



ENVIRONMENTAL COST MANAGEMENT, INC.  
MANAGING COST AND LIABILITY

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**February 28, 2007**

Mr. Barney M. Chan  
Hazardous Materials Specialist  
Alameda County Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Re: Fuel Leak Case RO0000018, Carnation Dairy, 1310 14<sup>th</sup> St., Oakland, CA 94607

Dear Mr. Chan:

On behalf of Nestlé USA, Inc., (Nestlé), this letter responds to your January 29, 2007, letter addressed to Nestlé and to Encinal 14<sup>th</sup> Street LLC regarding the pending closure request for the site referenced above.

The following requests were posed in that letter:

1. **Maps and Assessors Parcel Information clarifying the site ownership and parcel boundary, including parcel numbers.** As you are aware, Nestlé sold the property to Encinal 14<sup>th</sup> Street LLC in June 2000. You requested clarification of the current parcel numbers and current property owners.

As Nestlé no longer controls the property, I do not have access to the information you are requesting. For your records and convenience, I am enclosing a copy of the June 2000 Grant Deed pursuant to which Nestlé transferred the property to Encinal 14<sup>th</sup> Street LLC. The Grant Deed includes a legal description of the property as it existed in June 2000. I am also forwarding a copy of the legal description of the deed restriction area which included a plot plan. By copy of this letter, Nestlé requests that Encinal 14<sup>th</sup> Street LLC notify you if there have been any changes to these legal descriptions or to the ownership of the parcels.

2. **Well Decommissioning Report:** Enclosed with this response letter are the well closure documents. By this letter I am confirming that the only wells that Nestlé or its contractors are aware of at the site are those wells used for semi-annual monitoring. The attached reports or documents

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were submitted to your office prior to July 1 2005 (which was the date electronic submissions to Geotracker requirements became effective) and January 1, 2006 (which was the effective date for electronic submittal to Alameda County Environmental Cleanup and Oversight Program). Because these documents were prepared prior to the effective dates for electronic submissions, we are not submitting the attached documents to Geotracker or to the Alameda County Environmental Cleanup and Oversight Program FTP site. The appropriateness of this procedure was confirmed during my phone conversation with Mr. Barney Chan on February 27, 2007.

- 3. Phase I and Phase II soil and water investigation reports associated with the southeastern portion of the property related to petroleum contamination.** We understand this request to be related to investigation work done after Nestlé's sale of the property in June 2000. If we correctly understand the request, Nestlé does not have copies of these documents because the investigation was conducted by consultants under the direction of Encinal 14<sup>th</sup> Street LLC. By copy of this letter, Nestlé requests that Encinal 14<sup>th</sup> Street LLC provide copies of these documents to the agency and to Nestlé.

Thank you in advance for your attention to the pending closure request.

Sincerely,



Binayak Acharya

Enclosures as listed above

Cc: Encinal 14<sup>th</sup> Street LLC  
1855 Olympic Blvd. #250  
Walnut Creek, CA 94596

Noelia Marti-Colon - Nestlé Legal Dept.  
Mike Desso - Nestle USA, Inc.

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ENVIRONMENTAL HEALTH SERVICES