

STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
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November 21, 2012

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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 Tim Swickard
Dongell Lawrence Finney LLP
770 L St., Suite 950
Sacramento, CA 95814

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

Subject: **Draft Indoor Air Sampling Report and Revised Schedule for Installation of Subslab
Depressurization Systems**
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 **Draft indoor Air Sampling Report** prepared by Tetra Tech on behalf of the Herman Kishner Trust (Trust) and Maryland Square Shopping Center, LLC (MSSC LLC), dated November 16, 2012 and received via e-mail on November 16, 2012. The **Revised Schedule**, which was submitted to the NDEP on November 1, 2012, lists the tasks to be performed to complete the installation of subslab depressurization (SSD) systems to mitigate homes for vapor intrusion of tetrachloroethylene (PCE) from the Maryland Square PCE Plume.

The NDEP had no additional comments on the schedule, but did have a few minor comments concerning clarification of some statements in the Indoor Air Report. These are provided below.

NDEP Comments

The introduction (Section 1.0) contains some imprecise or incomplete statements that need clarification.

1. The plume is described as extending 4,000 feet downgradient; in fact, samples from well MW-38—which was installed in April, 2012 and located about 6,000 feet downgradient—were found to contain concentrations of PCE at 5 to 6 micrograms per liter ($\mu\text{g/L}$).



2. The text states that “*the central area of the plume is beneath the...neighborhood...*” This gives the impression that the source area may be under the neighborhood. A more precise description would be to state that the plume of PCE-contaminated groundwater extends beneath the residential neighborhood, more than 1,000 feet downgradient from the source area.
3. The second paragraph cites an investigation that “...*evaluated the potential for PCE to volatilize from the shallow groundwater water and migrate into homes that overlie groundwater containing PCE (URS 2007).*” Actually, the NDEP directed the responsible party to conduct an assessment to evaluate for the presence and distribution of PCE vapors in vadose-zone soils overlying the contaminated groundwater. The NDEP then used data from this soil gas study as input into the U.S. Environmental Protection Agency’s (EPA’s) version of the Johnson-Ettinger model for vapor intrusion. Results of the modeling indicated the potential for significant vapor intrusion into residences underlain by the PCE plume. Ultimately, model predictions were virtually identical to the highest concentrations found in indoor air.
4. The second paragraph goes on to state that, in response to the soil gas study, NDEP “...*sampled indoor air in 97 homes and two schools...*” Please note that sampling was voluntary. Following the modeling of soil gas data, the NDEP briefed local officials before sending notification letters and offering indoor air sampling to more than 140 homes in the neighborhood. Of the more than 140 homes, most homeowners accepted the offer, and NDEP ultimately sampled 97 homes and 2 schools in 2007-2008.
5. The third paragraph states that 15 of the 97 homes contained concentrations of PCE vapors that exceeded NDEP’s interim-action level of 32 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and that “...*sub-slab depressurization (SSD) systems were installed at 14 of these homes.*” More precisely, NDEP offered to install mitigation systems in all homes where PCE concentrations exceeded the interim-action level; however, one of the 15 homeowners declined the offer, so mitigation systems were installed in only 14 of the 15 homes.
6. Although the statement in paragraph four referencing the “concentration contour” is technically correct, the sentence could more clearly note that the Court “issued a Permanent Injunction requiring that annual indoor air sampling be offered to property owners whose homes overlie groundwater containing PCE concentrations of 100 $\mu\text{g}/\text{L}$ or greater.” Such areas are then defined as “within the 100 $\mu\text{g}/\text{L}$ contour.”

NDEP Requirements

The NDEP also notes that the revised schedule (November 1, 2012) for installation of the SSD systems, as mentioned in Section 6 of the Indoor Air Report, indicates the following due dates:

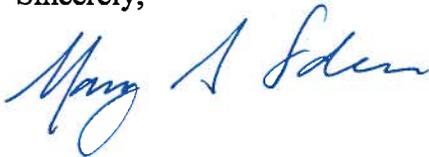
- December 12, 2012 – Revised (Final) Indoor Air Report submitted to the NDEP
- January 13-25, 2013 – Scheduling and discussions with residents
- February 4-15, 2013 – Installation of systems and manometers
- March, 2013 – Verification sampling of indoor air
- April, 2013 – System optimization (if needed)

The NDEP concurs with these dates in the revised schedule as outlined above, as well as a firm date to have the SSD systems installed no later than **February 15, 2013**. The NDEP must be notified in advance if there are any changes to this schedule.

Please make the minor revisions to the report and submit final version of the *Indoor Air Report* by **December 12, 2012**.

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,



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