

Khatri, Paresh, Env. Health

From: Jim Roessler [jim@roesslerinvestmentgroup.com]
Sent: Monday, November 28, 2011 10:34 AM
To: Hasswong@aol.com
Cc: Khatri, Paresh, Env. Health; tianacjenkins@aol.com; Mehrdad Javaher
Subject: RE: FW: Student Addresses Lamps Plus Shopping Center

Mr. Wong,

In answer to your questions:

1. We did significant vapor extraction in the soil which lowered the levels of vapor substantially but then the vapor increased somewhat over time. I am not clear on why this happened but apparently it is not uncommon.
2. The Fact Sheets are being distributed because it is the law to do so. We had a meeting recently with the ACEH to request that we simply start the vapor extraction again once we were aware that the vapor levels had increased but during that meeting it was clearly explained to us that we had to go through the process again of submitting a new report and, once again, distributing the Fact Sheets. The government has a process that they must go through – it was not our choice to do so.
3. My understanding that the reason that the Kindercare across the street is not involved is that they are not within the actual contamination area. Your Pre School is located quite close to the cleaners and is within the contamination area. As you probably know, a Pre School that is within the actual contamination area changes the requirement for the cleanup to a much more stringent level than a normal “commercial” level. If you were located in the vacancy just west of the Lamps Plus store outside of the contamination area or to any other location in the center outside the contamination area, then the cleanup level would be much less stringent. In spite of the fact that the contamination level of vapor in the soil is relatively minor, the government is obligated to follow the guide lines that are provided to them under law. I think Tiana or Gabriel had suggested to you in the past that moving to new location in the center might be easier for all involved and take your Pre School outside the contamination area.
- 4, I would be happy to meet with you, Tiana, and our environmental consultant to provide a better explanation to you. I can assure this has been a frustrating and costly experience in time and money for all involved.

Jim Roessler
Roessler Investment Group
360 Post Street, Suite 602
San Francisco, CA 94108
Phone: (415) 837-3722
Fax: (415) 837-3717
Email: Jim@RoesslerInvestmentGroup.com
Website: www.RoesslerInvestmentGroup.com
CA DRE #00339311

From: Hasswong@aol.com [mailto:Hasswong@aol.com]
Sent: Sunday, November 27, 2011 9:26 PM
To: Jim Roessler
Cc: paresh.khatri@acgov.org; tianacjenkins@aol.com
Subject: Re: FW: Student Addresses Lamps Plus Shopping Center

Mr. Roessler - while we may be in the process of trying to re-locate the pre-school, it is not yet complete and may not be for several months. As you know there are several City, state, and financial hurdles in the process - nothing is certain until the process is complete.

We are wondering why the cleanup process is starting up again after we have not seen any activity for some time now at the location.

Regarding the fact sheet, we are very concerned about the potential financial and business impacts such a notice may have on our business which in today's economic climate is difficult at best. Since we have just returned from the Thanksgiving holidays being out of town, we have not had a chance to review the latest fact sheet. As I recall, the initial

fact sheet presented a perspective on the health risks based on the testing that was done. We believe the indoor air sampling done initially was reassuring to the parents and staff that there were minimal health risks associated with the current pre-school location.

Also, we wonder why the Kindercare located across the street from the dry cleaners is not also being given the same notice as they are about the same distance from the dry cleaners as the residents behind the dry cleaner location.

Upon further review of the fact sheet, we may have further questions.

Howard Wong

In a message dated 11/26/2011 9:06:25 A.M. Pacific Standard Time, jim@roesslerinvestmentgroup.com writes:

Dear Mr. Mrs. Wong,

I am working on this environmental situation with Tiana Jenkins and have been since it started over 7 years ago. As you requested, attached is the Fact Sheet that we are being asked to distribute by Alameda County Environmental Health ("ACEH"). As you probably remember, we distributed a Fact Sheet several years ago as part of the process of informing all parties of what was happening and have, once again, been asked by the ACEH to distribute the updated Fact Sheet. We met with the ACEH several months not completely understanding why we had to go through the Fact Sheet distribution process again but ACEH clearly showed us that it had to be done under the current environmental laws. Additionally, we became aware of your efforts to move the Pre School several months ago and, at least initially, believed that you may not be involved in the distribution of the new Fact Sheet since you would most likely be moving to your new location at sometime in the near future. However, we were incorrect and ACEH has assured us that the Fact Sheets should also be delivered to your customers at this time. I apologize for the inconvenience but we are simply following the instructions of ACEH who, in turn, is following the current environmental laws. We have been working with Parish Khatri whose contact information is shown below and who has been most responsive to us and, I believe, would be available to answer any questions you have. Please forward us the customer list so we can follow the instructions of ACEH.

Jim Roessler

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Email: Jim@RoesslerInvestmentGroup.com

Website: www.RoesslerInvestmentGroup.com

CA DRE #00339311

From: Tiana C. Jenkins [mailto:tianacjenkins@aol.com]

Sent: Wednesday, November 23, 2011 9:31 PM

To: Jim Roessler

Subject: Fwd: Student Addresses

Tiana C. Jenkins

Sent from my iPhone

Begin forwarded message:

From: Hasswong@aol.com
Date: November 23, 2011 9:26:37 PM PST
To: tianacjenkins@aol.com
Cc: pareskh.khatri@acgov.org
Subject: **Re: Student Addresses**

Tiana - We are very surprised and concerned to learn that there are continuing efforts for remediation of the site where Montessori Plus is located. Based on your phone call on Tuesday 11/22, we became aware of your e-mail. We do not know what happened to your previous e-mail.

It appears that you have been working with Alameda County for about 3 months (since August) and we are only finding out this situation this week. That is of concern to us. We are just now trying to understand what has changed in the past year or so since we have not seen evidence of ongoing work at this site for some time.

We are very concerned about any "Fact Sheet" that may be sent out to our faculty and parents of children attending our preschool. We would like to review the proposed "Fact Sheet" to assure that it provides an appropriate perspective on the ongoing situation, the hazards involved, and the risk to the faculty and staff. This was done in the initial fact sheet. As you might expect, the faculty and parents will be very concerned of what this situation means to their and their children's health. This has a high potential to significantly affect our current business and future clients to our preschool.

If the "Fact Sheet" is being distributed to residents in the apartments behind the site, will the Kindercare facility (located across the street from the dry cleaners) and the associated parents with children attending Kindercare be notified also? They appear to be just as close to the dry cleaners as those in apartments behind the dry cleaners.

We request the opportunity to review the draft "Fact Sheet" before it is distributed.

Ada and Howard Wong

In a message dated 11/22/2011 11:58:36 A.M. Pacific Standard Time, tianacjenkins@aol.com writes:

Tiana C. Jenkins
Real Estate Manager
(925) 997-8881
(925) 461-3391 fax
tianacjenkins@aol.com

-----Original Message-----

From: Tiana C. Jenkins <tianacjenkins@aol.com>
To: hasswong <hasswong@aol.com>
Sent: Fri, Nov 18, 2011 10:57 am
Subject: Student Addresses

Ada/ Howard,

Please see the emails below. We need to send out a fact sheet again, so please email me the contact information for your students.

Thank you.

Tiana C. Jenkins
Real Estate Manager
(925) 997-8881
(925) 461-3391 fax
tianacjenkins@aol.com

-----Original Message-----

From: Jim Roessler <jim@roesslerinvestmentgroup.com>
To: Tiana C. Jenkins <tianacjenkins@aol.com>
Sent: Fri, Nov 18, 2011 10:49 am
Subject: FW: Montessori Pre School

Taina,

See below. ACEH is requiring that we send Fact Sheets to all the Montessori Pre School customers regardless of the fact the Pre School is intending to leave. Could you please ask the Pre School for that list.

Jim Roessler

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Email: Jim@RoesslerInvestmentGroup.com

Website: www.RoesslerInvestmentGroup.com

CA DRE #00339311

From: Khatri, Paresh, Env. Health [<mailto:paresh.khatri@acgov.org>]

Sent: Friday, November 18, 2011 10:44 AM

To: Jim Roessler

Cc: Drogos, Donna, Env. Health; 'Bud Duke'; 'Mehrdad Javaher'

Subject: RE: Montessori Pre School

Dear Mr. Roessler,

Thank you for the e-mailed fact sheet distribution list. However, this list is incomplete and does not contain attendees of the Montessori Pre-school nor does it include the previous fact sheet distribution list. Although the Montessori Pre-school may be re-locating, it doesn't change the fact the children have been attending the facility for several months or even years in certain instances. ACEH is requiring that the fact sheet is distributed to the Pre-school attendees and well as posted in a visible location at the school, in addition to the distribution list you provided. Please submit a complete distribution list as well as the previous distribution list no later than 5:00 pm **Monday, November 21, 2011**. Please note that this is not a due date extension as the original due date is September 23, 2011.

Failure to comply with these directives that were sent to on September 1, 2011, October 7, 2011, and on November 9, 2011 (Notice to Comply), may result in an issuance of a Notice of Violation and/or referral of this case to the Office of the District Attorney for non-compliance. Please note that civil penalties for non-compliance are assessed from the original due date (September 23, 2011). These directives are attached for your reference.

Sincerely,

Paresh C. Khatri

Sr. Hazardous Materials Specialist

Alameda County Environmental Health

1131 Harbor Bay Parkway

Alameda, CA 94502-6577

Phone: (510) 777-2478

Fax: (510) 337-9335

E-mail:

We are very surprised and concerned to learn that there are continuing efforts for remediation of the site where Montessori Plus is located. Based on your phone call today (Monday 11/21), we became aware of your e-mail. We do not know what happened to your previous e-mail.

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<http://www.acgov.org/aceh/index.htm>

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the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Jim Roessler [<mailto:jim@roesslerinvestmentgroup.com>]

Sent: Wednesday, November 16, 2011 3:39 PM

To: Khatri, Paresh, Env. Health

Subject: Montessori Pre School

Paresh,

The Montessori Pre School was approved by the Dublin City Council last night for moving to a new location. We are getting confirmation of exactly when they intend to move for you.

Attached are the lists for the Fact Sheet Distribution to 1) existing tenants in the shopping center and 2) the condo owners behind the center. We will be updated the Fact Sheet immediately and start the distribution of the Fact Sheet once you provide approval.

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From: Hasswong@aol.com
Sent: Monday, November 28, 2011 6:27 PM
To: jim@roesslerinvestmentgroup.com
Cc: Khatri, Paresh, Env. Health; tianacjenkins@aol.com; mehrdad@endpoint-inc.com
Subject: Re: FW: Student Addresses Lamps Plus Shopping Center

Jim - thank you for the additional information. Regarding your response in Item #3, I'm not sure what is considered the "contamination area". Is it some distance from the dry cleaner or is there a noted travel of PCE from the dry cleaning facility towards the apartment building behind? The question is - shouldn't Kindercare be also included in the Fact Sheet distribution since their distance is about the same as the residents of the apartment complex behind. As far as an offer to relocate, the possible relocation spot was right adjacent to a restaurant and was not acceptable to have children walking by the rear door with kitchen material and waste outside to access the play area.

Howard

In a message dated 11/28/2011 10:33:43 A.M. Pacific Standard Time, jim@roesslerinvestmentgroup.com writes:

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From: Hasswong@aol.com [mailto:Hasswong@aol.com]
Sent: Sunday, November 27, 2011 9:26 PM
To: Jim Roessler
Cc: paresh.khatri@acgov.org; tianacjenkins@aol.com
Subject: Re: FW: Student Addresses Lamps Plus Shopping Center

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CA DRE #00339311

From: Tiana C. Jenkins [mailto:tianacjenkins@aol.com]

Sent: Wednesday, November 23, 2011 9:31 PM

To: Jim Roessler

Subject: Fwd: Student Addresses

Tiana C. Jenkins

Sent from my iPhone

Begin forwarded message:

From: Hasswong@aol.com
Date: November 23, 2011 9:26:37 PM PST
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Cc: paresh.khatri@acgov.org
Subject: **Re: Student Addresses**

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Sent: Fri, Nov 18, 2011 10:57 am
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To: Tiana C. Jenkins <tianacjenkins@aol.com>
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Sincerely,

Paresh C. Khatri

Sr. Hazardous Materials Specialist

Alameda County Environmental Health

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Alameda, CA 94502-6577

Phone: (510) 777-2478

Fax: (510) 337-9335

E-mail:

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CA DRE #00339311

From: Hasswong@aol.com
Sent: Monday, November 28, 2011 10:31 PM
To: Khatri, Paresh, Env. Health
Cc: wong59@ltnl.gov
Subject: Crow Canyon Cleaners

Dear Paresh - I am the husband of one of the co-owners of the Montessori pre-school that is involved with the PCE contamination from Crow Canyon Cleaners in Dublin. We have been communicating with one of the individuals representing the responsible parties and the property manager for the building we are renting space from. We are very surprised and concerned that the cleanup issues continue and appears will continue on for some time.

We have reviewed the Fact Sheet and have a number of comments that should be resolved before distribution to the faculty and parents of children attending Montessori Plus preschool. Our comments are:

1. The Fact Sheet does not indicate that this is an updated Fact Sheet from the one previously issued in the Summer of 2009.
2. Indoor air samples were taken in 2007 and mentioned in the initial Fact Sheet (Summer 2009) "to assess the potential presence of PCE within the Montessori School..." We believe that additional indoor air testing needs to be done to assess the potential presence of PCE again since over 4 years have elapsed since the testing done in 2007. The need to re-initiate SVE should be enough cause to assess the current indoor air conditions in the school. Further, there have been holes made in the concrete slab in the classroom areas that are have been used for sampling. What assurance is there that the sampling locations in the classroom areas have maintained their integrity? Also, it should be noted that the children exit the classroom through the back door near the location of the wells and SVE equipment to go to the outdoor play area. Therefore, testing of outdoor air also seems prudent to assess any potential PCE exposures in the outdoor area (the well and equipment area where the faculty and children go by on a daily basis).
3. These testing results should be evaluated by an independent expert in the evaluation of potential health risks to adults as well as children (such as a Certified Industrial Hygienist) that is not directly tied to the environmental consulting company nor to the responsible parties based on their potential vested interests.
4. The evaluation of the testing results should be added to the Fact Sheet so that a balanced, unbiased perspective on the potential health risks are explained.
5. We note that the nearby Kindercare facility (located directly across the street from the dry cleaning facility) is not being notified of the potential issue. The Kindercare facility is as close to the dry cleaner facility as the apartment residents located behind the dry cleaner. Also, the Kindercare play area is the closest point to the dry cleaner. It seems reasonable that the concern for the apartment residents should extend to the Faculty and parents of children at the Kindercare facility.
6. We are very concerned about the potential negative business impact that distribution of the a Fact Sheet may have on our current and future business. Without an adequate explanation of the potential health risks, faculty and parents may become unduly concerned and apprehensive about the possible affect on their well being. Parents have choices on where they will pay for preschool services. Faculty have choices as to where they would like to work. We desire that the faculty and parents be fully informed of the conditions at the preschool. We are victims of the situation. We have been leasing the location for over 13 years with the sole intent of providing a high quality preschool environment. We were assured that the dry cleaners did not pose any issues

when we initially entered the lease arrangement. Providing faculty and parents an explanation of the actual potential health risks (or the lack of any significant risks) through the Fact Sheet can be reassuring to them.

I would like to discuss our comments on the Fact Sheet and concerns with you further and will try to call you on Tuesday 11/29.

Sincerely, Howard Wong