ndep
NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
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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

February 25, 2011

Irwin Kishner
Herman Kishner Trust
294 Convention Center Drive
Las Vegas, NV 89109

Maryland Square Shopping Center, LLC
c/o Tim Swickard
Dongell Lawrence Finney LLP
770 L St., Suite 950
Sacramento, CA 95814

Subject: **Revised Proposed Schedule for Implementation of the Corrective Action Plan for Source Area Soil, Maryland Square Shopping Center** (dated February 18, 2011)

Facility: Al Phillips the Cleaner (former)
3661 S. Maryland Parkway
Las Vegas, NV

Facility ID: H-000086

Dear Mr. Kishner and Mr. Swickard:

The Nevada Division of Environmental Protection (NDEP) has reviewed the Revised Proposed Schedule for Implementation of the Corrective Action Plan" (CAP) for Source Area Soil and responses to NDEP comments, prepared by Tetra Tech on behalf of the Herman Kishner Trust (Trust) and Maryland Square Shopping Center, LLC (MSSC). This document was received electronically by the NDEP on February 18, 2011. The NDEP has reviewed the revised proposed schedule for implementation of the CAP for Source Area Soil, along with your responses to comments that were provided in the NDEP's letter dated January 11, 2011.

NDEP Requirements

The NDEP concurs with the responses to comments provided in the February 18, 2011 submittal. However, as one note of clarification, the NDEP's comment on "identifying, testing, and selecting borrow material" was intended to refer to the chemical content of the soil, not just the geotechnical characteristics. That is, the NDEP requires that the fill materials be free from any chemical contaminants that would compromise groundwater quality or pose an unacceptable human health risk from exposure to the fill materials.

Also, as stated in the NDEP's February 11 letter, please note that delays due to your internal discussions are not acceptable to the NDEP. For example, the assumption that "*the Trust will contract directly with the soil excavation and disposal firms*." The failure of this assumption will not represent an adequate or acceptable rationale for delay.

The NDEP reiterates the requirement stated in the NDEP's letter of February 11, 2011, which requested that you begin implementation of the work proposed in the CAP for Source Area Soil (CAP dated December 14, 2010) consistent with the revised schedule and the responses to comments provided in your February 18, 2011 submittal. The NDEP expects to receive the corrective action completion report by **September 8, 2011**.

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
Nevada Division of Environmental Protection
Fax (775) 687-8335

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