

May 6, 2009

Mr. George Lockwood
State Water Resources Control Board
Division of Water Quality
P.O. Box 2231
Sacramento, California 95812

Re: Request for Review and Change in Lead Agency
300 Hegenberger Road, Oakland, California, ACEH RO# 184

Dear Mr. Lockwood:

At the request of McMorgan & Company LLC, on behalf of the owning entity of 300 Hegenberger Road, Environmental Risk Specialties Corporation (ERS) has prepared this appeal letter requesting that the State Water Resources Control Board (SWRCB) review this case and transfer it to the Regional Water Quality Control Board (RWQCB) for oversight. ERS requested that Alameda County Health Care Services (ACEH) transfer this case in a letter dated April 24, 2009 and ACEH denied transferring it in its letter dated May 5, 2009 (attached).

Petitioner

Ms. Mary Schroeder, McMorgan & Company LLC
425 Market Street, Suite 1600
San Francisco, California 94105-2498
(415) 616-9361

Site

300 Hegenberger Road, Oakland, California

Site Owner

The Bank of New York Trust Company, N.A. as Corporate Co-Trustee for
Carpenters Pension Trust Fund for Northern California;
Northern California Carpenters PTF, LLC
c/o Ms. Mary Schroeder, McMorgan & Company LLC
425 Market Street, Suite 1600
San Francisco, California 94105-2498

Responsible Party

The Bank of New York Trust Company, N.A. as Corporate Co-Trustee for
Carpenters Pension Trust Fund for Northern California;
Northern California Carpenters PTF, LLC
c/o Ms. Mary Schroeder, McMorgan & Company LLC
425 Market Street, Suite 1600
San Francisco, California 94105-2498

Reasons for Request for Transfer

Representatives of the Responsible Party, ERS, ACEH, RWQCB, and SWRCB attended a meeting on April 15, 2009 to discuss the case. Generally, there was little concurrence with technical positions held by ACEH for the Site and the Petitioner believes that the potential to obtain a timely or cost effective case close is low. Based on technical opinions expressed in the meeting by SWRCB and RWQCB representatives, the Petitioner requests that all future regulatory oversight be provided by the RWQCB.

A copy of the denial letter is attached. We respectfully request that the case be transferred as soon as possible to facilitate performing any tasks necessary to justify full regulatory closure of the case.

If you have any questions, please contact me at (925) 938-1600 extension 109 or via email at ddement@erscorp.us.

Sincerely,



David DeMent, PG, REA II
Senior Geologist

Attachment

cc: Ms. Mary Schroeder, McMorgan & Company LLC
Ms. Cherie McCaulou, San Francisco Water Resources Control Board

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



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

May 5, 2009

The Bank of New York Trust
C/o Ms. Mary Schroeder
McMorgan and Company, LLC
One Bush Street, Suite 800
San Francisco, CA 94104

Subject: Fuel Leak Case No. RO0000184 and Geotracker Global ID T0600102125, Precision Trucking School, 300 Hegenberger Road, Oakland, CA 94621

Dear Ms. Schroeder:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the most recent correspondence entitled, "*Request for Change in Lead Agency, 300 Hegenberger Road, Oakland, California, ACEH RO#184*" dated April 24, 2009. The April 24, 2009 correspondence, which was prepared by Environmental Risk Specialties Corporation on behalf of McMorgan & Company LLC, requests immediate transfer of regulatory oversight of case RO0000184 from ACEH to the Regional Water Quality Control Board.

We do not find any conditions that would provide sufficient cause for transfer of regulatory oversight. Therefore, the request for transfer of regulatory oversight is denied. Please submit the Work Plan requested in our April 23, 2009 correspondence no later than June 30, 2009.

If you have any questions, please call me at 510-567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

A handwritten signature in black ink that reads "Jerry Wickham".

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

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

David DeMent, Environmental Risk Specialties Corporation, 1600 Riviera Avenue, Suite 310, Walnut Creek, CA 94596

Donna Drogos, ACEH, Jerry Wickham, ACEH, File