

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mail #: 7006345000005030021

April 16, 2009

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 537-9335

NOTICE OF RESPONSIBILITY

Site Name & Address:

**CHEVRON #21-1663 / MARINER BOAT YARD
2415 MARINER SQUARE DR
Alameda, CA 94501**

**Local ID: RO0000313
Related ID: 2945
RWQCB ID: 01-1695
Global ID: T0600101566**

Responsible Party:

**BILL MARBHY
OAKMONT SENIOR LIVING OF ALAMEDA/
220 CONCOURSE BLVD.
SANTA ROSA CA 94503-8210**

Date First Reported: 12/17/1990

**Substance: 12034 Diesel fuel oil and additives, Nos.1-D, 2-D,
2-4**

Funding for Oversight: LOPS - LOP State Fund

Multiple RPs?: No

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified MARINER SQUARE & ASSOCIATES as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency, within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5650.

Pursuant to section 25296.10(c)(6) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the designation process.

Please contact your caseworker PLUNKETT, STEVEN, at this office at (510)383-1767 if you have questions regarding your site.


ARIUX LEVI, Director
Contract Project Director

Date: 4/21/09

Action: Add
Reason: NEW

**ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM**

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

April 16, 2009

Site Name & Address:

**CHEVRON #21-1663 / MARINER BOAT YARD
2415 MARINER SQUARE DR
Alameda, CA 94501**

Local ID: RO0000313

Related ID: 2945

RWQCB ID: 01-1695

Global ID: T0600101566

All Responsible Parties

**RP has been named a Primary RP - JOHN BEERY
MARINER SQUARE & ASSOCIATES**

2900 MAIN STREET #100 | ALAMEDA, CA 94501 | Phone No Phone Number Listed

**RP has been named a Primary RP - BILL MARBHY
OAKMONT SENIOR LIVING OF ALAMEDA LP**

220 CONCOURSE BLVD. | SANTA ROSA, CA 94503-8210 | Phone No Phone Number Listed

Responsible Party Identification Background

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ACEH has named the responsible parties for this site as detailed below.

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

April 16, 2009

Responsible Party Identification

Existence of Unauthorized Release

In February 1991 one 550 gallon underground storage tank (UST) was removed from beneath the site. A distinct hydrocarbon sheen was noted on groundwater in the tank pit and a grab groundwater sample collected from the tank pit detected dissolved phase contamination at up to 6,900 parts per billion (ppb) total petroleum hydrocarbons as diesel (TPHd) and 130,000 ppb TPH oil and grease. In August 1997 two additional USTs were removed from beneath the site and confirmation soil samples collected from the tank pit detected 350 ppm TPHg, 8,900 ppm TPH oil and grease.

Responsible Party Identification

John Beery (DBA Mariner Square Associates) owned the property from December 1971 through November 2003 where an unauthorized release of a hazardous substance from a UST occurred (Definition 3). John Beery had control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance (Definition 4).

Oakmont Senior Living of Alameda LP purchased the property in November 2003 and meets the definition of a responsible party because they are the property owner where an unauthorized release of a hazardous substance from a UST has occurred, (Definition 3).

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OAKMONT SENIOR LIVING	
OF ALAMEDA	
220 CONCOURSE BOULEVARD	
SANTA ROSA, CA 94503-8210	
PS Form 3800, August 2006 See Reverse for Instructions	