



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

October 9, 2012

Irwin Kishner
Herman Kishner Trust
252 Convention Center Drive, Ste 12A
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

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: Proposal for Changes to the Proposed Pilot Tests – Additional Vertical Delineation

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) has received and reviewed the “Proposal for Changes to the Proposed Pilot Tests – Additional Vertical Delineation,” dated October 8, 2012. The NDEP has also reviewed the results of the recently completed characterization and pumping tests conducted on the Boulevard Mall property. On **September 26, 2012**, the NDEP met with the Trust’s representatives for technical discussions of the results of recent characterization work conducted on the mall property. The NDEP notes that both the east and west parking lots at the mall are possible areas for installing remediation systems and conducting work for cleanup of the tetrachloroethylene (PCE) plume in groundwater.

The subject document, dated **October 8, 2012**, proposes that additional lithologic and chemical data are needed in order to help select a remedy and to design the pilot tests. The NDEP agrees that additional characterization data are needed in order to select a remedy for the PCE-contaminated groundwater.

Specifically, the data collected to date indicate that a more careful accounting of the lithology and contaminant distribution is needed. Therefore, the NDEP concurs that the additional drilling and vertical delineation be performed using sonic drilling, as proposed in the October 8, 2012 proposal (as well as in the Addendum to the Corrective Action Plan for Groundwater, dated August 25, 2011). The NDEP notes that sonic drilling with



continuous coring typically provides a more accurate and detailed stratigraphic profile of the unconsolidated sediments than drilling using hollow-stem auger.

NDEP Requirements

The NDEP concurs with the work proposed in the October 8, 2012 submittal, with the following conditions:

- NDEP requests that use of the Simulprobe tool for collecting discrete depth groundwater samples be considered in addition to the Hydropunch, and a description be provided of why the proposed sampling device/system is being recommended. NDEP's main concern is that all reasonable steps are taken to assure integrity of the samples collected at depth.
- Please contact the NDEP case officer immediately if concentrations of PCE exceed 5 micrograms per liter ($\mu\text{g/L}$) at 200 feet in the western boring or 50 $\mu\text{g/L}$ at 100 feet in the eastern borings. (At that point, it may be prudent and more cost-effective to consider and discuss drilling deeper while the rig is onsite).
- Please proceed immediately with the additional drilling and characterization, as outlined in the referenced documents; however, note that results of the additional characterization will require that the overall scope of the pilot studies be reassessed, including work on both the east and west areas of the mall property.

The NDEP requires that the results of the additional characterization (deeper drilling, with detailed lithologic descriptions and discrete-depth sampling of groundwater) be provided to the NDEP by **December 20, 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,



Mary A. Siders, Ph.D.
Bureau of Corrective Actions
Fax (775) 687-8335

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