corrective Action Plan for Source Area Soil. Currently, the site of the former shopping center is covered with asphalt, except for the area of the former APTC facility, which is covered by clean native and imported soil. The property use in the immediate area surrounding the Site is commercial/industrial.

From 2000 to 2008, a series of environmental investigations was conducted to evaluate the approximate distribution and extent of PCE in soil and groundwater at the Property (Figure 2) and in groundwater in downgradient area of the Site. The extent of PCE-contaminated soil at the Property was remediated using excavation and chemical oxidation in 2011 (see the

Corrective Action Plan for Source Area Soil). The nature and extent of PCE-contaminated groundwater across the Site continues to be evaluated (see the Corrective Action Plan for Groundwater and Work Plan for Mitigation of Indoor Air and Well Water).

In September 2006, NDEP transferred responsibility for the Property oversight to its headquarters in Carson City so that greater staff resources could be devoted to the project. In 2007, NDEP began community outreach, which included requests to collect samples of indoor air in homes surrounding the former shopping center. Monitoring of indoor air levels began in 2007 and resulted in the installation of sub-slab depressurization systems in some homes. The indoor air monitoring program will be continued until concentrations of PCE in indoor air reach acceptable limits as determined by the NDEP (NDEP 2008). Figure 3 shows the process by which PCE vapors can enter a building via vapor intrusion.

All documents produced as part of this project, including agency communications, work plans, investigation reports, monitoring reports, and corrective action plans can be found online in the NDEP's Administrative Record Document List for the Site. The NDEP online Administrative Record can be found at http://ndep.nv.gov/pce/foia.htm. A second Administrative Record is housed at the NDEP Carson City Office. For more information on the Administrative Records, see Appendix B.

The court-ordered Injunction, executed on December 27, 2010, provided a schedule of deliverables for environmental activities, including the remediation of PCE in soil and groundwater at the Site. The calendar of deliverables and timelines, as required by the Injunction and NDEP and since completed, is provided in Table 1 below. Documents already completed are included in the referenced Administrative Record, and those to be completed will be added when submitted to the NDEP.

TABLE 1– CALENDAR OF DELIVERABLES AND TIMELINES

Deliverable	Timeline
Work Plan for Mitigation of Indoor Air and Well Water	Within 60 days of the Injunction (February 27, 2011)
Corrective Action Plan for Source Area Soil	Draft on September 13, 2010, revised on December 14, 2010, concurrence on February 25, 2011
Corrective Action Plan for Groundwater	Draft on October 11, 2010,revised draft on February 28, 2011, and revised on June 14, 2011
Corrective Action Report for Groundwater	Within 180 days of approved Groundwater Corrective Action Plan for Groundwater
Proposed Plan	Within 30 days of approval of the Corrective Action Report
Record of Decision	To be prepared by NDEP
Remedial Design/Remedial Action Report	Within 120 days of approved Proposed Plan
Quarterly Groundwater Monitoring and Reporting	As scheduled
Community Involvement Plan (this document)	Original within 60 days of Injunction (February 27, 2011), revised draft on November 15, 2011
Status Reports	Quarterly, beginning with 4th Quarter, 2010
Initiation of Mitigation Actions	Within 30 days of approved work plan, (draft work plan on February 28, 2011, revised draft work plan on June 28, 2011, concurrence on August 23, 2011)
Notice of Work	Notification within 5 days of knowledge of delay
Delay in Work	No later than 5 days prior to any field work

Notes: NDEP Nevada Division of Environmental Protection

Source: Injunction, U.S. District Court, District of Nevada, Case No. 2:08-cv-01618 RCJ (GWF), Filed 12/27/2010, and subsequent submittals.

1.3 Cleanup Process

Although the Site is not a CERCLA site, the cleanup process will mirror the CERCLA cleanup process. CERCLA, the Comprehensive Environmental Response, Compensation, and Liability Act, was enacted by Congress on December 11, 1980. This law provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Figure 4 presents the major phases of the CERCLA process, which will be used as a guideline for the Site. A more detailed description of these phases is included below.

CERCLA requires a response action be implemented to address unacceptable risk to human health or the environment. A CERCLA response action can be a removal action that eliminates potential exposure to contamination such as fencing a site or excavating and removing contaminated soil. CERCLA response action could also be a remedial action. A remedial action is the long-term final cleanup of a site, such as a groundwater treatment system.

The cleanup activities planned for the Maryland Square PCE Site are analogous to CERCLA remedial actions. A remedial action is selected by evaluating the advantages and disadvantages of each alternative to clean up a site and selecting the one that protects human health and the environment, meets all legal and regulatory requirements, and provides the best overall effectiveness proportionate to its cost. The remedial action process and the associated community involvement activities are discussed below. Refer to the Administrative Record for this Site for updated documents and activities (see Appendix B for how to access the Administrative Record).

Remedial Action Process

The CERCLA remedial action process specifies the phases to thoroughly evaluate the nature and extent of contamination and to identify and evaluate cleanup alternatives. Again, this process applies to CERCLA designated sites. The Maryland Square PCE Site is not a CERCLA site but is mirroring this process, listed below.

- Discovery and Notification – Discovery occurs when a hazardous waste site is discovered or a release is noticed.
- Preliminary Assessment – A Preliminary Assessment is conducted to evaluate whether current or past waste management practices have resulted in a release of hazardous substances. The Preliminary Assessment is completed through record searches and visual inspections of the area. This stage results in a list of potential areas of concern that warrant further investigation.
- Site Inspection – The Site Inspection usually requires sampling and analysis of soil, surface water, or groundwater, or any combination of the three. Based on the data that result, the site will be (1) slated for no action, (2) recommended for a removal action, or (3) investigated further in the remedial investigation phase. At the Maryland Square PCE Site, the Phase I and Phase II investigations conducted in 2000 by Converse were the equivalent of a Preliminary Assessment and Site Inspection.

- **Remedial Investigation –** The Remedial Investigation involves a comprehensive study of site soil, surface water, and groundwater to evaluate the lateral and vertical extent of contamination. Risks to human health and the environment are also assessed. Based on the estimated risk posed, the site could be (1) recommended for a removal action, (2) recommended for no action, or (3) entered into the next phase, the feasibility study. At the Maryland Square PCE Site, the Remedial Investigation was basically conducted as a series of environmental site investigations from 2000 to 2008.
- **Feasibility Study –** The Feasibility Study uses the data collected and the results of the risk assessments completed during the Remedial Investigation to develop cleanup objectives and identify appropriate cleanup alternatives. Cleanup alternatives are evaluated based on a variety of criteria, including ability to protect human health and the environment, technical feasibility, cost effectiveness, and community acceptance. A corrective action plan is equivalent to a Feasibility Study and has been used as the name for these documents at the Maryland Square PCE Site.
- **Proposed Plan –** The proposed plan is a fact sheet that describes the cleanup alternatives and explains what the preferred cleanup alternative is and why it is preferred. This is the key point at which community members are highly encouraged to provide comments. A public meeting is conducted to give the community an opportunity to express concerns, express support, or provide feedback on the proposed plan. The responsible party considers all comments received on the proposed plan before a final cleanup decision is made. The responsible party provides a reply to all significant comments in a responsiveness summary in the record of decision.
- **Record of Decision –** The selected cleanup alternative is documented in the record of decision. The notice of availability of the record of decision is publicized in a local newspaper.
- **Remedial Design –** The remedial design for the cleanup alternatives is prepared and a fact sheet is distributed before the Remedial Action (or cleanup) begins. The need for updating the CIP will also be assessed at this time.
- **Remedial Action –** The cleanup alternative is carried out and the public is kept informed. At a minimum, the community will have a point of contact who can be contacted to ask questions or raise concerns.
- **Site Closeout –** Site closeout occurs when all necessary Remedial Action activities are complete and the responsible party and regulatory agencies agree no further action is appropriate at the site.

2.0 THE COMMUNITY

For purposes of this document, the local community associated with the Site is defined as the people living in ZIP code 89169 (Figure 5). Below is information on the population, race, ages, education, average income, employment, and housing for the local community. All of the demographic information presented below was provided by the Nielsen Company, 2011, unless otherwise noted. Nielsen Company provides demographic information collected during the U.S. Census.

2.1 Community Profile

In 2010 the estimated population for the ZIP code 89169 was 28,127 people.

Of this area's 2010 estimated population:

- 56.8% are White Alone
- 9.8% are Black or African American Alone
- 0.7% are American Indian and Alaska Native Alone
- 6.3% are Asian Alone
- 0.6% are Native Hawaiian and Other Pacific Islander Alone
- 20.0% are Some Other Race
- 5.8% are Two or More Races

The U.S. Census Bureau considers the Hispanic/Latino designation an ethnicity, not a race. The population self-identified as "Hispanic/Latino" is also represented within the categories in the "Race" demographic. In this community, 54.3% defined themselves as Hispanic/Latino.

For this community, the average age in this ZIP code is 36.7 years. The breakdown of age groups is as follows:

- 7.3% are 0-4 years
- 15.7% are 5-17 years
- 7.2% are 18-24 years
- 18.7% are 25-34 years
- 16.7% are 35-44 years
- 13.1% are 45-54 years
- 10.0% are 55-64 years
- 11.3% are 65+ years

The education level for population age 25 and older for this community is as follows:

- 28.0% do not have a high school diploma
- 31.4% are a high school graduate or GED
- 20.0% have some college (but no degree)
- 15.6% have an Associates or Bachelors degree
- 5.0% have a Masters, Doctorate, or professional degree

Associates and Bachelors degrees are typically considered 2- to 4-year degrees. Masters, Doctoral, and professional degrees are considered graduate academic or professional degree programs composed of advanced studies. These include but are not limited to MS, MA, PhD, EdD, DPH, MD, DDS, DSW, DO, JD, and ThD.

Average income in this community is $44,167 per household, and $19,964 per person. The breakdown of the average household income levels for this community is as follows:

- 34.0% have an income between $0 to $24,999

- 36.8% have an income between $25,000 to $49,999
- 22.5% have an income between $50,000 to $99,999
- 4.6% have an income between $100,000 to $149,999
- 2.1% have an income between $150,000 and above

In this community, for persons 16 years and older, 47.1% of the population is estimated to be employed. In this community, 16% of the households are owner-occupied while 84% are renter-occupied.

2.2 Land Use

The neighborhood surrounding the Maryland Square Shopping Center is a mixture of commercial and residential and includes large parks and several schools. Figures 2 and 5 show some of the mixed uses of the neighborhood.

In the immediate area of the Property, South Maryland Parkway is dominated by commercial businesses. Directly east of the Property is the Boulevard Mall and, due east of the Mall, are residential neighborhoods. Residential neighborhoods surround both sides of South Maryland Parkway. Northeast and southeast of the Mall are two public schools, Ruby S. Thomas Elementary School and William E. Orr Middle School, respectively. Several large parks and a golf course are in the vicinity of the Property. Refer to Figures 2 and 5 for more information.

3.0 COMMUNITY INVOLVEMENT ACTIVITIES

NDEP, the lead regulatory agency, provides oversight to ensure the cleanup at the Site complies with existing laws and regulations. In addition, NDEP is leading all community outreach activities and is the point of contact for the community.

Community outreach activities for the Site will include, but are not limited to the following activities:

- **Community Meetings** – Updates to the Site will be presented during community meetings. Presentations will be led by NDEP. Time for questions will follow the presentation.

- **Fact Sheets** – Fact sheets describing recent developments will be created and distributed through the mailing list and posted on the website for this Site.

- **Website** – Updates to the Administrative Record and website for this Site will be done as necessary to provide accurate and up to date information to the public.

- **Call-In Line for Residents** – NDEP has already established a dedicated call-in line for the local residents regarding this Site. This call-in line provides an opportunity to comment or get information on the Site directly from NDEP outside of other scheduled events. Refer to Appendix B for more information on the call-in line.

In addition to the general community involvement activities for the Site, notification and request efforts for permission to conduct indoor air sampling in specific homes included in the initial indoor air sampling program will be conducted in collaboration with NDEP and in conjunction with this CIP.

NDEP will continue to keep the community and other stakeholders informed during the cleanup of the Site and provide appropriate information as available to anyone who is interested in the site. Tetra Tech's role, on behalf of the Trust, is to support NDEP. A variety of community outreach activities is critical for providing updated, accurate information to the public. Therefore, specific community outreach activities and the schedule for these activities is an ongoing process. Table 2 outlines the various public outreach activities at the different stages of the cleanup process. NDEP will track community contacts through phone and email logs and meeting sign in sheets, and provide any changes or updates of emails and addresses to the Trust.

Table 2– Public Outreach Activities during the Cleanup Process

Cleanup Process	Public Outreach
Initial Investigation, Spill Report and Follow-on Investigations	• Public meetings held on the results of the investigations • Administrative Record set up • Website set up
Corrective Action Report	• Public meetings held on cleanup process • Preparation of Community Involvement Plan
Proposed Plan	• Public meetings held outlining the Proposed Plan • Public comments solicited on the Proposed Plan
Record of Decision	• Public comments on the Proposed Plan documented in the Record of Decision • Notice of the Record of Decision is published in the local newspaper
Remedial Design / Remedial Action	• Fact sheet on the remedial design is distributed prior to remedial action taking place • Revision of Community Involvement Plan if necessary • Public meetings held on status of the remedial action

Refer to the existing Site website (listed in Appendix B) for more details on upcoming events. Interested stakeholders can also be placed on the mailing list for this Site. Refer to Appendix B for instructions on how to be placed on the mailing list.

4.0 REFERENCES

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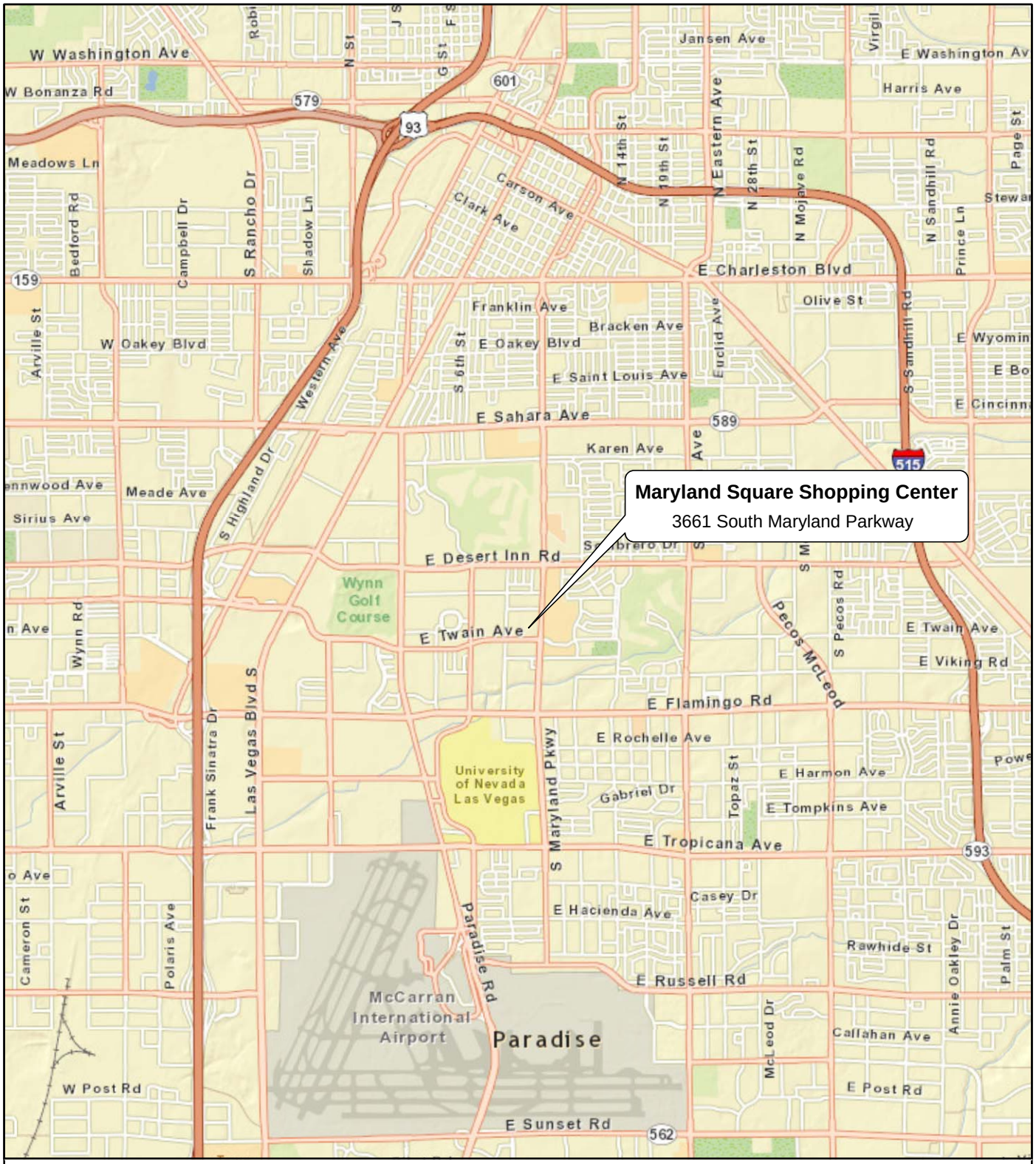
5.0 DEFINITION OF TERMS

CERCLA acronyms listed below are defined in detail in Section 1.3.

APTC	Al Phillips the Cleaner, Inc.
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CIP	Community involvement plan
Injunction	U.S. District Court, District of Nevada, Case 2:08-cv-01618-RJC-GWF, Document 592, Filed December 27, 2010
MSSCLLC	Maryland Square Shopping Center, Limited Liability Company
NAV	Nevada Administrative Code
NDEP	Nevada Division of Environmental Protection
PCE	Perchloroethene (also known as tetrachloroethene)
Property	Former Al Phillips the Cleaner, Inc., facility at former Maryland Square Shopping Center, 3661 South Maryland Parkway, Las Vegas, Nevada
Site	Maryland Square PCE Site (the Property, and any area or media where hazardous substances released at or from the Property have come to be located)
Trust	Herman Kishner Trust

Figures



TETRA TECH

0 0.5 1 2
Miles

Date: February 2011

PCE Perchloroethene, also known as Tetrachloroethene

Maryland Square PCE Site
3661 South Maryland Parkway, Las Vegas, NV

FIGURE 1
REGIONAL MAP

Community Involvement Plan

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- Monitoring Well Location (July 2010)
- Monitoring Well Location (February 2010)
- Monitoring Well Location (November 2009)
- Monitoring Well Location (June 2006)
- 2500 ug/L PCE Contour
- 2000 ug/L PCE Contour
- 1500 ug/L PCE Contour
- 1000 ug/L PCE Contour
- 500 ug/L PCE Contour
- 100 ug/L PCE Contour
- 5 ug/L PCE Contour (Dashed Where Inferred)

PCE PQL = 0.5 ug/L

ug/L Micrograms Per Liter
NA Not Analyzed
NS Not Sampled
PCE Perchloroethylene, also known as Tetrachloroethene
PQL Practical quantitation limit

Date: February 2011

PCE concentration shows current groundwater plume interpretation. This is subject to change.

N W E S

0 350
Feet

TETRA TECH

Maryland Square PCE Site
3661 South Maryland Parkway, Las Vegas, NV

FIGURE 2
PCE CONCENTRATION MAP
WITH MONITORING WELL LOCATIONS

Community Involvement Plan

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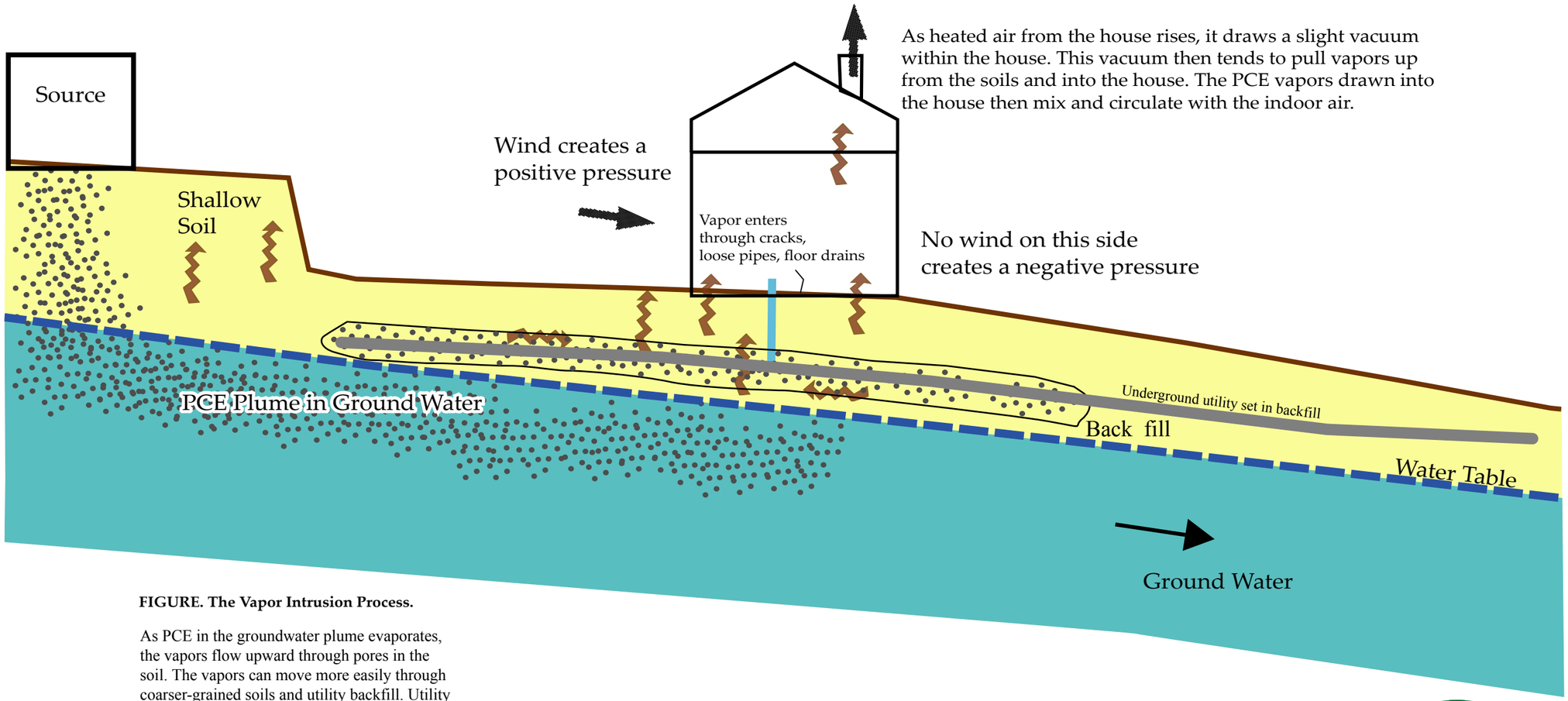


FIGURE. The Vapor Intrusion Process.

As PCE in the groundwater plume evaporates, the vapors flow upward through pores in the soil. The vapors can move more easily through coarser-grained soils and utility backfill. Utility corridors may provide preferential pathways for vapor migration. The vapors can enter into buildings through cracks in the concrete slab or foundation. Vapors may also move along utility lines, such as sewer and water pipes, and enter into the building through gaps in the lines. This process is called "vapor intrusion".

ndep NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
protecting the future for generations

Date: February 2011

Reference:
This figure is courtesy of the Nevada Division of Environmental Protection (NDEP).
http://ndep.nv.gov/pce/doc/vap_intrusion.pdf

PCE Perchloroethylene, , also known as Tetrachloroethene

TETRA TECH

Maryland Square PCE Site
3661 South Maryland Parkway, Las Vegas, NV

FIGURE 3
VAPOR INTRUSION PROCESS

Community Involvement Plan

THE CLEANUP PROCESS

NDEP Process Analogous to"Superfund" Cleanup Process

Initial Investigation, Spill Report, and Follow-on Investigations.

Samples of soil and groundwater are collected as part of an environmental site assessment. Evaluate whether the site poses a threat to human health and the environment and whether further investigation is needed.

Corrective Action Report.

This phase of the process determines the nature and extent of contamination at the site, tests which technologies are capable of treating the contamination, and evaluates the cost and performance of technologies that could be used to clean up the site.

Proposed Plan

Explains which cleanup alternative will be used, and describes the response actions and the remedy selected for cleanup. The NDEP will solicit public comment on the Proposed Plan.

Record of Decision (ROD)

Explains which cleanup alternative will be used. It summarizes site history, site description, site characteristics, community participation, past and present activities, contaminated media, the contaminants present, description of the response actions and the remedy selected for cleanup.

Remedial Design/Remedial Action (RD/RA).

NDEP reviews and approves the final design for the cleanup. Throughout this phase, NDEP will keep community members and leaders advised about the progress of the cleanup

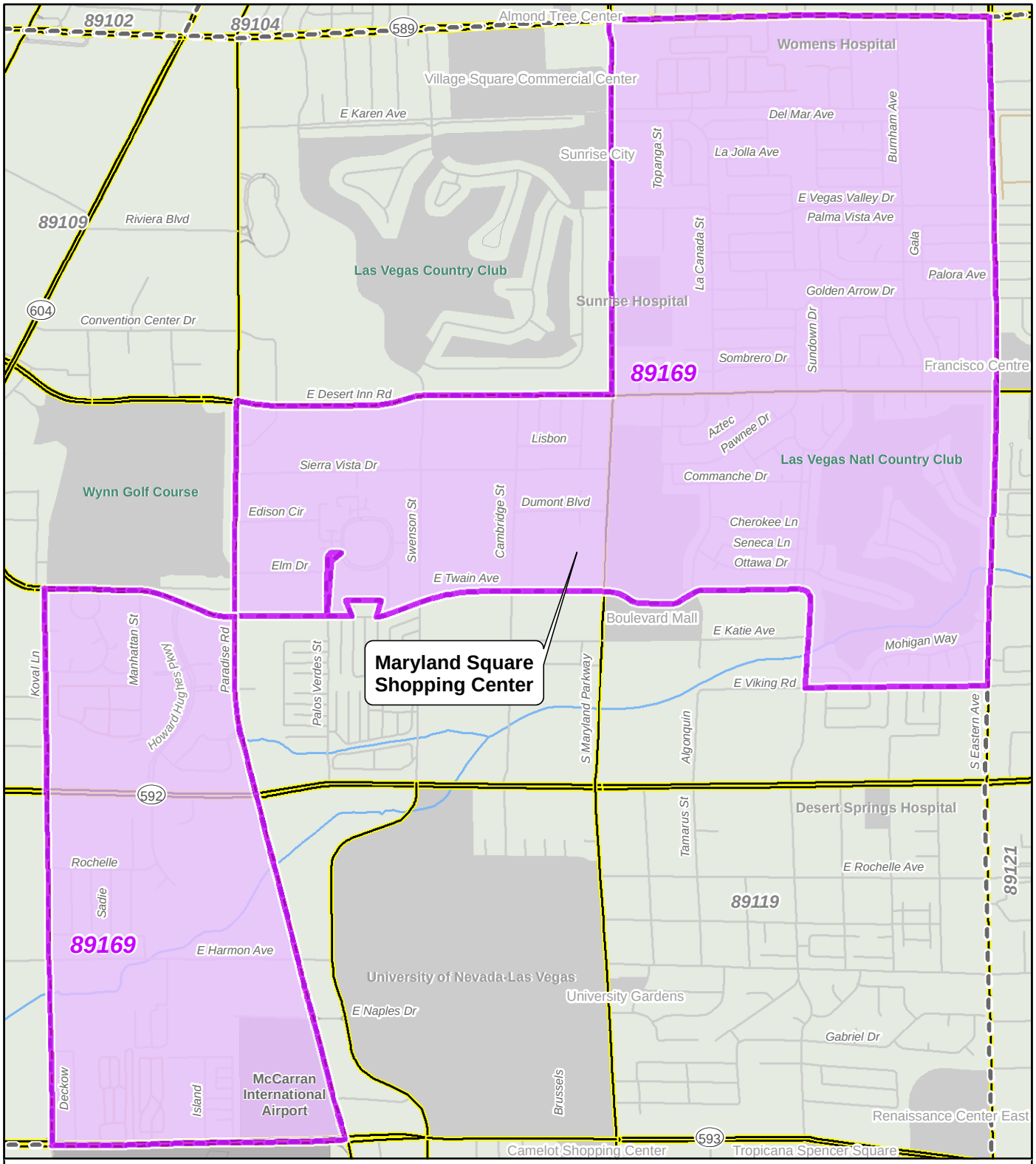
TETRA TECH

NDEP Nevada Division of Environmental Protection
PA/SI Preliminary Assessment/Site Investigation
PCE Perchloroethylene, also known as Tetrachloroethene
RI/FS Remedial Investigation/Feasibility Study

Maryland Square PCE Site
3661 South Maryland Parkway, Las Vegas, NV

FIGURE 4
CLEANUP PROCESS

Community Involvement Plan



Zip Code 89169 Boundary

89109 Other Zip Code Boundary

Other Local Feature

0 2,000 4,000
Feet

Date: February 2011

Reference:
Aerial imagery courtesy of ESRI, 2010

PCE Perchloroethene, also known as Tetrachloroethene

TETRA TECH

Maryland Square PCE Site
3661 South Maryland Parkway, Las Vegas, NV

FIGURE 5
ZIP CODE 89169 MAP

Community Involvement Plan

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Appendix A

Contacts List

Key Contacts for Maryland Square PCE Site

Name	Title & Affiliation	Address	Phone	Email & Website
Nevada Division of Environmental Protection				
Greg Lovato	Supervisor, Bureau of Corrective Actions, Remediation Programs	901 S. Stewart St. Suite 40001 Carson City, NV 89701	(775) 687-9373	glovato@ndep.nv.gov, http://ndep.nv.gov/pce/maryland_square.htm
Vince Guthreau	Press Releases/ Media Inquiries		(775) 687-9395	vguthreau@ndep.nv.gov, http://ndep.nv.gov/pce/maryland_square.htm
Mary Siders	Environmental Scientist and NDEP Project Manager for Maryland Square PCE Site Bureau of Corrective Actions	901 S. Stewart St. Suite 40001 Carson City, NV 89701	(775) 687-9496	msiders@ndep.nv.gov http://ndep.nv.gov/pce/maryland_square.htm
Jim Trent	Bureau of Waste Management, PCE		(775) 687-9478	jtrent@ndep.nv.gov http://ndep.nv.gov/pce/maryland_square.htm
Other Regulatory Agencies				
Southern Nevada Health District	Office of Epidemiology	PO Box 3902 Las Vegas, NV 89127	(702) 759-1300	snhdpublicinformation@snhdmail.org http://www.southernnevadahealthdistrict.org/epi/index.php
Southern Nevada Health District	Environmental Health Services		(702) 759-0588	environmentalhealth@snhdmail.org
Southern Nevada Health District	Ravenholt Public Health Center	625 Shadow Lane, Las Vegas, NV 89106	(702) 759-1000	http://www.southernnevadahealthdistrict.org/contact-us.php
Clark County	Air Quality & Environmental Management		(702) 455-5942	airquality@clarkcounty.gov http://www.clarkcountynv.gov/depts/daqem/Pages/default.aspx
Clark County	Public Works	500 South Grand Central Parkway 2nd Floor Las Vegas, NV 89155	(702) 455-6000	IntheWorks@ClarkCountyNV.gov http://www.clarkcountynv.gov/depts/public_works/Pages/ContactUs.aspx

Key Contacts for Maryland Square PCE Site (Continued)

Name	Title & Affiliation	Address	Phone	Email & Website
Nevada Division of Environmental Protection				
Local Officials				
Chris Giunchigliani	Clark County Commissioner, District E	500 South Grand Central Parkway 2nd Floor Las Vegas, NV 89155	(702) 455-3500	ccdiste@ClarkCountyNV.gov http://www.clarkcountynv.gov/depts/countycommissioners/districte/Pages/default.aspx
Dwight D. Jones	Superintendent, Clark County School District	5100 West Sahara Ave. Las Vegas, NV 89146	(702) 799-5000	http://ccsd.net/directory/superintendent/
Kevin Page	Vice Chairman, Board of Regents, District 3 Nevada System of Higher Education	3300 West Sahara Ave., Suite 400 Las Vegas, NV 89102	(702) 765-3201	kevin_j_page@nshe.nevada.edu ccdiste@ClarkCountyNV.gov http://system.nevada.edu/Nshe/index.cfm/administration/board-of-regents/current-regents/kevin-page/
State Officials				
Mark A. Manendo	State Senator, Clark County District 7	4629 Butterfly Circle Las Vegas, NV 89122-6149	(775) 684-6503	mmanendo@sen.state.nv.us http://www.leg.state.nv.us/Senate/Current/Senators/Manendo.pdf
David R. Parks	State Senator, Clark County District 7	PO Box 71887 Las Vegas, NV 89170	(775) 684-6504	dparks@sen.state.nv.us http://www.leg.state.nv.us/Senate/Current/Senators/Parks.pdf
Tick Segerblom	State Assembly, District 9	700 S. Third Street Las Vegas, NV 89101	(775) 684-8549	tsergblom@asm.state.nv.us http://www.leg.state.nv.us/Assembly/Current/Assembly/Segerblom.pdf
Federally Elected Officials				
Shelley Berkley	U.S. Representative, District 1	2340 Paseo Del Prado, Suite D-106 Las Vegas NV 89102	(702) 220-9823	http://berkley.house.gov/
Dean Heller	U.S. Senator	Lloyd D. George Building 333 Las Vegas Boulevard South, Suite 8203 Las Vegas, NV 89101	(702) 388-6605	http://www.heller.senate.gov/public/
Harry Reid	U.S. Senator	Lloyd D. George Building 333 Las Vegas Boulevard South, Suite 8016 Las Vegas, NV 89101	(702) 388-5020	http://reid.senate.gov/contact/index.cfm

Appendix B

Information Access and Resources

Website for Maryland Square PCE Site

The NDEP maintains a website that provides information about the discovery and subsequent investigation of PCE at the Site. The website address is:
http://ndep.nv.gov/pce/maryland_square.htm

Some of the information available on this website includes:

- A brief history of the Site
- Frequently asked questions about the Site
- Administrative Record for the Site including reports and documents
- Figures for the Site
- Resource links for additional information
- Additional resources

Administrative Record Locations

The Administrative Record contains all documents considered or relied on during the process of making cleanup decisions. There are two Administrative Records for the Maryland Square PCE Site. NDEP hosts both Administrative Records and is responsible for maintaining them. One Administrative Record is on the existing NDEP website for the Site (listed above); the link for the Administrative Record document list on the Site website is: http://ndep.nv.gov/pce/foia.htm. The second Administrative Record is located at the NDEP Carson City office. See below for contact information and hours of operation for the NDEP Carson City office.

Nevada Division of Environmental Protection
Bureau of Corrective Action
901 S. Stewart St., Ste 4001
Carson City NV 89701
Phone: (775) 687-9368
http://ndep.nv.gov/bca/index.htm

NDEP office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

Dedicated Call-In Line for Residents

NDEP has established a dedicated call-in line for residents concerning the Maryland Square PCE Site. The call-in line is a recorded message, with calls returned within one business day. The call-in line number is: (702) 486-0975. Additional NDEP contact information can be found at http://ndep.nv.gov/pce/contacts.htm.

Public Meetings and Electronic Newsletter Updates

Public meetings to inform the community on updates to activities at the Maryland Square PCE Site are an important part of outreach to the local community. Clark County District E holds periodic, facilitated, community meetings. Any updates to the Site will be presented by NDEP during these meetings. To find the date and location of the next community meeting, go to County Commissioner Giunchigliani's monthly electronic community newsletter, which can include updates to the Maryland Square PCE Site. The electronic newsletter can be found at the following website:
http://www.clarkcountynv.gov/depts/newsletters/districte/Pages/default.aspx.

If you have additional questions, please contact the receptionist at NDEP's Bureau of Corrective Actions at (775) 687-9368 who will direct your call. For more information, you can also go to the following website: http://ndep.nv.gov/pce/contacts.htm.

Mailing List

The Maryland Square PCE Site community mailing list is used to distribute information and updates via email and hard copies to the local community and other interested parties.

The following contacts/persons are placed on the mailing list:

- Meeting attendees
- Local elected officials (updated regularly)
- Anyone who asks to be added

The list is updated with mailing or email returns. The mailing list will continue to be updated to ensure that all interested and concerned parties are reached or removed as requested. If you want to be added to the mailing list, please contact NDEP at (775) 687-9368 or go to http://ndep.nv.gov/pce/contacts.htm.

Media Contacts

Two local newspapers, the *Las Vegas Review Journal* and the *Las Vegas Sun*, are also resources for the local community. In addition, the local Clark County Television (Channel 4) is another resource. The contact information for these media resources are listed below.

Las Vegas Review Journal
1111 W. Bonanza Road
P.O. Box 70
Las Vegas, NV 89125
702-383-0211
http://www.reviewjournal.com/about/contact.html
http://www.lvrj.com/news

Las Vegas Sun
1111 W. Bonanza Road
P.O. Box 70
Las Vegas, NV 89125
(702) 383-0400
http://www.lasvegassun.com/

Erik Pappa
Public Communications Director
Clark County Television Channel 4
500 South Grand Central Parkway, 6th Floor
Las Vegas, NV 89155
(702) 455-3548
epappa@ClarkCountyNV.gov
http://www.clarkcountynv.gov/Depts/public_communications/Services/pages/ClarkCountyTelevision%28CCTV%29Channel4.aspx

Appendix C

Roles and Responsibilities of Key Stakeholders

The environmental cleanup of the Maryland Square PCE Site (the "Site") is a complex process involving several key stakeholders. Each stakeholder group has unique and important roles and responsibilities in this process. This section describes the roles and responsibilities of the regulatory agency (NDEP), a responsible party (Herman Kishner Trust) and the local community. This section also describes at what points during the cleanup process there will be public outreach.

Roles and Responsibilities of NDEP

NDEP, the lead regulatory agency, provides oversight to ensure the cleanup at the Site complies with existing laws and regulations. Other regulatory agencies are involved, as needed, when the cleanup affects resources they regulate. Refer to Appendix A to see other regulatory agencies that could be involved with this Site.

NDEP is leading all community outreach activities and is the point of contact for the community. All requests, concerns, or comments from the community should be directed to NDEP. Refer to Appendices A and B on how to contact NDEP.

NDEP Responsibilities for Community Involvement:

- Draft language and approve final versions of outreach materials
- Interact and coordinate with local elected and other government officials
- Provide oversight of indoor air monitoring and mitigation system installation
- Maintain the Maryland Square PCE Site website and the Administrative Record
- Respond to public comments
- Provide email and address changes to the mailing list to the Trust
- Be the point of contact for public inquiries on the Maryland Square PCE Site

Roles and Responsibilities of the Responsible Parties

The Herman Kishner Trust (Trust) is a responsible party for the cleanup of the Site. The Trust is working for itself and on behalf of the former owner, Maryland Square Shopping Center, LLC (MSSCLLC), as well as for the present owner, Maryland Square, LLC. The present owner, Maryland Square, LLC has no relationship to the Trust or MSSCLLC.

The responsible parties work in conjunction with NDEP to make key decisions regarding the cleanup process. The cleanup at the Site is ongoing, and therefore the involvement of the responsible parties will continue until regulatory closure is achieved.

Trust Responsibilities for Community Involvement:

- Prepare graphics and layout for outreach materials (including posters, flyers, fact sheets, proposed
- plan, and other documents as required by NDEP)
- Provide drafting and reproduction of fact sheets and outreach materials
- Mail public documents (including information updates, fact sheets, meeting notifications and other
- documents)
- Maintain a mailing list of community members and other stakeholders (updates provided by NDEP)
- Reserve meeting rooms and procure rental equipment. as needed

- Provide logistics coordination and support for public meetings, as requested by NDEP
- Assist with logistics and other needs associated with any community interviews
- Provide recording services for public meetings as requested by NDEP

Roles and Responsibilities of the Local Community

The local community is expected to be an active participant in the Site cleanup process. One of the ways the local community plays an active role in the Site cleanup program is by providing input during the formal comment periods as defined in the CERCLA process (see Figure 4 and Section 1.3). The community can provide input regarding human health and environmental concerns.

The community fulfills these roles by:

- Reviewing documents
- Providing comments
- Attending meetings and other community involvement activities

In addition to these formal comment periods, the community is welcome to contact NDEP (via methods described in Appendix B) at any time with comments or concerns regarding the Site.

Public Outreach Activities during the Cleanup Process

Public outreach will occur throughout the various stages of the cleanup process at the Maryland Square PCE Site. The following table highlights the public outreach at the different stages. Throughout this process, messages left by the public on the dedicated call-in line (see Appendix B) will be answered within one to two business days. Updates to the Administrative Record and website for this Site will be done as necessary to provide accurate and up to date information to the public. Additionally, throughout this process, NDEP will work with selected residents to request collection of indoor air samples, install subslab depressurization systems as needed, and sample and modify subslab depressurization systems as needed.

Cleanup Process	Public Outreach
Initial Investigation, Spill Report and Follow-on Investigations	• Public meetings held on the results of the investigations • Administrative Record set up • Website set up
Corrective Action Report	• Public meetings held on cleanup process • Preparation of Community Involvement Plan
Proposed Plan	• Public meetings held outlining the Proposed Plan • Public comments solicited on the Proposed Plan
Record of Decision	• Public comments on the Proposed Plan documented in the Record of Decision • Notice of the Record of Decision is published in the local newspaper
Remedial Design / Remedial Action	• Fact sheet on the remedial design is distributed prior to remedial action taking place • Revision of Community Involvement Plan if necessary • Public meetings held on status of the remedial action