



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

September 19, 2013

Irwin Kishner
Herman Kishner 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

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

Subject: **Clarification on NDEP's Comments on the Final Corrective Action Report for Groundwater**

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

Dear Messrs. Kishner, Vandenburg, Levy and Oberman:

The Nevada Division of Environmental Protection (NDEP) previously issued a letter (August 20, 2013) on the **Final Corrective Action Report (CAR) for Groundwater** prepared by Tetra Tech on behalf of the Herman Kishner Trust (Trust) and Maryland Square Shopping Center, LLC (MSSC LLC).

The CAR provided results of the additional vertical delineation, aquifer testing, pilot testing and the screening-level human health risk assessment (HHRA). The CAR proposed an alternative remediation standard for tetrachloroethylene (PCE) of 100 micrograms per liter ($\mu\text{g/L}$) for groundwater protective of indoor air (i.e., for groundwater between the source area and Eastern Avenue). As required by statute (**NAC 445A.22735(1)(b)**), the remediation standard protective of drinking water (i.e., 5 $\mu\text{g/L}$ PCE) was set for groundwater east of Eastern Avenue. The remediation standard for PCE in indoor is 9.4 micrograms per cubic meter ($\mu\text{g/m}^3$).

NDEP Point of Clarification

It has come to the NDEP's attention that there has been some confusion regarding the remediation standard for PCE in groundwater. **At this time, the NDEP will accept a proposed remediation standard of 100 $\mu\text{g/L}$ PCE in groundwater for the compliance area**, which is defined as the entire area extending from the former drycleaner location at 3661 S. Maryland Parkway and eastward to Eastern Avenue.



The NDEP has determined that if this remediation standard has not been met after a number of years of active remediation, installation of mitigation systems in homes that have not reached 9.4 µg/m³ PCE in indoor air may be considered by NDEP in lieu of meeting the remediation standard for PCE in groundwater. The number of years of active groundwater remediation required before installation of mitigation systems will depend on the final design parameters of the cleanup system installed and continued successful operation of the system. This proposed decision on the remediation standard for groundwater will be finalized at issuance of the Record of Decision, after consideration of all comments received on the Proposed Plan.

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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Fax (775) 687-8335

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