



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

SECOND NOTICE OF VIOLATION

January 6, 2012

Mr. John Beery	Mr. Bill Marbhy	William F Worthington Jr. Tr. and
Mariner Square Assoc.	Oakmont Senior Living of Alameda LP	Oakmont Senior Living of Alameda LP
2900 Main Street #100	220 Concourse Boulevard	220 Concourse Boulevard
Alameda, CA 94501	Santa Rosa, CA 94503-8210	Santa Rosa, CA 94503-8210

Mr. John Beery
Mariner Square Associates
2415 Mariner Square Drive
Alameda, CA 94501

Subject: Second Notice of Violation; Fuel Leak Case No. RO0000313 (Global ID # T0600101566),
Chevron #21-1663/Mariner Boat Yard, 2415 Mariner Square Drive, Alameda, CA 94501

Dear Messrs. Beery, Marbhy, and Worthington Jr. Trust:

Alameda County Environmental Health (ACEH) has reviewed the recently submitted *A Work Plan for the Installation of Three Groundwater Monitoring Wells*, dated September 9, 2011, and prepared by Environmental Technical Services. The work plan appears to be a partial response to three previous requests for a remediation progress report contained in a directive letter dated November 19, 2009, an enforcement letter dated October 28, 2010, and the first NOV letter, dated June 17, 2011. Based on the work plan, ACEH assumes that no wells likely remain at the site which can be used to determine remedial progress in groundwater, and that an initial step is the proposed installation of wells; however, this is not clarified. The installation of wells may be an appropriate step; however, appropriate locations cannot be determined without an understanding of past remedial activities, the success of the then proposed remedial activities (inclusive of the "Recommended Actions" in the referenced 2003 and 2004 documents [as referenced in the work plan]); modifications to the proposed actions; additional remedial actions; additional areas remediated; the volume of remediated / treated soil and groundwater; the final disposition of groundwater and of the soil (treatment, onsite relocation, offsite disposal [with disposal documentation], etc.); well destruction permitting, methodology, and dates; and other important issues and concerns not itemized, but important to understanding the remedial product. In fact, the cover letter of the February 12, 1999 *Risk-Based Corrective Action Report* states that the risk "...evaluation indicates for each area that the level of risk remaining at the site is below RBCA calculated levels, except for limited areas of high concentrations." It is uncertain and undocumented that these "limited areas" were properly addressed and mitigated. Finally, additional data appears to be unreported based on the inclusion of locations marked as "Trench Sample Locations" on several figures in the 2004 report. In summary, significant portions of the remedial activities at this site are not known or documented, and this is fundamental to the understanding of the status of the site.

An additional area of concern includes an evaluation of the health risk assessment conducted for the site. As noted in the November 19, 2009 ACEH letter, the 1999 RBCA health risk assessment was conducted assuming that redevelopment for the site would be for an extended-stay hotel. Development plans

changed and senior living residential units, including per our understanding assisted living units, has been constructed at the site. It is not clear that any changes in the planned construction, exposure scenarios, or the planned tenant's health susceptibility were incorporated into a revised health-risk assessment. Please submit documentation to verify that these changes were ultimately incorporated into a health risk assessment for the site by the date identified below.

As before, and based on the review of the case file, it appears that information requested of you has not been submitted and a complete review and evaluation of the data for your site cannot be completed. On November 19, 2009 ACEH issued a *Request for Information* directive letter. Because a response was not received for the November 2009 letter, and due dates contained in the letter were not met, a *Notice to Comply* was issued on October 28, 2010. Due dates in the October 2010 letter were also not met; consequently, on June 17, 2011 a First *Notice of Violation* was issued. Copies are attached for your reference.

The site is out of compliance with ACEH directives. Corrective Action at this site is required to be protective of human health and the environment and to progress this case towards closure. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to adequately characterize the site and undertake necessary corrective actions. These actions are presently unknown.

In order to regain compliance, please undertake the tasks previously requested and submit documents to GeoTracker and ACEH's FTP site by revised dates specified below. Failure to submit the documents may result in referral and possible enforcement action by the District Attorney and / or ineligibility for reimbursement of costs incurred at the site from the Underground Storage Tank Cleanup Fund. The site may also be recommended for removal from the Cleanup Fund if inaction continues. Once removed from the Cleanup Fund the costs associated with the subsurface investigation and / or cleanup work that would be required at your site will not be reimbursed.

This letter is an additional attempt to preclude further enforcement actions. Pursuant to Chapter 6.7, California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (January 15, 2010).

ACEH requests that you address technical comments previously sent, as well as the following technical comment, by the revised dates listed below, and send us the appropriate documents.

TECHNICAL COMMENTS

- 1. Request for Point of Contact and Email Addresses** – If your business does not have a point of contact listed, or an email address is not listed on the first page of this letter, ACEH requests your email address to help expedite communications and to help lower overall costs. Please provide that information in your next submittal.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mark Detterman), according to the following schedule:

- **February 27, 2012** – Remediation Progress Report with Risk Assessment Scenario Evaluation
- **60 Days After Remedial Progress Report Review and Comments** – Data Gap Work Plan

Messrs. Beery, Marbhy, and Worthington Jr. Trust

RO0000313

January 6, 2012, Page 3

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions
November 19, 2009 ACEH Directive letter
October 28, 2010 Enforcement letter
June 17, 2011 Notice of Violation letter (First)

cc: John Cavanaugh, ERM, 1777 Botelho Drive, Suite 260, Walnut Creek, CA 94596

Helen Mawhinney, 1548 Jacob Avenue, San Jose, CA 95118 (sent via electronic mail to hmawhinneyets@aol.com)

Cardinal Point at Mariner Square, Manager, 2431 Mariner Square Drive, Alameda, CA 94501

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)

Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)

Geotracker, Electronic File

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include **"ftp PASSWORD REQUEST"** and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Acting Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

November 19, 2009

Mr. John Beery
Mariner Square Associates
2900 Main Street #100
Alameda, CA 94501

Mr. Bill Marbhy
Oakmont Senior Living of Alameda LP
220 Concourse Boulevard
Santa Rosa, CA 94503-8210

Subject: Request for Information; Fuel Leak Case No. RO0000313 (Global ID # T0600101566), Chevron #21-1663/Mariner Boat Yard, 2415 Mariner Squarer Drive, Alameda, CA 94501

Dear Mr. Beery and Mr. Marbhy:

I have recently joined Alameda County Environmental Health Department (ACEH) and have been assigned to this case. It will be greatly appreciated if you would send all future correspondence or inquiries to my attention. As part of a larger review process to move cases toward closure, ACEH staff has undertaken a review of the case file for referenced site, including the letter report entitled, "Site Summary Letter" dated September 10, 2003, prepared by Environmental Resources Management (ERM). Based on the review of the case file it appears that information previously requested of you has not been submitted and a complete review and evaluation of the data for your site cannot be completed. We request that you address the following technical comments and send us the reports requested below.

TECHNICAL COMMENTS

1. **Remediation Progress and Site Status** – Correspondence from ACEH dated September 24, 2001, requested, among other items, the collection of water samples from storm drain outlets, PNA analysis of soil at selected locations, and the collection of shallow soil samples at the "North Sail facility". Electronic mail correspondence from ACEH dated July 3, 2002, requested additional soil excavation to remove high levels of residual lead contamination in soil followed by confirmation soil sampling prior to site redevelopment as senior housing. ACEH additionally requested the installation of replacement groundwater monitoring wells to monitor groundwater quality after the completion of site redevelopment activities. The site summary letter report from ERM discussed other pending site remediation activities that included excavation of contaminated soil, excavation dewatering, and treatment and disposal of contaminated groundwater; however, the letter did not address the earlier requests. To date, we do not appear to have received confirmation that the requested work has been completed.

As a consequence, we request that you forward reports that may have previously been prepared in the intervening period of time, or alternatively that a report be prepared, that documents the results of all investigation and remediation activities that have since occurred at the site. This should include site maps (using on aerial photo base) showing all soil boring locations, monitoring well locations, soil excavation and confirmation soil sampling locations with pre- and post-excavation contamination concentrations; and the current configuration of senior housing buildings, other buildings, facilities, and roads in relation to the former source areas. In addition, please include data tables that include all historical soil and groundwater analytical data, monitoring well condition, in the remediation progress report requested below.

2. **Health Risk Assessment** - The 1999 RBCA health risk assessment was conducted assuming that redevelopment for the site would be for an extended-stay hotel. Development plans changed and senior living

residential units, including per our understanding assisted living units, has been constructed at the site. It is not clear that any changes in the planned construction, exposure scenarios, or the planned tenant's health susceptibility were incorporated into a revised health-risk assessment. Please forward available documentation to verify that these changes were ultimately incorporated into a health risk assessment for the site.

3. **Geotracker EDF Submittals** - A review of the case file and the State Water Resources Control Board's (SWRCB) Geotracker website indicate that electronic copies of analytical data have not been submitted for your site. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001), to the SWRCB's Geotracker database website in accordance with the above-cited regulation.
4. **Request for Information** - At the present time the ACEH case file for the subject site contains only the electronic files listed on our website at <http://www.acgov.org/aceh/lop/ust.htm>. You are requested to submit copies of all other reports, data, and correspondence related to environmental investigations for this property (including Phase I reports) that currently exist, by the date listed below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mark Detterman), according to the following schedule:

- **January 15, 2010** – GeoTracker Document Upload Confirmation
- **January 15, 2010** – Available reports missing from case file, including revised health risk assessment or remedial reporting for the subject parcels.
- **February 1, 2010** – If not previously generated, Remediation Progress Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy

of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

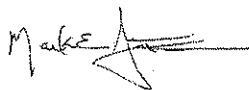
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Should you have any questions, please contact me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark E.
Detterman
DN: cn=Mark E. Detterman, c=US
Reason: I am the author of this
document
Date: 2009.11.19 16:30:39 -08'00'

Mark E. Detterman, PG, CEG
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: John Cavanaugh, ERM, 1777 Botelho Drive, Suite 260, Walnut Creek, CA 94596
Helen Mawhinney, 1548 Jacob Avenue, San Jose, CA 95118
Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org), File



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ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

NOTICE TO COMPLY

October 28, 2010

Mr. John Beery
Mariner Square Associates
2900 Main Street #100
Alameda, CA 94501

Mr. Bill Marbhy
Oakmont Senior Living of Alameda LP
220 Concourse Boulevard
Santa Rosa, CA 94503-8210

Subject: Notice to Comply; Fuel Leak Case No. RO0000313 (Global ID # T0600101566), Chevron #21-1663/Mariner Boat Yard, 2415 Mariner Squarer Drive, Alameda, CA 94501

Dear Mr. Beery and Mr. Marbhy:

As part of a larger review process to move cases toward closure, Alameda County Environmental Health (ACEH) staff has undertaken a review of the case file for the referenced site, including the letter report entitled, "Site Summary Letter" dated September 10, 2003, prepared by Environmental Resources Management (ERM). Based on a recent review of the case file it appears that information previously requested of you has not been submitted and a complete review and evaluation of the data for your site cannot be completed. As a consequence on November 19, 2009 ACEH issued a *Request for Information* directive letter to update our understanding of the site. The letter contained deadlines that have not been met. A copy is attached for easy reference.

The site is out of compliance with ACEH directives. Site characterization and/or cleanup at this site is required to be protective of human health and the environment and to move this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to adequately characterize the site and undertake corrective actions as necessary.

In order to regain compliance, please undertake the tasks previously requested and submit documents to GeoTracker and ACEH's FTP server by revised dates specified below. Failure to submit the documents may result in referral and possible enforcement action by the District Attorney and / or ineligibility for reimbursement of costs incurred at the site from the Underground Storage Tank Cleanup Fund. The site may also be recommended for removal from the Cleanup Fund if inaction continues. Once removed from the Cleanup Fund the costs associated with the subsurface investigation and / or cleanup work that would be required at your site will not be reimbursed. The last request for reimbursement dates to 1998.

This letter is an additional attempt to preclude further enforcement actions. Pursuant to Chapter 6.7, California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (January 15, 2010).

ACEH requests that you address technical comments previously sent by the revised dates listed below and send us the appropriate documents.

TECHNICAL REPORT REQUEST

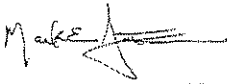
Please submit technical reports to Alameda County Environmental Health (Attention: Mark Detterman), according to the following schedule:

- **November 30, 2010** – GeoTracker Document Upload Confirmation
- **November 30, 2010** – Available reports missing from case file, including revised health risk assessment or remedial reporting for the subject parcels.
- **January 7, 2011** – If not previously generated, Remediation Progress Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Should you have any questions, please contact me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark E.
Detterman
DN: cn=Mark E. Detterman, c=US
Date: 2010.11.01 09:42:39 -07'00'

Mark E. Detterman, PG, CEG
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: John Cavanaugh, ERM, 1777 Botelho Drive, Suite 260, Walnut Creek, CA 94596
Helen Mawhinney, 1548 Jacob Avenue, San Jose, CA 95118

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NOTICE OF VIOLATION

June 17, 2011

Mr. John Beery Mr. Bill Marbhy
Mariner Square Assoc. Oakmont Senior Living of Alameda LP
2900 Main Street #100 220 Concourse Boulevard
Alameda, CA 94501 Santa Rosa, CA 94503-8210

William F Worthington Jr. Tr and
Oakmont Senior Living of Alameda LP
220 Concourse Boulevard
Santa Rosa, CA 94503-8210

Mr. John Beery
Mariner Square Associates
2415 Mariner Square Drive
Alameda, CA 94501

Subject: Notice of Violation; Fuel Leak Case No. RO0000313 (Global ID # T0600101566),
Chevron #21-1663/Mariner Boat Yard, 2415 Mariner Square Drive, Alameda, CA 94501

Dear Messrs. Beery, Marbhy, and Worthington Jr. Trust:

As part of a larger review process to move cases toward closure, Alameda County Environmental Health (ACEH) staff undertook a review of the case file for the referenced site, including the letter report entitled, "Site Summary Letter" dated September 10, 2003, prepared by Environmental Resources Management (ERM). Based on the review of the case file it appears that information previously requested of you has not been submitted and a complete review and evaluation of the data for your site cannot be completed. As a consequence on November 19, 2009 ACEH issued a *Request for Information* directive letter to update our understanding of the site. Because a response was not received for the November 2009 letter, and due dates contained in the letter were not met, a *Notice to Comply* was issued on October 28, 2010. Due dates in the October 2010 letter have also not been met. Copies are attached for your reference.

The site is out of compliance with ACEH directives. Corrective Action at this site is required to be protective of human health and the environment and to progress this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to adequately characterize the site and undertake necessary corrective actions.

In order to regain compliance, please undertake the tasks previously requested and submit documents to GeoTracker and ACEH's FTP site by revised dates specified below. Failure to submit the documents may result in referral and possible enforcement action by the District Attorney and / or ineligibility for reimbursement of costs incurred at the site from the Underground Storage Tank Cleanup Fund. The site may also be recommended for removal from the Cleanup Fund if inaction continues. Once removed from the Cleanup Fund the costs associated with the subsurface investigation and / or cleanup work that would be required at your site will not be reimbursed. The last request for reimbursement dates to 1998.

Messrs. Beery, Marbhy, and Worthington Jr. Trust
RO0000313
June 17, 2011, Page 2

This letter is an additional attempt to preclude further enforcement actions. Pursuant to Chapter 6.7, California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (January 15, 2010).

ACEH requests that you address technical comments previously sent by the revised dates listed below and send us the appropriate documents.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mark Detterman), according to the following schedule:

- **July 29, 2011** – Claim site in GeoTracker and provide document upload confirmation
- **July 29, 2011** – All reports missing from case file, including revised health risk assessment or remedial reporting for the subject parcels.
- **September 2, 2011** – Remediation Progress Report(s) – if not previously generated.

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Should you have any questions, please contact me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark E. Detterman
DN: cn=Mark E. Detterman, o, ou,
email, c=US
Date: 2011.06.17 09:46:48 -07'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions
November 19, 2009 ACEH letter
October 28, 2010 ACEH letter

cc: John Cavanaugh, ERM, 1777 Botelho Drive, Suite 260, Walnut Creek, CA 94596
Helen Mawhinney, 1548 Jacob Avenue, San Jose, CA 95118

Cardinal Point at Mariner Square, Manager, 2431 Mariner Square Drive, Alameda, CA 94501

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic File