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January 28, 2014

Via Facsimile (510-337-9335),
Email (jerry.wickham@acgov.org) and U.S. Mail

Jerry Wickham
Senior Hazardous Materials Specialist
Alameda County Health Care Services Agency
Environmental Health Services – Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Landowner and Public Notification for Fuel Leak Case No. RO0000121
and GeoTracker Global ID T0600101277, Shell#13-5037, 999 San Pablo
Avenue, Albany, CA 94706.

NOTICE OF OBJECTION

Dear Mr. Wickham:

My office represents Anabi Oil Corporation (“Anabi Oil”), who was assigned the ground lease at 999 San Pablo Avenue, Albany, CA. (the “Clean-Up Site”) previously executed by Shell Oil Products US (“Shell”). Under the terms of the agreements leading to that assignment, Shell remained obligated to perform and complete remediation at the Clean-Up Site.

Under the terms of the agreements between Anabi Oil and Shell, upon case closure Shell is potentially relieved of obligations to provide further compliance with case/site management or remediation obligations.

My client has reviewed your letter of October 21, 2013, and the proposal for case and site closure under the State’s Low-Threat Underground Storage Tank Closure Policy (LTCP), which proposal contains specified continuing site management requirements. My client’s concern is that the site management requirements specified in your letter of October 21, 2013 does not address with clarity that it is the party that is requesting LTCP closure, i.e. Shell, that is required to comply with the continuing site management requirements, including the obligation to address potential for vapor intrusion to indoor air for future buildings, in the event of change of the property in the future. Currently, this is the obligation of Shell, under the agreements between Anabi Oil and Shell. It is submitted that given that Shell has requested case closure and is the direct beneficiary of the LTCP reduced requirements, the case closure under the LTCP should be conditioned upon Shell’s agreement to be responsible for compliance with site management requirements, or the close should otherwise direct Shell’s continuing requirement of compliance with site management requirements.

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Without the foregoing clarification, there will be uncertain and confusion over whether Shell, as the party applying for case closure, is required to comply with Site management requirements as a condition of case closure under the LTCP provisions. Given that Shell is the party who has performed the remediation and is requesting closure under the State Water Resources Control Board Low-Threat Underground Storage Tank Closure Policy, it is respectfully submitted that the closure should clarify that Shell, as the party applying for LTCP site closure, shall be required to comply with the site management requirements specified in your letter.

Anabi Oil objects to the LTCP closure in the absence of this clarification.

Sincerely,



Kenneth P. Roberts

cc: Perry Pineda
Shell Oil Products US
20945 S. Wilmington Ave.
Carson, CA 90810-1039

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

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

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FACSIMILE TRANSMITTAL SHEET

DATE: 1-28-14 RECIPIENT'S NUMBER: 510-337-9335

TO: Gerry Wickham FROM: Ken Roberts

NUMBER OF PAGES (COVER SHEET INCLUDED): 3

RE: 999 San Pablo Avenue
Albany, CA 94706

SPECIAL HANDLING REQUESTS/COMMENTS: _____

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