



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-93

January 15, 2014

Hashem Tabatabaee  
EBI Properties  
1742 Solano Avenue  
Berkeley, CA 94707

Subject: Objection to Case Closure for Fuel Leak Case No. RO0000121 and GeoTracker Global ID T0600101277, Shell#13-5037, 999 San Pablo Avenue, Albany, CA 94706

Dear Mr. Tabatabaee:

Alameda County Environmental Health (ACEH) staff has reviewed your objections to case closure for fuel leak case file RO0000121 at 999 San Pablo Avenue in Albany, CA. We find that the objections expressed in your December 27, 2013 correspondence (attached) do not provide a sufficient basis to keep the fuel leak case open. We have addressed each of the four itemized objections from your December 27, 2013 correspondence below:

1. *"My properties are down-gradient and cross-gradient from case closure subject site".*

ACEH Response: Your properties (985 San Pablo Avenue and 977-979 & 981-983 San Pablo Avenue) appear to be located in a cross-gradient direction from the site. We are not aware of any evidence that a plume from the site has affected your properties. One monitoring well (S-7) was installed on the east side of San Pablo Avenue between the site and your properties. Groundwater samples were collected from monitoring well S-7 from 1991 until the monitoring well was destroyed in 2005. Petroleum hydrocarbons were either not detected at concentrations above reporting limits or were detected at minimal concentrations below levels of concern in groundwater samples from monitoring well S-7. These data do not indicate impacts to your property.

2. *"The RP on the abovementioned case has not fully defined and investigated the extent and migration of contamination to the neighboring properties."*

ACEH Response: The extent of off-site contamination has been defined using monitoring wells and grab groundwater samples from soil borings. Plume migration has been monitored using groundwater monitoring data from 1991 to 2013. Therefore, the extent and migration of contamination to the neighboring properties has been defined and investigated.

3. *"I am afraid that if you close the case and release the RP, in the event of my future construction and development of my properties, I do not want to be responsible for any additional investigation and/or remediation."*

ACEH Response: Since there is no evidence of contamination from the site affecting your properties, there is no basis to keep the case open pending construction and development of your properties.

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4. *"If the properties are contaminated, I will not be able to secure any construction loan."*

ACEH Response: As noted above, we are not aware of any evidence that contamination from the site has affected your properties. Therefore, there is no basis to keep the case open.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachment: December 27, 2013 Correspondence from Hashem Tabatabaee

cc: Perry Pineda, Shell Oil Products US, 20945 S. Wilmington Ave., Carson, CA 90810-1039  
(Sent via E-mail to: [perry.pineda@shell.com](mailto:perry.pineda@shell.com))

Betty Patton Trust and Mary Briggs Trust, c/o Douglas Patton, 5314 Proctor Avenue, Oakland, CA 94618-2732

Berry Patton Trust and Mary Biggs Trust, c/o Greg Biggs, 3640 Valley Road, Casper, WY 82604-4982

Hashem Tabatabaee (Sent via E-mail to: [ebiproperties@me.com](mailto:ebiproperties@me.com))

Peter Schaefer, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A  
Emeryville, CA 94608 (Sent via E-mail to: [pschaefer@croworld.com](mailto:pschaefer@croworld.com))

Jerry Wickham, ACEH (Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org))

GeoTracker, eFile

**HASHEM TABATABAEE  
EBI PROPERTIES  
1742 SOLANO AVE., BERKELEY, CA 94707**

Alameda County

DEC 30 2013

Environmental Health

December 27, 2013

**Mr. Jerry Wickham**  
ACHCSA-EHS  
1131 Harbor Bay Parkway, Ste. 250  
Alameda, CA 94502-6577

**SUBJECT: OBJECTION TO CASE CLOSURE ON SHELL #13-5037  
999 SAN PABLO AVENUE, ALBANY, CA  
FUEL LEAK CASE RO0000121  
GEPTRACKER GLOBAL ID T060010277**

Dear Mr. Wickham:

My name is Hashem Tabatabaee, and I have 2 properties (985 San Pablo Avenue, Albany and 977-979 & 981-983 San Pablo Avenue, Albany) adjacent to the proposed case closure site of Shell #13-5037 (RO000010277).

Based on the following reasons, I am objecting to the case closure on the above-mentioned site at 999 San Pablo Avenue, Albany, CA:

1. My properties are down-gradient and cross-gradient from case closure subject site.
2. The RP on the above-mentioned case has not fully defined and investigated the extent and migration of contamination to the neighboring properties.
3. I am afraid that if you close the case and release the RP, in the event of my future construction and development of my properties, I do not want to be responsible for any additional investigation and/or remediation.
4. If my properties are contaminated, I will not be able to secure any construction loan.

Therefore, I would like to ask you that prior to any site closure, the RP must be hold responsible for any additional work which will required by the governmental agencies.

If you have any questions, please do not hesitate to contact me at (510) 525-2000.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Tabatabaee', with a long, sweeping underline that extends across the width of the signature.

HASHEM TABATABAEE  
EBI PROPERTIES