



RO 423  
Alameda County  
MAY 14 2010  
Environmental Health

May 11, 2010

Paresh C. Khatri  
Steven Plunkett  
Hazardous Material Specialists  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502

**Re: Fuel Leak Case No. RO 0000423 and Geotracker Global ID T0600102267,  
Port of Oakland/Pacific Dry Dock Yard II, 321 Embarcadero, Oakland,  
California 94606**

Dear Mr. Khatri and Mr. Plunkett:

This letter responds to 1) Mr. Khatri's letter to me dated July 31, 2009, concerning groundwater monitoring requirements, 2) Mr. Plunkett's e-mail to me dated May 5, 2009, forwarding instructions on how to add documents to the Alameda County Health Care Service Agency ("County") ftp site and requesting that the instructions be forwarded to the Oak-9<sup>th</sup> developer and its consultant, and 3) the "Responsible Party of Record As of 07/22/2009" form I received from the County, all regarding Pacific Dry Dock Yard II at 321 Embarcadero ("Crowley Yard II" or "Site").

Crowley Yard II is one of the parcels in the Oak-9<sup>th</sup> development area. The Port and developer, Oakland Harbor Partners ("OHP"), entered into an Option to Purchase and Ground Lease Real Property dated November 7, 2003, and an Amended and Restated Option to Purchase and Ground Lease Real Property dated October 17, 2008 wherein OHP has the option to acquire fee title to certain portions of the Oak-9<sup>th</sup> parcels and ground lease other portions. OHP intends to redevelop the Oak-9<sup>th</sup> parcels into a mixed use, waterfront, multi-family, urban residential neighborhood.

Over the last several years, and in anticipation of OHP's exercise of its option and consummation of the real estate transaction, OHP has been conducting environmental studies on the Oak-9<sup>th</sup> parcels, including Crowley Yard II, under the oversight of the California Department of Toxic Substances Control ("DTSC"). OHP recently released its Draft Response Plan to the public for review; the public comment period ended on December 18, 2009, and OHP is in the process of finalizing the Response Plan for approval by DTSC. The Draft Response Plan contains a comprehensive summary of the environmental data pertaining to the Site.

**I. Ms. Khatri's Letter Dated July 31, 2009**

Mr. Khatri's letter provides information regarding groundwater monitoring requirements for fuel leak cases in California. Please note that the Port is not currently monitoring the groundwater at Crowley Yard II; however, there are historic groundwater monitoring wells currently present at the Site.

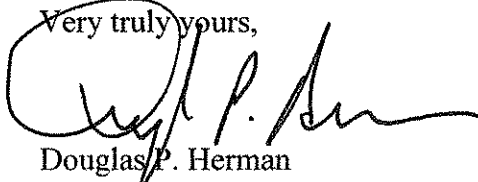
**II. Mr. Plunkett's E-mail Dated May 5, 2009**

Mr. Plunkett's e-mail forwarded instructions for uploading documents to the County ftp site and requested that the instructions be forwarded to the Oak-9<sup>th</sup> developer and its consultants so that they provide electronic copies to the County. Please note that the Port forwarded Mr. Plunkett's May 5, 2009, e-mail to OHP on May 7, 2009, and requested that OHP upload the appropriate documents to the County's ftp site.

**III. Responsible Party of Record As of 07/22/2009**

Crowley Marine Services Inc. ("Crowley") previously leased the Site from the Port and conducted boat repair and dry dock operations from 1951 to 1992. Accordingly, the Port requests that Crowley be named as the primary responsible party, and that the Port and OHP be identified as the secondary responsible parties. Upon close of escrow of the above-described real estate transaction which is anticipated to occur in the first quarter of 2011, the Port requests that it be removed as one of the secondary responsible parties.

If you have any questions regarding this matter, please feel free to contact me at (510) 627-1184. You may also contact OHP's consultant, Claudia Cuadrado, Project Engineer at Erler & Karinowski, Inc., (650) 292-9100 or ccuadrado@ekiconsult.com.

Very truly yours,  
  
Douglas P. Herman

cc: Hodayune Atiqee, DTSC  
Michele Heffes, Port of Oakland  
Patrick VanNess, Signature Properties  
Earl James, Erler & Kalinowski, Inc.  
Diane Heinze, Port of Oakland  
Stuart Block, Esq., Cox, Castle & Nicholson  
Christine K. Noma, Wendel Rosen Black & Dean  
Deborah S. Ballati, Farella Braun + Martel



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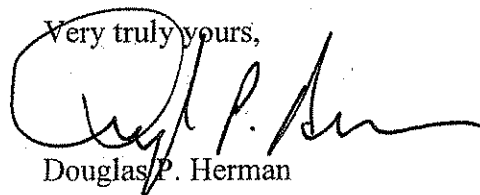
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