

THRIFTY OIL CO.

November 9, 2010

Yong C. Yi and Kwon H. Yi
1 Captain Drive, Unit D260
Emeryville, CA 94608

O.107596
VIA. CERTIFIED MAIL

7009 1410 0001 4275 9491

RECEIVED

2:22 pm, Nov 12, 2010

Alameda County
Environmental Health

Re: Amendment to Access Agreement
6101 Telegraph Ave
Oakland, CA

Dear Mr. Yi:

Thank you for your continued cooperation in providing Thrifty with access to your property located at 6101 Telegraph Avenue, Oakland, CA 94609, for conducting our semi-annual groundwater sampling activities related to our Thrifty Oil Co. (Thrifty) Gasoline Service Station No. 063, located at 6135 Telegraph Avenue in Oakland, California (Site). The Thrifty site is located adjacent and to the north of your property and is currently operated by ARCO (**Exhibit A**).

In a letter dated August 26, 2010, the Alameda County Health Care Services (ACHCS) (**Attachment A**) required that Thrifty conduct additional site assessment activities relating to our Site that include the installation and sampling of two soil borings on your property located at 6101 Telegraph Avenue, Oakland, CA 94609. The site assessment activities to be conducted on your property include the installation and sampling of two (2) soil borings. One soil boring (SV-4) will be installed to a total depth of 3-feet below ground surface (bgs) and a vapor sample will be collected from this boring. The second soil boring (SB-2/SV-2) will be installed to a depth of approximately 30-feet bgs with a vapor sample collected at approximately 3-feet bgs and soil samples collected at 5-foot intervals to the terminal depth of the boring. A plot plan showing the location of the soil borings is attached as **Exhibit A**.

The installation of the two soil borings should be completed in less than one (1) day and can be performed at a convenient time and in a manner to minimize disruption to business operations. Once the soil borings have been completed and the appropriate samples collected (either vapor or vapor and soil), the borings will backfilled with a bentonite grout mix and sealed to match existing surface conditions.

A Thrifty representative would be glad to meet you at your property and explain the scope of the proposed work.



13116 Imperial Hwy, Santa Fe Springs, CA 90670-0138 • Ph: (562)921-3581

On February 1, 2007 you executed an access agreement granting Thrifty permission to install two groundwater monitoring wells and to conduct sampling on an ongoing basis (**Attachment B**). Since Thrifty already has your permission to access your property on an ongoing regular basis and the proposed assessment activities are similar but less intrusive than the already completed well installations, please consider this letter an amendment to the existing access agreement that you executed on February 1, 2007 and to include the installation and sampling of the above-mentioned soil borings SV-4 and SB-2/SV-2.

If you agree with this proposal, please sign and date this letter in the space provided below and mail / fax it back to us, confirming your concurrence. Your cooperation in this matter is greatly appreciated. Should you have any question or require any additional information, please contact Simon Tregurtha at (562)-921-3581 Ext. 260, or myself at (562) 921-3581 Ext. 390. Our fax number is (562) 921-7510.

Sincerely,

ACCESS GRANTED

Owner(s) of Property located at
6101 Telegraph Avenue,
Oakland CA 94609.



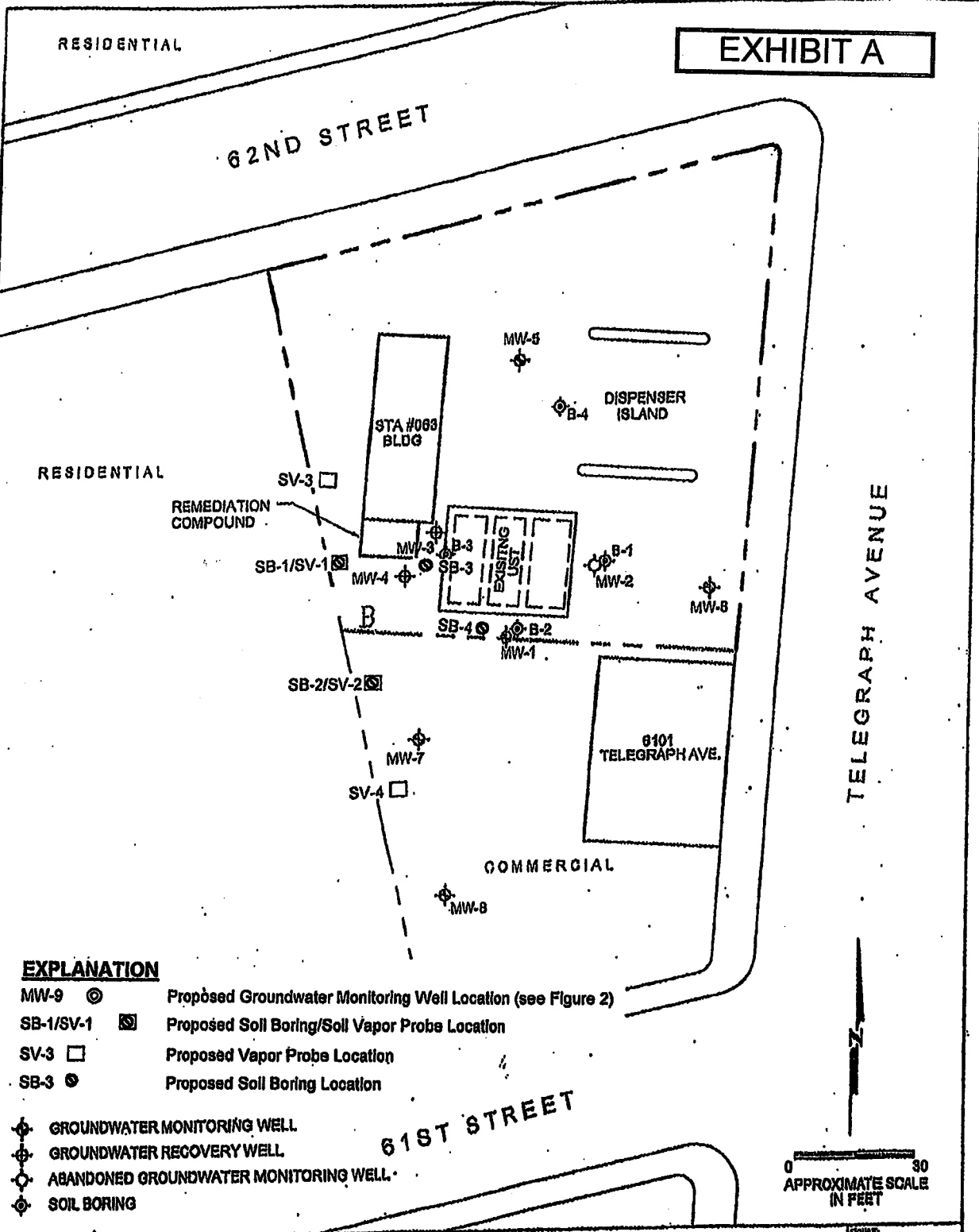
Chris Panaitescu
General Manager
Environmental Affairs

Kwon H. Yi

Yong C. Yi

cc: File
Mr. Paresh Khatri, ACHCS

EXHIBIT A



EXPLANATION

- MW-9 Proposed Groundwater Monitoring Well Location (see Figure 2)
- SB-1/SV-1 Proposed Soil Boring/Soil Vapor Probe Location
- SV-3 Proposed Vapor Probe Location
- SB-3 Proposed Soil Boring Location
- GROUNDWATER MONITORING WELL
- GROUNDWATER RECOVERY WELL
- ABANDONED GROUNDWATER MONITORING WELL
- SOIL BORING

Site Plan with Proposed Soil Boring and Soil Vapor Probe Locations

SITE PLAN
 Thrifty Station No. 083
 6126 Telegraph Avenue
 Oakland, California

FIGURE	3
SHEET	of
REVISIONS	0
DATE	09/07

PROJECT NO.

ATTACHMENT A

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-8577
(510) 567-6700
FAX (510) 337-9335

August 26, 2010

1.105943
RECEIVED

AUG 30 2010 FILE
LH

Mr. Chris Panaitescu
Thrifty Oil Company
13116 Imperial Highway
Santa Fe Springs, CA 90670-00138

Mr. John Skance
BP West Coast Products, LLC
P.O. Box 1257
San Ramon, CA 94583

ENVIRONMENTAL

SS#063

Subject: Pilot Test Approval and Work Plan Addendum, Fuel for Leak Case No. RO0000005 and GeoTracker Global ID T0600101366, Thrifty Oil #063 / ARCO #9542, 6125 Telegraph Avenue, Oakland, CA 94609

Dear Messrs. Panaitescu & Skance:

Thank you for the recently submitted document entitled, "Continuous 5-Day Mobile High Vacuum Dual Phase Extraction Report and Workplan to conduct a Continuous 30-Day Mobile High Vacuum Dual-Phase Extraction Event," dated June 9, 2010 (electronically received on June 17, 2010) and the "Additional Site Assessment Workplan," dated February 18, 2009 (electronically received February 23, 2009), which were prepared by Thrifty Oil Company (Thrifty) for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file including the above-mentioned work plans for the above-referenced site.

According to Thrifty, "the HVDPE event was effective in reducing dissolved hydrocarbon concentrations in several monitoring wells and remediating the residual vapor phase hydrocarbon plume at the site." As a result, Thrifty proposes to conduct a continuous 30-day HVDPE event to remediate the residual hydrocarbons in soil and groundwater at the site.

Thrifty also proposes to install an off-site down-gradient monitoring well (MW-9), four soil borings, and four soil vapor sampling probes.

ACEH generally concurs with the proposed HVDPE scope of work and the scope of work may be implemented. However, ACEH is concerned that the proposed monitoring well and boring locations will not adequately characterize the site and assess potential off-site impacts. ACEH requests that you address the following technical comments and send us a work plan addendum as described below.

TECHNICAL COMMENTS

1. **Soil and Groundwater Characterization** – Free product was detected at this site when monitoring wells were first installed in 1986. A groundwater extraction system began operation in April 1991. It is reported that 17.95 feet of free product was detected in monitoring well MW-2 in October 1993. Although free product has not been recently

Messrs. Panaitescu & Skance
RO000005
August 26, 2010, Page 2

detected, the extent of the soil and groundwater contamination cross-gradient and down-gradient of the site remains uncharacterized and potential impact to adjacent residential properties has not been assessed. In the above-mentioned work plan, Thrifty states that "it is unlikely residents will grant access to their properties in order to advance soil borings, soil vapor probes or groundwater monitoring wells." Since residential properties are directly adjacent and down-gradient of the subject site, off-site assessment is necessary and attempts must be made to gain off-site access. Should site access not be granted, ACEH can at that point intervene and assist in obtaining off-site site access.

Based on groundwater flow direction, additional groundwater sampling and soil vapor points appear necessary between the subject site and proposed groundwater monitoring well MW-9 to adequately characterize the potential off-site impacts. Please propose a scope of work to address the above-mentioned concerns and submit a work plan addendum due by the date specified below.

REQUEST FOR INFORMATION

ACEH's case file for the subject site contains the following electronic reports as listed on our website (<http://www.acgov.org/aceh/lop/ust.htm>). Please submit copies of all other reports related to environmental investigations for this property (including the August 18, 1986 Site Investigation Report, the December 16, 1986 Subsurface Assessment Report, Phase I and Phase II reports, etc.) by **September 20, 2010**.

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **October 4, 2010** – Soil and Water Investigation Work Plan Addendum
- **November 19, 2010** – Interim Remedial Action Report
- **Due within 30 Days of Sampling** – Semi-annual Monitoring Report (3rd Quarter 2010)
- **Due within 30 Days of Sampling** – Semi-annual Monitoring Report (1st Quarter 2011)

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Messrs. Panaitescu & Skance
R00000005
August 26, 2010, Page 3

Sincerely,



Digitally signed by Paresh Khatri
DN: cn=Paresh Khatri, o=Alameda
County Environmental Health,
ou=Local Oversight Program,
email=Paresh.Khatri@acgov.org, c=US
Date: 2010.08.26 11:26:22 -0700

Paresh C. Khatri
Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Larry Higinbotham, Thrifty Oil Company, 13116 Imperial Hwy, Santa Fe Springs, CA
90670-0138
Simon Tregurtha, Thrifty Oil Company, 13116 Imperial Hwy, Santa Fe Springs, CA
90670-0138
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland,
CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Paresh Khatri, ACEH (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker
File

Responsible Party(ies) Legal Requirements/Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Please **do not** submit reports as attachments to electronic mail.
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - b) In the subject line of your request, be sure to include **"ftp PASSWORD REQUEST"** and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload.** (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

ATTACHMENT B

ACCESS AGREEMENT

This Access Agreement ("Agreement") is entered into as of Feb. 1, 2007, by and between Thrifty Oil Co., a California corporation ("Thrifty"), and Kwon H. Yi & Yong C. Yi ("Owner"), with reference to the following facts:

RECITALS

- A. The Alameda County Environmental Health Services ("ACEH") has directed Thrifty to assess if there is any petroleum hydrocarbons present at the property located at 6101 Telegraph Avenue, Oakland, CA 94609 ("Property") which is owned by Owner and which is directly adjacent to a parcel real property owned by Thrifty and having the address of 6125 Telegraph Avenue, Oakland, CA 94609.
- B. In order to comply with the request of the ACEH, Thrifty will need to periodically enter the Property for the purposes of conducting soil and groundwater assessment activities, which will include the drilling, installation, measurements and sampling of one groundwater monitoring well (hereinafter "site assessment activities");

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements contained in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, parties hereto agree as follows:

1. **Permission to Enter.** The Owner hereby grants permission to Thrifty to enter the Property for purposes of conducting site assessment activities on the Property. Said site assessment activities include the installation of two groundwater monitoring wells (MW-7 and MW-8) on the Property (in a form substantially similar to the well described in Exhibit "B" attached hereto and incorporated herein), the location of which is more clearly identified in Exhibit "A" attached hereto and incorporated herein. The groundwater from the monitoring well will be periodically sampled by Thrifty personnel, usually once every three months, or as may be required by ACEH. Thrifty will give Owner three days prior notice by fax of any activities which require access onto the Property. Legal abandonment and backfilling of the monitoring well installed on the Property will be Thrifty's sole responsibility and cost when so directed by ACEH or any other environmental agency which acquires jurisdiction of the subject investigation and cleanup. Upon abandoning, removing and backfilling the monitoring well, Thrifty, at its sole expense, will plug the well hole to ground level elevation, and will leave the Property in "broom clean" condition.
2. **Indemnification.** During the duration of the site assessment activities, Thrifty agrees to indemnify, defend and hold harmless the Owner and all of its employees and each of its successors from and against any and all claims, demands, liabilities, losses, causes of action or expenses (including reasonable attorneys' fees) caused by or arising out of the site assessment activities of Thrifty, its employees, contractors or agents, while on the Property, except that no indemnity shall be provided for claims, demands, liabilities, losses, causes of

action, or expenses to the extent caused by or arising out of acts or omissions of the Owner, its employees, agents or invitees.

3. **Duty to Cooperate.** Each of the parties hereto agrees to cooperate with the other in consummating the transaction contemplated hereunder, and agrees without further consideration to execute such further documents and take such further action as may be reasonably necessary or appropriate to effectively consummate the transactions contemplated hereunder.
4. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties to the Agreement.
5. **Entire Agreement.** This Agreement sets forth the entire agreement between the parties hereto, and, in the event of any conflict between this Agreement and any prior agreement, fully supersedes any and all prior agreements or understanding between the parties hereto pertaining to the subject matter hereof.
6. **Counterparts.** This Agreement may be executed in several counterparts, and all such executed counterparts shall constitute the same Agreement. It shall be necessary to account for only one such counterpart in providing this Agreement. This agreement shall only be binding after a copy of this agreement executed by the Owner has been returned to Thrifty.
7. **Governing Law.** This agreement shall be construed in accordance with and all disputes hereunder shall be governed by the laws of the State of California.
8. **Notices.** Any correspondence conducted under this Agreement shall be in writing and sent to the following addresses of the respective parties by (i) personal delivery, (ii) U.S. Certified Mail return receipt requested, or (iii) by fax:

To Thrifty: Chris Panaitescu, Thrifty Oil Co., 13116 Imperial Highway, Santa Fe Springs, California 90670; Fax No. 562/921-7510.

To Owner; Kwon H. Yi & Yong C. Yi, 6101 Telegraph Avenue, Oakland, CA 94609;
Fax No. _____.

All notices given under this Agreement shall be deemed effective upon actual receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Access Agreement effective as of the date first above written.

Thrifty Oil Co., a California corporation

By: *[Handwritten Signature]*

Its: *VP*

Kwon H. Yi & Yong C. Yi

By: *[Handwritten Signature]*

Its: *landlord*

RESIDENTIAL

EXHIBIT A

62ND STREET

RESIDENTIAL



MW-5

DISPENSER ISLAND



MW-4

MW-2

MW-6

MW-7

MW-1



COMMERCIAL

MW-8

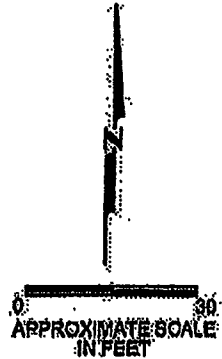
RESIDENTIAL

TELEGRAPH AVENUE

61ST STREET

EXPLANATION

- GROUNDWATER MONITORING WELL
- GROUNDWATER RECOVERY WELL
- ABANDONED GROUNDWATER MONITORING WELL
- PROPOSED GROUNDWATER MONITORING WELL

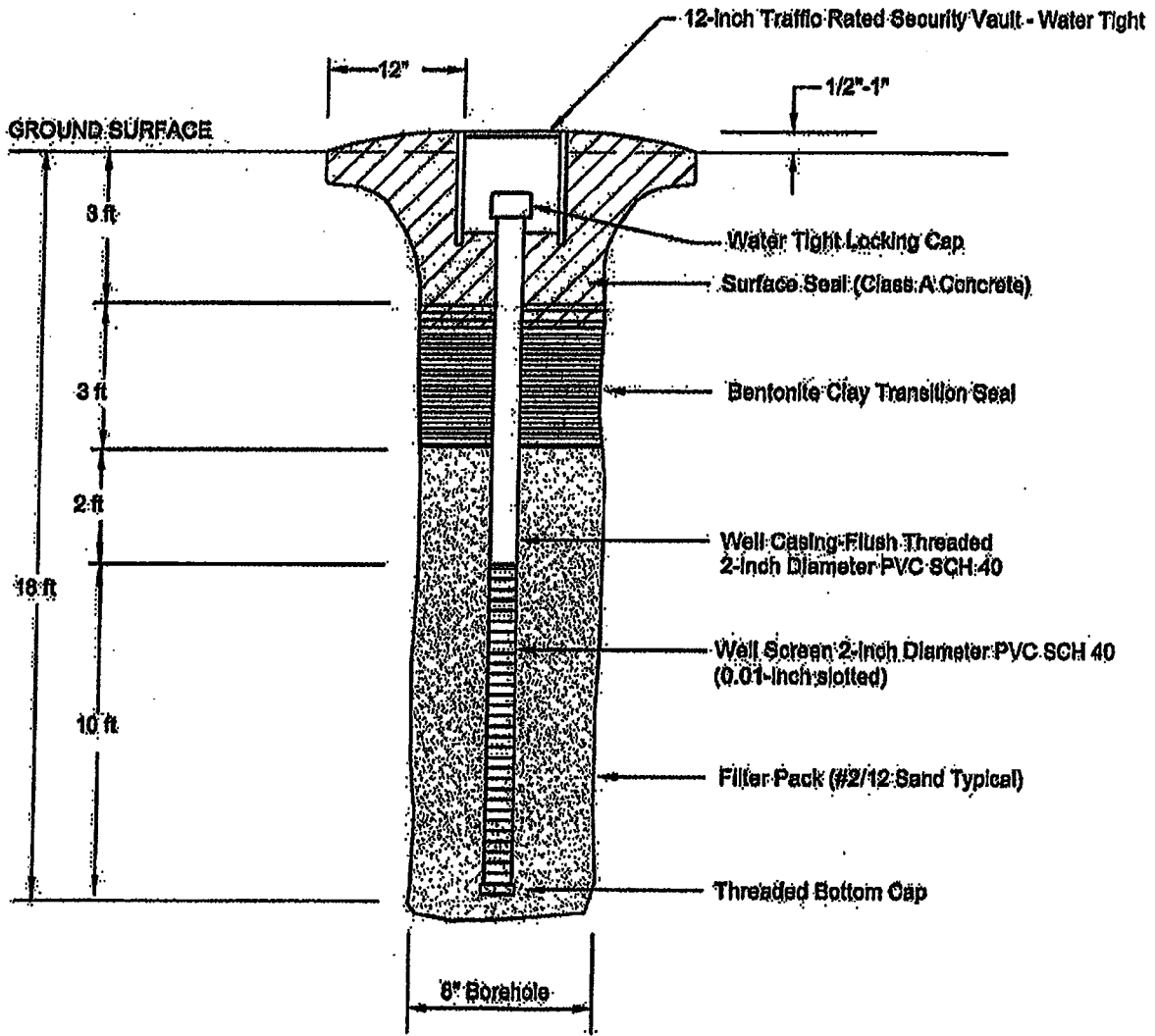


EQUIPOISE CORPORATION
11405 North El Camino Real, Suite 107
San Gabriel, California 95678
Phone: 925 368 0270
Fax: 925 368 0261

WELL LOCATION MAP

Trinity Station No: 063
6125 Telegraph Avenue
Oakland, California

FIGURE	3
SHEET	1
REVISIONS	0
DATE	1/1/06



LEGEND

PVC POLYVINYL CHLORIDE
 SCH SCHEDULE
 ft FEET

NOT TO SCALE

EQUIPOISE CORPORATION
 1401 53rd Avenue, Suite 107
 San Clemente, California 92673
 Phone: 949 399 0275
 Fax: 949 399 0281

GMW CONSTRUCTION DETAIL DWG

**MONITORING WELLS MW-7 and MW-8
 CONSTRUCTION SCHEMATIC**
 Thrifty Oil Co. Station #063
 6125 Telegraph Avenue, Oakland, California

FIGURE:	4
REVISION NO:	0
DATE:	1/1/06