



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
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January 28, 2011

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

Subject: Off-site Access for Subsurface Investigation for Fuel Leak Case No. RO0000005 and GeoTracker Global ID T0600101366, Thrifty Oil #063 / ARCO #9542, 6125 Telegraph Avenue, Oakland, CA 94609

Dear Mr. Yi:

Alameda County Environmental Health (ACEH) understands that Mr. Tregurtha with Thrifty Oil Company, the Responsible Party for the subject Fuel Release Case, has requested access to your property at 6101 Telegraph Avenue in Oakland to conduct a subsurface investigation required by ACEH. The Responsible Party, Mr. Tregurtha has informed ACEH that site access has not been granted to the 6101 Telegraph Avenue property. The purpose of this letter is to request that both parties resolve access agreement disputes promptly and reasonably. Please note that ACEH will not render legal opinions on reasonableness of terms of the access agreement. However, ACEH will comment on terms proposed that do not appear to be common practice based on experience with off-site access agreements reviewed for several other cases.

A suspected hydrocarbon release has occurred at the 6125 Telegraph Avenue, Oakland, property and has contaminated the soil and groundwater beneath the site and may extend off-site to adjacent properties. As the Responsible Party, Thrifty Oil Company is required to investigate the extent of the release(s) and clean up the contamination. ACEH provides local oversight for compliance with these requirements, which are set by the State of California. For this reason the Responsible Party has requested access to determine the extent of the contamination that may be beneath your property and perform the cleanup as necessary, thereby complying with State law as required by ACEH¹.

Based on a review, the terms proposed in the access agreement appear reasonable. ACEH encourages you to work with Thrifty Oil Company and agree upon the terms necessary (i.e. executing the access agreement) to allow Thrifty Oil Company access to the 6101 Telegraph Avenue property to conduct the subsurface investigation. If the terms of access cannot be negotiated and you continue to deny access or do not respond by the date specified below, and if the release does affect your property (6101 Telegraph Avenue), then ACEH and the Regional Water Quality Control Board may hold you legally responsible for the contaminated condition of your property (6101 Telegraph Avenue). You may then be required to conduct remedial

¹ California Health and Safety Code, §25289

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investigation of the contamination at your own expense. Since the costs for such investigations are often high, it is clearly more reasonable for you to allow access to Thrifty Oil Company. ACEH respectfully requests you to reconsider the Responsible Party's previous request to access your property and respond to this correspondence within thirty (30) days from the date of this letter (**February 28, 2011**) with your decision.

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

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

cc: Chris Panaitescu, Thrifty Oil Company, 13116 Imperial Highway, Santa Fe Springs, CA 90670-00138
Simon Tregurtha, Thrifty Oil Company, 13116 Imperial Highway, Santa Fe Springs, CA 90670-00138 (Sent via E-mail to: Tregurtha@thriftyoil.com)
Mr. John Skance, BP West Coast Products, LLC, P.O. Box 1257, San Ramon, CA 94583
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)
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