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January 13, 2012

Mark E. Detterman, PG, CEG
Hazardous Materials Specialist
HEALTH CARE SERVICES AGENCY
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Second Notice of Violation; Fuel Leak Case #RO0000313
Chevron #21-1663/Mariner Boat yard, 2415 Mariner Sq.

Dear Mr. Detterman:

Bill Mabry has asked that I respond to your above-referenced letter dated January 6, 2012 to Mr. John Beery, Mr. Bill Mabry, William F. Worthington, Jr., Trustee, and Oakmont Senior Living of Alameda, L.P.

It appears the Second Notice of Violation concerns the industrial/commercial property located at 2415 Mariner Square Drive, Alameda, California.

In the late 1990's and 2000, your agency conducted extensive subsurface investigations of both the industrial commercial property owned by John Beery/Mariner Square Associates at 2415 Mariner Square Drive and the adjoining then-unimproved property next door at 2425 Mariner Square Drive, which is currently improved with a senior residential facility owned and operated by Oakmont Senior Living of Alameda, L.P., William F. Worthington, Jr., Trustee, and Bill Mabry.

Enclosed is a letter dated June 2, 2000, from your agency which concludes, "Base upon Risk Assessment, no remediation is necessary for 2425 Mariner Square Drive, Alameda, CA 94502". The letter goes on to explain that there were 4 monitoring wells on the property at 2425 Mariner Square Drive, but that 3 of them were discontinued and the fourth one was relocated to the commercial property at 2415 Mariner Square Drive.

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Your notices have caused my clients much concern and anxiety, even though, in my opinion, you are attempting to contact only the owner of 2415 Mariner Square Drive and not my clients who are associated with 2425 Mariner Square Drive.

Could you please respond to this letter and confirm that the notices of violation have nothing to do with the senior residential facility located at 2425 Mariner Square Drive?

Also, it would be greatly appreciated if you could remove Mr. Mabry, Mr. Worthington and Oakmont Senior Living of Alameda, L.P. from the list of addressees for the notices of violation relative to the property located at 2415 Mariner Square Drive.

Thank you for your courtesy and cooperation in this matter.

Yours truly,

A handwritten signature in black ink, reading "Jeffrey L. Breithaupt". The signature is written in a cursive, flowing style.

Jeffrey L. Breithaupt

JLB/nfs

copy: clients

encl.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

June 2, 2000

Mr. Bill Mabry
Aegis Assisted Living
220 Concourse Blvd.
Santa Rosa, CA 94503
STID 2945

RE: 2425 Mariner Square, Alameda, CA

Dear Mr. Mabry:

This site was part of the parcel of 2415 Mariner Square, Alameda. The property owner, John Beery subdivided the parcel into two parcels. The western parcel (industrial/commercial) will retain the address of 2415 Mariner Square. The eastern parcel (residential) new address is 2425 Mariner Square.

Both parcels 2415 and 2425 Mariner Square was marshland prior to filling with "hydraulic fill" in the late 1800's, and was then the site of bulk fuel storage and distribution activities as early as 1916. The site was previously owned by Tidewater/Texaco then Phillips Petroleum, and was used for bulk fuel storage and distribution of refined oils, motor lubricants, and fuel oils for ships until 1972. Since 1972, the site use has been mixed office, restaurant, boat sales, sail manufacturing, boat motor repair, automobile repair, boat hull repair, boat hull stripping and painting.

SOIL SUMMARY AND EVALUATION

The borings advanced on the residential portion include MS-1 through MS-4, MS-11, MS-13 MS-14, MS-23, SB-A, and SB-B. Soil samples from borings MS-1, MS-3, MS-4, MS-11, MS-13, MS-14 and MS-23 were analyzed for TRPH, BTEX and VOC's. Soil samples from borings SB-A at 1.5 feet, and SB-B at 1.5 feet bgs were analyzed for total organic carbon. Soil samples SB-A and SB-B were analyzed for 17 metals at 1.5 feet, and for total lead at 3.0 feet. The soil sample from SB-A at 5.5 feet bgs was analyzed for BTEX, vinyl chloride and total organic carbon. TRPH was detected at concentrations ranging from nondetectable (MS-1) to 13,000 ppm (MS-4). Benzene was below detection limits. TEX and VOCs concentrations ranged from nondetectable to 1.2 ppm (MS-4).

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The monitoring wells installed on the residential portion include MW-1, MW-7 and MW-8. In addition, well MW-5 is located north and adjacent to the northern boundary of the residential portion. Due to the lack of photoionization detector (PID) readings, no soil samples from well MW-8 were analyzed. The soil sample collected from well MW-1 and MW-5 were analyzed for TPH(d), oil and grease, BTEX and VOCs. The soil sample collected from well MW-7 was analyzed for TPH(g), TPH(d), TPHmo, BTEX, VOCs, and vinyl chloride. All analytes were below detection limits in the sample from MW-1. Oil and grease, benzene and VOCs were not detected in the sample from MW-5. TPH(d) and TEX were detected in MW-5 at 220 ppm, 0.5 ppm, 1.6 ppm and 1.4 ppm respectively. TPH(g), TPH(d), benzene, total xylenes, and vinyl chloride were not detected in the sample from MW-7. TPHmo and toluene were detected in the sample from MW-7 at 200 and 0.014 ppm respectively.

GROUNDWATER SUMMARY AND EVALUATION

The following summary is based on the analytical results of groundwater samples collected from wells MW-1, MW-7, and MW-8 within the residential portion of the site. TPH(g) has ranged from nondetectable to 750 ppb, TPH(d) has ranged from nondetectable to 1,800 ppb, and TPHmo has been nondetectable in all three wells except for 110 ppb in MW-1 on 6/24/99 and 130 ppb in MW-8 on 9/9/99. Benzene has ranged from nondetectable to 89 ppb, and the highest level of TEX was 64 ppb total xylenes. MTBE was not detected in wells MW-1 or MW-8. Although, MTBE was detected at concentrations of 16 and 34 ppb in well MW-7 on 2/18/98 and 5/8/98 respectively, vinyl chloride has not been detected in these wells.

Well MW-5 is located north of and adjacent to the northern boundary of the residential portion. However, due to the proximity to the residential portion, the analytical results are summarized. TPH(g) has ranged from 290 to 9,000 ppb, TPH(d) has ranged from nondetectable to 8,800 ppb, and TPHmo has ranged from nondetectable to 860 ppb. Benzene has ranged from 1.2 to 48 ppb, and the highest level of TEX was 49 ppb ethylbenzene. MTBE has ranged from nondetectable to 12 ppb. Vinyl chloride has not been detected in well MW-5. Lead was detected in well MW-5 at 82 ppb on 5/25/93 and nondetectable on 9/26/94.

The primary contaminant of concern in groundwater is benzene. The possible exposure pathway is volatilization from groundwater to the enclosed space of the residential structure, and the calculated risk is between 1E-05 and 1E-06. However, the actual risk of exposure by this pathway is minimal due to the proposed configuration of buildings and pavement.

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The Saltwater Ecological Protection Zone (SEPZ) at the San Francisco International Airport (SFIA) was used in the Risk Assessment as a basis for comparison of similar background conditions. The residential portion is within the SEPZ 300 foot evaluation area. The benzene concentrations in groundwater sample results reported from the three well within the parcel and well MW-5 is, on average below the SEPZ value of 71 ppb. The SFIA SEPZ value for TPH(g) is 9,150 ppb. The TPH(g) concentrations from the three parcel wells and MW-5 average below this value.

To evaluate the risk to human health and environment due to the remaining contamination at the site, a Risk-Based Corrective Action (RBCA) Tier 2 evaluation using a residential scenario was performed. The results for the assessment of the site indicate the following:

- 1) Hydrocarbons remaining in soil will not likely further impact groundwater at the site. Volatile compounds were not reported in the soil samples from the site.
- 2) Volatile compounds remaining in groundwater do not pose a significant risk to residential use of the parcel. The groundwater at the site is not considered drinking water quality. Continued groundwater monitoring and sampling has not shown significant change in the three wells located on the residential parcel.
- 3) The risk of exposure to soil and groundwater is currently low due to the present configuration and in the proposed residential configuration. The receptor pathways are limited to dermal contact during construction and excavation.
- 4) **Base upon the Risk Assessment, no remediation is necessary for 2425 Mariner Square Drive, Alameda, CA 94502**

Presently there are four monitoring wells (MW-1, MW-5, MW-7 & MW-8) on the property at 2425 Mariner Square Drive, Alameda, CA. Monitoring well MW-5 will be relocated from the residential parcel to the commercial parcel. Sampling of monitoring wells MW-1, MW-7 and MW-8 has been discontinued.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: John Beery, 2900 Main Street, Suite 100, Alameda, CA 94501
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