

THRIFTY OIL CO.

RECEIVED

2:22 pm, Jan 10, 2008

Alameda County
Environmental Health

January 9, 2008

O.83321

Mr. Steven Plunkett
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Local #RO0000004
RWQCB #01-1478

RE: **Former Thrifty Oil Co. Station #049**
3400 San Pablo Avenue
Oakland, CA 94612
Access Agreement Progress Report

Dear Mr. Plunkett:

This *Access Agreement Progress Report* has been prepared to provide an update in regards to the progress Thrifty Oil Co (Thrifty) has made towards acquiring access agreements for the proposed offsite groundwater wells for former Thrifty Oil Co. Station #049 located at 3400 San Pablo Avenue, Oakland, California (**Figure 1**).

As mentioned in our *Encroachment Permit Delays and Request for Revised Well and Soil Boring Locations* letter dated September 27, 2007, Thrifty had not been able to acquire an access agreement from the City of Oakland (City) for groundwater monitoring wells proposed in San Pablo Avenue and requested your permission to pursue access agreements for alternate offsite locations on three private properties adjacent to the site (which ACHCS provided on November 6, 2007). Since that time, Thrifty has contacted and submitted access agreements to the three private property owners and has concurrently continued negotiations with the City Legal Department for the installing of wells in the street and/or sidewalk. Unfortunately, negotiations with the City have reached a stalemate situation and Thrifty believes that it is no longer practical to pursue the option of installing wells in the street and/or sidewalk. Although the private property owners have not yet executed the submitted access agreements, Thrifty believes that access onto these private properties is more likely than accessing City right-of-way.

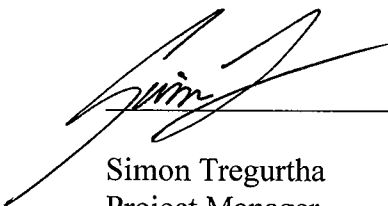


On November 30, 2007 Thrifty representatives contacted the City of Oakland Engineering Services to inquire about the possibility of installing groundwater monitoring wells in the City of Oakland sidewalks, however according to City of Oakland representatives and documentation acquired this is not allowed. Thrifty has also been pursuing access agreements with adjacent property owners and on December 3, 2007 a Thrifty representative visited the adjacent properties, met with onsite business and provided them all necessary details. On December 6, 2007 a Thrifty representative called the owners of the adjacent properties to inform them of our intent to request access to their properties, and on December 7, 2007 access agreements were sent to the owners via certified mail (with the ACHCS copied on these documents). Thrifty representatives have called the property owners on several occasions to request their response to the access agreements but to date no executed access agreement has been returned to Thrifty. **Attachment B** presents a summary of the site visit and telephone communications with the adjacent property owners, and communication with City of Oakland Engineering Services and minor encroachment permitting for monitoring wells documentation.


Although the adjacent property owners have been extremely courteous during telephone communications, as of today none of them have returned executed access agreements to Thrifty. Thrifty therefore requests your assistance and would greatly appreciate you contacting the property owners directly. **Attachment C** presents a contact list for the three adjacent properties owners.

Should you have any questions regarding this report, please contact Simon Tregurtha at 562 921-3581 Ext. 260, or myself at Ext. 390.

Respectfully submitted,



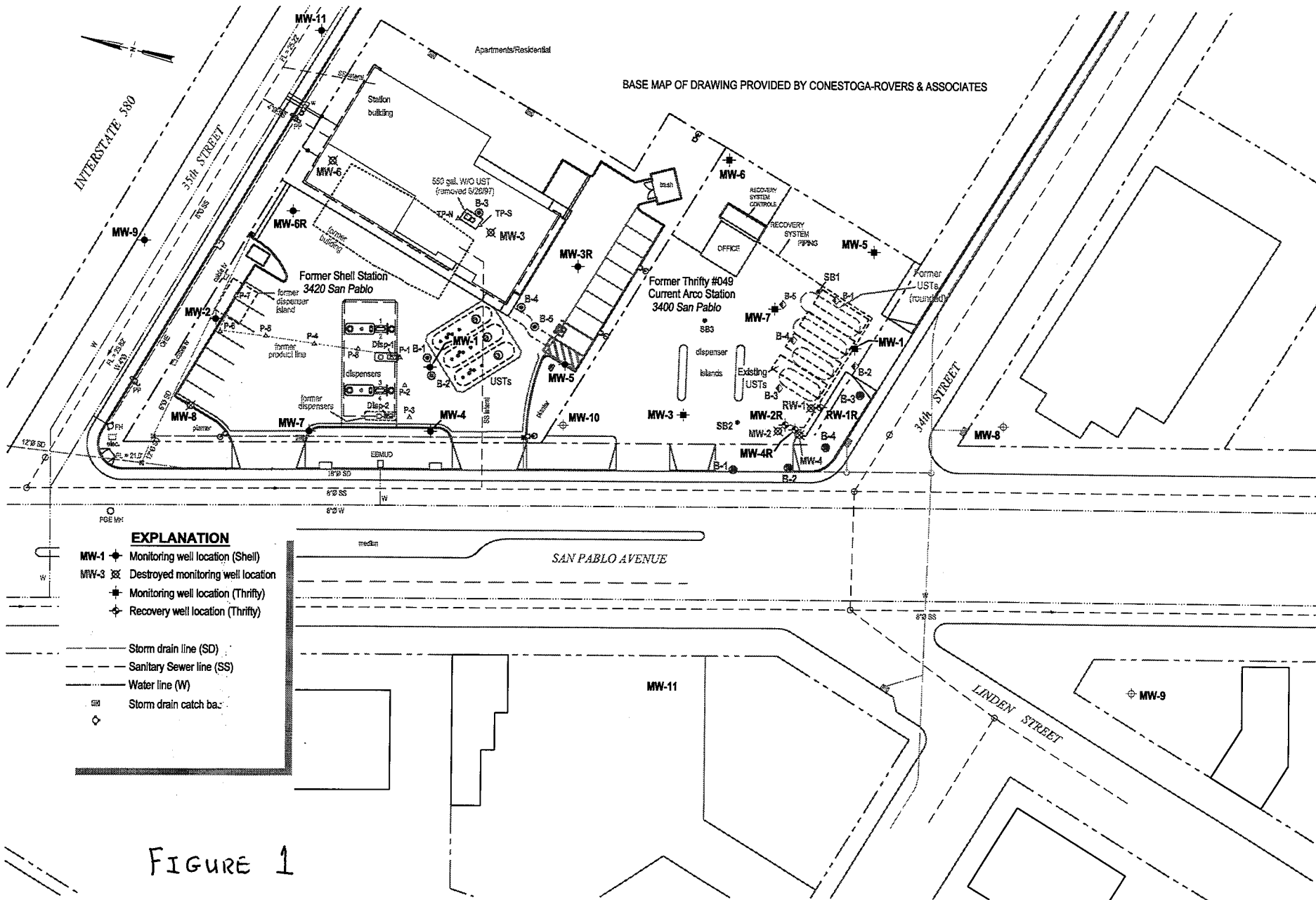
Simon Tregurtha
Project Manager



Chris Panaitescu
General Manager
Environmental Affairs

cc: BP West Coast Products LLC; Mr. Bobby Lu, P.G.
File

BASE MAP OF DRAWING PROVIDED BY CONESTOGA-ROVERS & ASSOCIATES



EXPLANATION

- MW-1 + Monitoring well location (Shell)
- MW-3 X Destroyed monitoring well location
- MW-5 + Monitoring well location (Thrifty)
- MW-9 + Recovery well location (Thrifty)

- Storm drain line (SD)
- Sanitary Sewer line (SS)
- Water line (W)
- Storm drain catch basin

FIGURE 1

ATTACHMENT A

Simon Tregurtha

From: MaryBeth Heydt
Sent: Thursday, December 27, 2007 3:06 PM
To: Simon Tregurtha
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

Yes, the negotiations are over and the terms are unacceptable to us.

From: Simon Tregurtha
Sent: Thursday, December 27, 2007 2:45 PM
To: MaryBeth Heydt
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

Marybeth,

Does this mean the negotiations are over? Are these terms unacceptable to us? Chris told me he had told you to put this issue to bed so I am trying to write a brief summary for the regulator explaining why the negotiations ended.

Simon Tregurtha
Project Manager
Thrifty Oil Co. / Golden West Refining Co.
 13116 Imperial Hwy.
 Santa Fe Springs, CA 90670
 ph: (562) 921-3581 x 260
 fax: (562) 921-7510

-----Original Message-----

From: MaryBeth Heydt
Sent: Friday, December 07, 2007 11:31 AM
To: Simon Tregurtha
Subject: FW: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

From: Faiz, Farimah [mailto:FFaiz@oaklandcityattorney.org]
Sent: Wednesday, September 19, 2007 1:37 PM
To: MaryBeth Heydt
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

We are open to modifying the language to state to the "maximum extent permitted by law" but that is as far as the City is willing to go. This is a discretionary permit and the City may deny it if an applicant is not willing to comply with the standard requirements.

Farimah

From: MaryBeth Heydt [mailto:Heydt@ThriftyOil.com]
Sent: Wednesday, September 19, 2007 1:36 PM
To: Faiz, Farimah
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

Where are we on this? Thanks

From: Faiz, Farimah [mailto:FFaiz@oaklandcityattorney.org]
Sent: Friday, September 14, 2007 11:40 AM
To: MaryBeth Heydt
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

I am waiting to touch base with an expert in this area of law and to talk to my clients. This will likely take place early next week at which point I will contact you.

From: MaryBeth Heydt [mailto:Heydt@ThriftyOil.com]
Sent: Friday, September 14, 2007 11:15 AM
To: Faiz, Farimah
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

Farimah, I tried to call you yesterday to discuss this but have received no response. How are we coming along with this and when can we expect a response to our comments? Thanks, MaryBeth

From: Faiz, Farimah [mailto:FFaiz@oaklandcityattorney.org]
Sent: Thursday, September 13, 2007 8:48 AM
To: MaryBeth Heydt
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

Is the encroachment for a monitoring well only or is it more extensive? And why do you need to encroach on right-of-way, can you accomplish what you need via private property?

From: MaryBeth Heydt [mailto:Heydt@ThriftyOil.com]
Sent: Thursday, September 13, 2007 7:41 AM
To: Faiz, Farimah
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

To provide you with additional information in supplement to my email yesterday, your suggestion does not work or have the same meaning as our proposed language (or something similar) since things like waiver are permitted by law and we are not willing to waive our bankruptcy protection or allow this agreement to be construed as a waiver.

It would seem to make more sense at this point to have a discussion about all of the requested changes and attempt to finalize them versus to continue emailing back and forth. As previously mentioned, this process has been going on since 2004, and time is of the essence from our standpoint and the Agency's standpoint. Thanks, MaryBeth

From: Faiz, Farimah [mailto:FFaiz@oaklandcityattorney.org]
Sent: Wed 9/12/2007 1:56 PM
To: MaryBeth Heydt
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

So a change to the City's standard indemnification language that says "to the extent permitted by law"

would satisfy your concerns?

From: MaryBeth Heydt [mailto:Heydt@ThriftyOil.com]
Sent: Wednesday, September 12, 2007 1:52 PM
To: Faiz, Farimah
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 49)

Dear Farimah, the simple answer to your request for analysis regarding the prior proposed Easement Agreement is also applicable to the new proposed Indenture Agreement Paragraph 17 (which is erroneously numbered and should be Paragraph 15 as demonstrated in our mark up emailed to you earlier today) which was previously provided to you on April 26, 2006. The paragraph in question provides that Thrifty is to be responsible for obligations and/or contamination that preceded the actions that are being proposed. Thrifty and the agency wish to assess and remediate the area, but the City's demand that Thrifty indemnify it from preexisting contamination that is not caused by the proposed actions seems to be prohibited by the Order and counterproductive. We all wish to get the area cleaned. It seems logical that the City's request should deal with the problems that arise from the proposed encroachment.

Pursuant to Paragraphs 3-5 of the Bankruptcy Order, as of the Effective Date of the Order, the Debtors are permanently discharged in relation to any and all claims which arose prior to the confirmation date, and all claimants and creditors are permanently enjoined from taking any steps to pursue such claims. In this instance, the City seeks to hold the Debtor responsible for any environmental contamination which emanates or emanated from the site. Such claims are barred as a matter of law by the Bankruptcy Order.

Under the Bankruptcy Code (and hence the Plan and Confirmation Order), the term "Claim" is given the "broadest possible definition . . . to ensure that all legal obligations of the debtor, *no matter how remote or contingent*, will be able to be dealt with in the bankruptcy case." *Siegel v. Federal Home Loan Mort. Corp.*, 143 F.3d 525, 532 (9th Cir. 1998) (emphasis in original). There is clearly not a preservation of discharged claims, such as those the City is attempting to preserve via its indemnification language. Further, as held in *Gull Industries, Inc. v. John Mitchell, Inc. (In re Hanna)*, 168 B.R. 386 (9th Cir. BAP 1994), environmental claims are deemed to arise as of the date of the contamination. In this instance, the subject alleged contamination predates the discharge in this case. Thus, "so long as a prepetition triggering event had occurred, the claim was dischargeable regardless of when the claim for relief was ripe for adjudication." *Id.*

I trust that once you have reviewed the pertinent sections of the Bankruptcy Order and the broad protections it provides, you will agree to our simple change which addresses the issue by limiting the indemnity re environmental contamination to that which you are allowed by law under these circumstances (e.g. post 2/28/95).

Should you have any further questions, please call me to discuss.

MaryBeth Heydt, Esq.
Thrifty Oil Co.
13116 Imperial Highway
Santa Fe Springs, California 90670
(562) 921-3581 Extension 338
(562) 921-3562 Facsimile
Heydt@ThriftyOil.com

*****NOTICE*****

This e-mail transmission and all attachments, if any, may contain confidential or privileged information and is intended exclusively for the individual or entity named above. If you have received this communication in error, please notify the sender by reply transmission and delete the message without copying or disclosing it. Thank you.

From: Faiz, Farimah [mailto:FFaiz@oaklandcityattorney.org]
Sent: Wednesday, September 12, 2007 11:40 AM
To: MaryBeth Heydt
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 39)

Please provide it in writing so that I can share it with my supervisor and clients.

From: MaryBeth Heydt [mailto:Heydt@ThriftyOil.com]
Sent: Wednesday, September 12, 2007 11:45 AM
To: Faiz, Farimah
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 39)

I can discuss that with you over the phone. No problem.

From: Faiz, Farimah [mailto:FFaiz@oaklandcityattorney.org]
Sent: Wednesday, September 12, 2007 11:37 AM
To: MaryBeth Heydt
Cc: Lee, Heather; Derania, Ray
Subject: RE: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 39)

I have discussed the matter with my supervisor and before we can sit down to discuss the issue, we need an analysis of the bankruptcy court order and its applicability to this situation. As you may be aware, granting the right to encroach on the City's right-of-way is discretionary.

Farimah

From: MaryBeth Heydt [mailto:Heydt@ThriftyOil.com]
Sent: Wednesday, September 12, 2007 11:32 AM
To: Faiz, Farimah
Subject: FW: 3400 San Pablo Ave, Oakland, CA Comments to New Indenture Agreement (TOC 39)

Dear Farimah, since this process started in 2004, we are told by the City that the form has changed and we were recently provided with a copy of the new one. In order to expedite the process, I have marked our comments on the form and attached them here for your review. If you could provide me with an electronic copy in Word, we would be happy to redline them for you.

To assist you in your review of the Bankruptcy Order, I am also providing you with a copy of the June 15, 1978 certificate of amendment changing the name of Orkin, Inc. to Thrifty Oil Co. .

I am happy to discuss the bankruptcy order and its applicability to this situation at your earliest convenience. I still await response to my email from yesterday regarding your availability to discuss this matter. Please advise so that we may resolve this matter and move forward with our work plan.

MaryBeth Heydt, Esq.
Thrifty Oil Co.
13116 Imperial Highway
Santa Fe Springs, California 90670
(562) 921-3581 Extension 338
(562) 921-3562 Facsimile
Heydt@ThriftyOil.com

ATTACHMENT B

December 14, 2007

Mr. Simon Tregurtha
Thrifty Oil Company
13116 Imperial Highway
Santa Fe Springs, CA 90670

1-82845
RECEIVED SCAN
FILE
DEC 18 2007 ST(PART)
CP(PART)
ENVIRONMENTAL
SS#049

Site Visit and Off-Site Access Update Report
Thrifty Oil Co. Station #049
3400 San Pablo Avenue
Oakland, California

Dear Mr. Tregurtha:

The purpose of this letter is to summarize all activities to date performed by Equipoise Corporation, Inc. (EQC) regarding well siting activities and obtaining access agreements with property owners for properties adjacent to Thrifty Oil Co. (Thrifty) Station #049 located at 3400 San Pablo Avenue in Oakland, California (the Site). Additionally, this letter provides answers to questions posed by Thrifty regarding the possibility of installing soil borings/groundwater monitoring wells in the sidewalk.

SITE DESCRIPTION

The Site is an active service station located at the northeast corner of the intersection of San Pablo Avenue and 34th Street in the City of Oakland, California. The Site consists of two active dispenser islands, a cashier's booth, and two 20,000-gallon double-walled underground storage tanks (USTs).

TIMELINE

- **November 30, 2007:**
 - EQC contacted Mr. Chris Bacina at the City of Oakland who indicated groundwater monitoring wells are not permitted in the sidewalks. Mr. Bacina provided several documents in an email dated November 30, 2007 regarding well installation in the City's right-of-way. The email and a guidance document prepared by the City of Oakland for minor encroachment permitting for monitoring wells are included as **Attachments A and B**, respectively.
 - EQC attempted to contact the owners of the Moriah Christian Fellowship via telephone at (510) 595-9890. No one answered and a message was left.

CORPORATE OFFICE
26395 Jefferson Avenue, Suite A
Murrieta, California 92562 • USA
Phone 951.696.7217
Facsimile 951.696.9527

OFFICE LOCATIONS
Palm Desert, California • USA
Murrieta, California • USA
San Clemente, California • USA
San Luis Obispo, California • USA

December 14, 2007
Mr. Simon Tregurtha
Page 2 of 3

- EQC attempted to contact the owners of the Bluebird Market via telephone at (951) 684-5998. No one answered and there was no machine to leave a message on.
 - EQC attempted to contact the owners of EZ Smog via telephone at (925) 253-0523. A message was left.
- **December 3, 2007:** EQC visited the site and attempted to contact the current property owners of the parcels Thrifty is seeking access agreements with in addition to observing the conditions of the parcels relating to installation of the proposed monitoring wells. EQC's representative was onsite and attempted to contact the owners of the Moriah Christian Fellowship. After repeated attempts, EQC was unable to contact anybody at the Moriah Christian Fellowship. EQC attempted to contact the owners of EZ Smog who were reportedly not present. EQC visited the Blue Bird Market and spoke with the clerk who indicated the owners do not visit the market. Both contacts at EZ Smog and the Bluebird Market were uncooperative. In general, all the proposed locations appear relatively clear of observed overhead and assumed underground utilities. A copy of the field notes including the site visit map is provided as **Attachment C**. A photolog documenting the site visit and proposed monitoring well locations is provided as **Attachment D**.
- **December 6, 2007:**
 - EQC attempted to contact the owners of the Moriah Christian Fellowship via telephone at (510) 595-9890. A second message was left.
 - EQC attempted to contact the owners of the Bluebird Market via telephone at (951) 684-5998. No one answered and there was no machine to leave a message on.
 - EQC attempted to contact the owners of EZ Smog via telephone at (925) 253-0523. A second message was left.
- **December 7, 2007:** EQC provided the final access agreements (provided as **Attachments E, F, and G**) to Thrifty for signatures and certified mailing. The two exhibits accompanying the access agreements depicting the proposed well locations and the proposed well construction details are provided as **Attachments H and I**, respectively.
- **December 12, 2007:**
 - EQC attempted to contact the owners of the Moriah Christian Fellowship via telephone at (510) 595-9890. A third message was left.
 - EQC contacted Ms. Verona Coleman, co-owner of the Bluebird Market, via telephone at (951) 684-5998. Ms. Coleman said her son would call back to discuss. Mr. Vern Coleman called back and indicated he is okay with Thrifty installing a well on their property. EQC indicated the access agreement will be forthcoming and if he has any questions to contact either EQC or those contacts listed in the access agreement.

December 14, 2007
Mr. Simon Tregurtha
Page 3 of 3

- o EQC attempted to contact the owners of EZ Smog via telephone at (925) 253-0523. A third message was left.

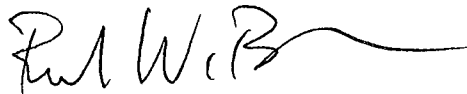
Should you have any additional questions or comments regarding this letter, please contact the undersigned at 805.204.4483 or 949.366.0266.

Sincerely,

EQUIPOISE CORPORATION, Inc.



Elliot R. Haro, M.S.
Project Soil Scientist



Richard W. Blackmer, P.E.
Principal Engineer

CC: EQC - File

Attachments:

- A - Email Correspondence with the City of Oakland - November 30, 2007
- B - Minor Encroachment Permitting for Monitoring Wells
- C - December 3, 2007 Site Visit Field Notes & Map
- D - December 3, 2007 Site Visit Photolog
- E - Access Agreement - Moriah Christian Fellowship
- F - Access Agreement - EZ Smog
- G - Access Agreement - Bluebird Market
- H - Access Agreement Exhibit A
- I - Access Agreement Exhibit B

ATTACHMENT A

**EMAIL CORRESPONDENCE WITH THE CITY OF OAKLAND –
NOVEMBER 30, 2007**

Elliot R. Haro

From: Bacina, Chris [CBacina@oaklandnet.com]
Sent: Friday, November 30, 2007 1:19 PM
To: erharo@earthlink.net
Subject: Monitoring wells
Importance: High
Attachments: Encroachment Application.pdf; Monitoring Wells.pdf; Soil Boring Map.pdf; Overtime Request.pdf

Elliot,

Here is the info we talked about. I did see that wells are not allowed in the sidewalk area....so parking lane it is.

Fees:

Encroachment application: 974.23;

Two hours overtime dedicated to expediting the encroachment agreement: \$397.04;

Excavation permit (once signed & notarized agreement is returned to the City of Oakland: \$416.55

I'm enclosing:

- 1- Encroachment Permit Application Requirements. There is some duplication between this document and the next. It's not meant to confuse or lead you to think you need to submit duplicate stuff. It's just that monitoring wells are a subset of encroachment in general;
- 2- Procedure to install and to rescind monitoring wells. Skip the individual's names, address to City Engineer;
- 3- Soil boring map. This has additional general info about process when a consultant is applying for the excavation permit;
- 4- Overtime Request. Fill in just the upper six blanks, not the portion within the box.

Let me know if you have any questions or need more information.
Chris

ATTACHMENT B

**MINOR ENCROACHMENT PERMITTING FOR MONITORING
WELLS**

Procedure to Rescind Minor Encroachment Permit for Monitoring Wells:

1. Upon completion of monitoring work, permittee shall apply for an excavation permit for removal of wells. The following items are required to be submitted: sketch showing location of wells to be removed; specifications for removal and capping from Alameda County Public Works Agency; and the permit fee per the current Master Fee Schedule. An excavation permit can be obtained at the Engineering Information counter, 250 Frank H. Ogawa Plaza, 2nd floor, Oakland.
2. Upon completion of removal and restoration of disturbed areas, permittee shall request rescission of the minor encroachment permit. Note that all wells covered in the encroachment permit would have had to be removed before the encroachment permit can be rescinded. Permittee shall submit the following items addressed to :
DOMINIC MA ~~Lourdes Barrozo~~, Engineering Services Supervisor, City of Oakland, Building Services Department 250 Frank H. Ogawa Plaza, 2nd floor, Oakland, CA 94612
 - a. Letter requesting rescission of minor encroachment permit. The letter shall indicate that the monitoring work has been completed, wells have been removed, and disturbed surfaces have been restored.
 - b. Approval to cease monitoring from the Alameda County Health Care Services Agency.
 - c. Final monitoring report.
 - d. As-built drawing of well locations.
 - e. Processing fee of \$ *
3. Engineering Services staff prepares Rescission of Minor Encroachment Permit form and routes it for signature. The form is then forwarded to the County Recorder for recordation.
4. Engineering Services staff forwards the file to the Engineering Information counter for sorting and microfilming.

PROCEDURE FOR PERMITS FOR GROUND-WATER MONITORING WELLS LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY

1. The following items shall be submitted to the City of Oakland, Engineering Services, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612:
 - A letter to Calvin Wong, Director of Building Services, from the property owner or tenant, with the property owner's written authorization to act on his/her behalf, requesting an encroachment permit. The permit will be granted to the owner/legal tenant only, not their consultant.
 - A dimensioned scale drawing (on 8-1/2"x11" paper) showing the location of the wells. The drawing shall show property lines, curbs, and traffic striping on the street.
 - No wells are allowed in the sidewalk area. Wells, preferably, shall be located in the parking lane, away from traffic lanes, to minimize traffic disruption.
 - Fee for minor encroachment permit: \$ *
 - A copy of the owner's Grant Deed with legal description of the property.
 - Detailed drawing of well cover and casting.
 - Insurance Certificate (see attached description). This certificate must be provided by the owner/legal tenant only, not their consultant.
2. Engineering Services will review the above items and prepare a Minor Encroachment Permit and Agreement and send it to the owner. The property owner will need to sign and return this Permit with a notary acknowledgement slip attached. The Permit will be signed by the appropriate City officials, and recorded with the County Recorder.
3. Once the encroachment permit has been recorded, the drilling contractor can apply for an excavation permit at the Engineering Information counter. This permit costs \$ per street per block. A group of wells along one street is usually counted as a single excavation. If the wells are placed on two street, (e.g. around a corner gas station), two excavation permits will be required. If the drilling contractor has all the standard information on file, (City business license, contractor's license, proof of worker's compensation insurance), the excavation permit can be issued immediately. *
4. When the monitoring work is completed, another excavation permit will be required for abandonment of the well. A copy of the data obtained from the well, along with an as-built drawing of the well location, shall be sent to the Staff Engineer that processed the original encroachment permit. The permittee shall request rescission of the minor encroachment permit. The request shall consist of the items noted on the attached sheet.

* see current Master Fee Schedule

ATTACHMENT C

DECEMBER 3, 2007 SITE VISIT FIELD NOTES & MAP

EQUIPOISE CORPORATION

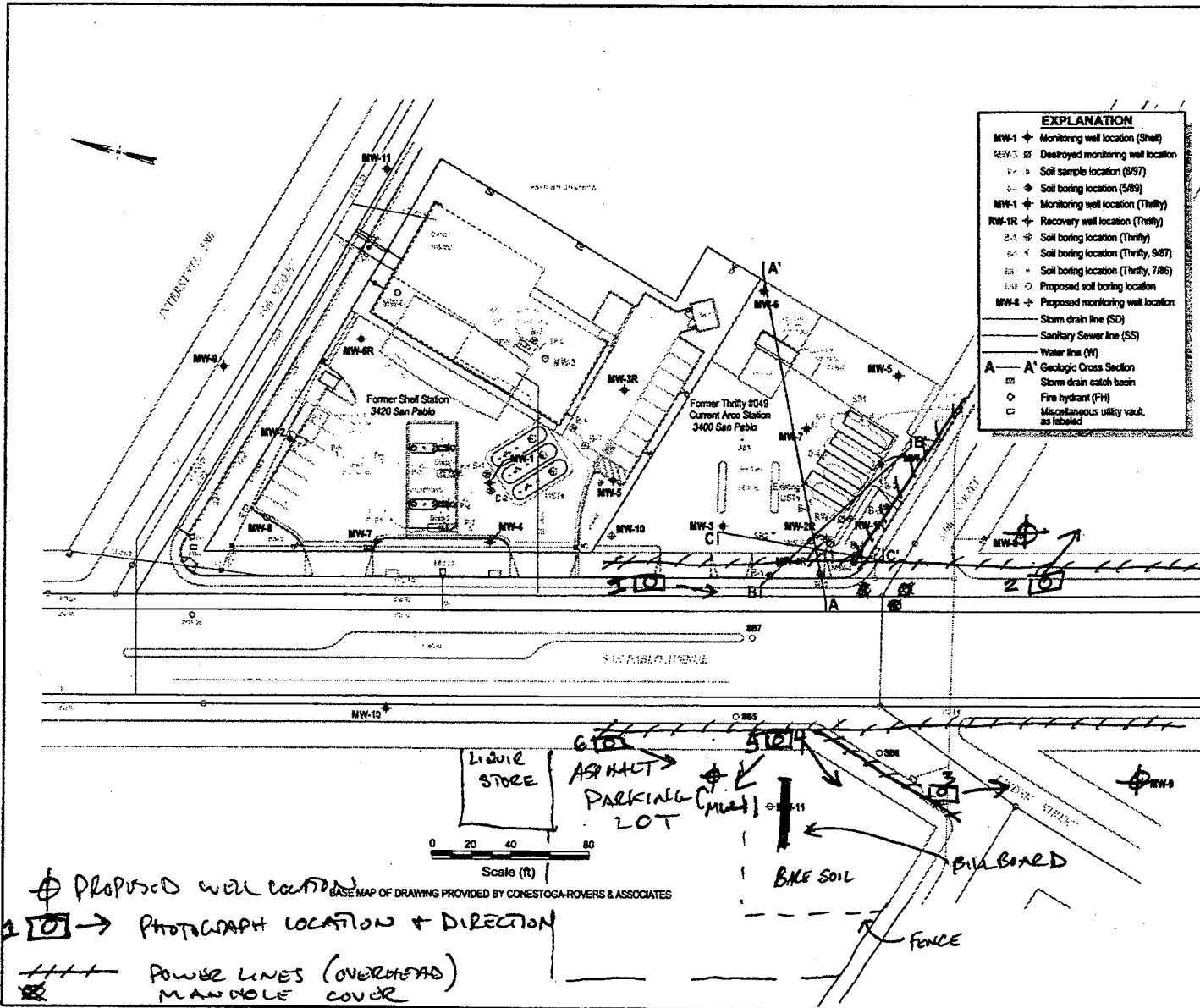
DAILY FIELD LOG

Project Name TOC 049 Project Number CA135.049 Page 1 of 1

Site Location or Address 3400 SAN PABLO, OAKLAND Date 12/3/07

Field Personnel ELLIOT NARGO

Time	Description of Activities
0700	LEFT SLO FOR SITE
1100	ON-SITE:
	-VISIT THE MORIATH-CHRISTIAN FELLOWSHIP @ 3354 SAN PABLO → NO ONE THERE
	-VISIT EZ SMOU @ 3315 SAN PABLO → OWNER REPORTEDLY NOT PRESENT ACCORDING TO A YOUNG MAN WHO WOULD NOT GIVE HIS NAME
	-VISIT BLUE BIRD MARKET @ 3431 SAN PABLO → YOUNG MAN BEHIND COUNTER NAMED LIL' RAY SAID THE OWNERS OF THE MARKET NEVER COME AROUND.
1200	-OFF-SITE. LUNCH
1230	-ON-SITE:
	-VISIT MORIATH CHRISTIAN FELLOWSHIP MEN → NO ONE THERE
	-LOCATE OVERHEAD & UNDERGROUND UTILITIES
	-TAKE PHOTOGRAPHS OF ADS PROPERTIES, ETC.
1300	-OFF-SITE



EXPLANATION	
MW-1	Monitoring well location (Shell)
MW-5	Destroyed monitoring well location
S	Soil sample location (6/97)
SB	Soil boring location (5/89)
MW-1	Monitoring well location (Thrifty)
RW-1R	Recovery well location (Thrifty)
S-1	Soil boring location (Thrifty)
S-2	Soil boring location (Thrifty, 9/87)
S-3	Soil boring location (Thrifty, 7/86)
SB	Proposed soil boring location
MW-S	Proposed monitoring well location
SD	Storm drain line (SD)
SS	Sanitary Sewer line (SS)
W	Water line (W)
A-A'	Geologic Cross Section
□	Storm drain catch basin
◇	Fire hydrant (FH)
□	Miscellaneous utility vault, as labeled

FIGURE: **1**
 REVISION NO: **0**
 DATE: **06/07**

SITE PLAN
 Thrifty Service Station #049
 3400 San Pablo Avenue
 Oakland, California

1401 El Camino Real, Suite 117
 San Clemente, California 92673
 Phone: 949.441.1200
 Fax: 949.441.1201
EQUIPOSE
 CORPORATION

⊕ PROPOSED WELL LOCATION
 → PHOTOGRAPH LOCATION + DIRECTION
 --- POWER LINES (OVERHEAD)
 ■ MANHOLE COVER

* FIELD SKETCH - SITE VISIT 12/8/07 *CLH*

ATTACHMENT D

DECEMBER 3, 2007 SITE VISIT PHOTOLOG

Site Visit – TOC Station 049
3400 San Pablo Avenue, Oakland, CA
Date Photos Taken: December 3, 2007

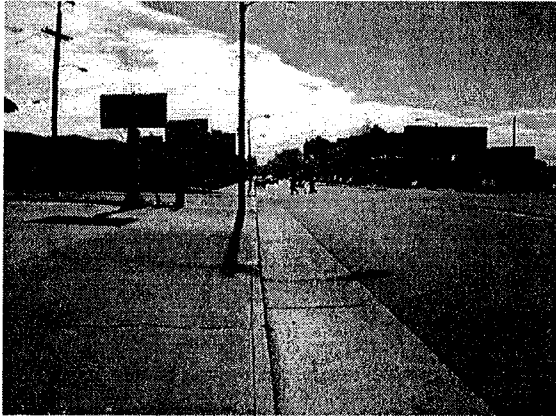


Photo #1 Adjacent parking lane of San Pablo Avenue, facing south.



Photo #2 Moriah Christian Fellowship at 3354 San Pablo, facing east.



Photo #3 EZ Smog property, facing south.



Photo #4 West corner of San Pablo and Linden Street, facing south.

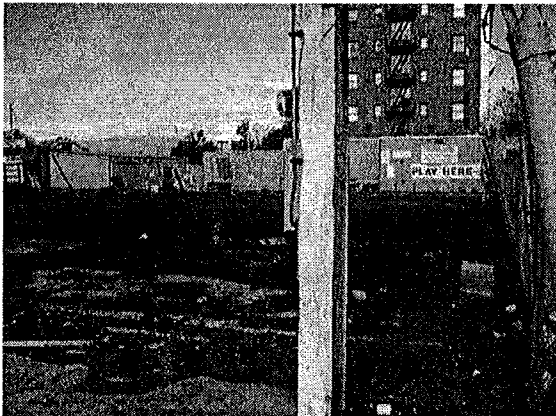


Photo #5 Property adjacent to the west of the Site, facing northwest.

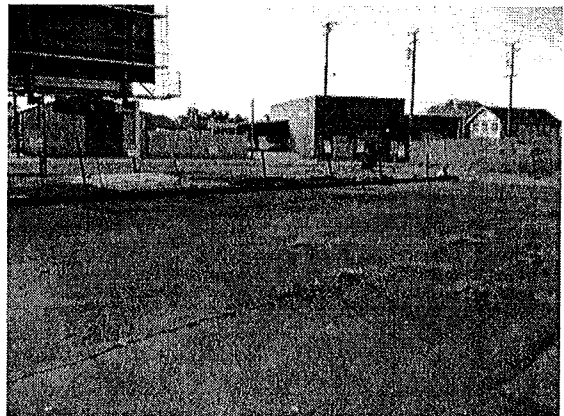


Photo #6 Property adjacent to the west of the Site, facing south.

To: Mr. Simon Tregurtha
Fax Number: (562) 921-7510
From: Elliot Haro – Equipoise Corporation (EQC)
Date: January 7, 2008
Subject: TOC 049 – Access Agreements
No. Pages (Inc . Coversheet): 1

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Mr. Tregurtha,

EQC again attempted to contact the current property owners of the adjacent properties Thrifty is attempting to negotiate access with. The following provides the telephone record:

• **January 4, 2008:**

- EQC attempted to contact the owners of the Moriah Christian Fellowship located at 3354 San Pablo Avenue via telephone at (510) 595-9890. No one answered and a message was left.
- EQC attempted to contact Mr. Vern Coleman, owner of the Bluebird Market located at 3431 San Pablo Avenue, via telephone at (951) 684-5998. No one answered and a message was left.
- EQC attempted to contact Mr. Kelvin Tse, owner of EZ Smog located at 3315 San Pablo Avenue, via telephone at (925) 253-0523. No one answered and a message was left.

• **January 7, 2008:**

- EQC received a call back from Jewel Hampton, representative for the Moriah Christian Fellowship, who indicated she was not aware of an access agreement sent to the church, but did indicate that she understands the church does not want to provide access for the work without a directive from the overseeing agency. EQC told her a letter from the ACHCS will be forthcoming.

Please don't hesitate to contact me if you have any questions at (805) 204-4483 or by email at erharo@equipoisecorp.com.

Regards,

Elliot Haro
CC: EQC File

ATTACHMENT C

Adjacent Properties Owners Information
TOC 049
3400 San Pablo Avenue
Oakland, CA

Location: **Commercial Property**
 Blue Bird Market
 3431 San Pablo Avenue
 Oakland, CA 94608
 (510) 923-1505

Owner: Lenberg Vern LLC
 2219 Vasquez Place
 Riverside, CA 92507

Contact: Mr. Charles Coleman (951) 684-5998

Location: **Moriah Christian Fellowship Baptist Church**
 3354 San Pablo Avenue
 Oakland, CA 94608

Owner: Moraih Christian Fellowship Baptist Church, Inc
 3354 San Pablo Avenue
 Oakland, CA 94608

Contact: (510) 595-9890

Location: **Commercial Property**
 EZ Smog
 3431 San Pablo Avenue
 Oakland, CA 94608
 (510) 597-0876

Owner: Ms.Linda Y Tse and Mr. Kelvin Y Tse
 8 Bates Boulevard
 Oakland, CA 94608

Contact: Mr. Kelvin Y Tse
 (510) 913-8500