

**EXHIBIT B**

July 27, 2011, Notice of Violation



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Acting Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.  
Governor

July 27, 2011  
File No. 07S0183 (RAL)

Mayhew Center, LLC  
Attn: Dean Dunivan  
[rddunivan@yahoo.com](mailto:rddunivan@yahoo.com)  
3317 Vincent Road  
Pleasant Hill, CA 94523

**SUBJECT: Notice of Violation for Failure to Submit Technical Report**  
Mayhew Center, 3301-3341 Vincent Road, Contra Costa County

Dear Mr. Dunivan:

Mayhew Center, LLC has failed to submit a technical report as required pursuant to our Water Code Section 13267 Order dated April 4, 2011 (13267 Order). As explained below, the Regional Water Board may pursue enforcement action for this violation. We recognize that you have not yet been granted access to work on WCM property, nonetheless, Mayhew Center can perform the investigation work on its' own property. ***In order to avoid, or minimize, enforcement action against Mayhew Center, we urge you to proceed with the field work on your property while seeking to resolve access issues with WCM.***

The 13267 Order directs Mayhew Center to implement your *Revised Site Investigation Work Plan*. The work plan calls for an initial investigation phase which includes gathering data from three MIP boreholes. This work is to be followed by boring, monitoring well, and air/vapor sampling. A summary report of your MIP investigation was due May 13, 2011. We understand that you have not been granted access for work at WCM. We do not have documentation that you have complied with access requirements. You have not responded to our staff e-mail of July 8, 2011, requesting written confirmation that you have submitted all that is required for access according to your court agreement. We note that your consultant has kept us informed of tentative field investigation start dates and attempts to file the required paperwork; however the report is now two months late and field work has yet to start.

Elevated concentrations of PCE have been found in soil, soil gas, and groundwater samples from your property. The PCE release has adversely impacted groundwater and indoor vapor intrusion poses a potential threat to public health. Therefore, the site requires further investigation and remediation.

*Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 60 years*

Please be aware that the California Water Code Section 13268 allows the Regional Water Board to impose administrative civil liability of up to \$1,000 per violation day for failure to submit required technical reports. I urge you to do the work and submit the required investigation report as soon as possible to minimize the gravity of this violation. You must also provide at least three days notification prior to any field work.

If you have any questions and to provide notice, please contact Ralph Lambert of my staff at (510) 622-2382 or via e-mail at [ralambert@waterboards.ca.gov](mailto:ralambert@waterboards.ca.gov).

Sincerely,

  
for

Digitally signed by  
Chuck Headlee  
Date: 2011.07.27  
08:34:39 -07'00'

Dyan C. Whyte  
Assistant Executive Officer

cc:

Walnut Creek Manor, LLC, Attn: Milt Eberle  
[Wgidinc@aol.com](mailto:Wgidinc@aol.com)

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