

Wickham, Jerry, Env. Health

From: David Dement [ddement@erscorp.us]
Sent: Thursday, May 07, 2009 4:25 PM
To: Wickham, Jerry, Env. Health; 'George Lockwood'
Cc: Mary Schroeder; Tracy Roshangah; Cherie MCcaulou; Firth, Daniel, Env. Health; Drogos, Donna, Env. Health; Dennis Parfitt
Subject: RE: Request for Transfoer of Oversight RO0000184 300 Hegenberger Road, Oakland

Mr. Lockwood,

Alameda County Environmental Health's (ACEH) May 7 letter begs a response. In ERS's April 24th letter to you, we wrote:

At the **specific** request of McMorgan & Company LLC, on behalf of the owning entity of 300 Hegenberger Road (Northern California Carpenters Pension Trust Fund, LLC), Environmental Risk Specialties Corporation (ERS) has prepared this request letter asking that Alameda County Health Care Services immediately transfer this case to the Regional Water Quality Control Board for oversight.

Alameda County interpreted this as "The request was made by Environmental Risk Specialties Corporation (ERS) **apparently** on behalf of McMorgan & Company LLC." Perhaps I should have put a "sic" here also.

Their apparent belief that "Consultant and/or responsible party" is requesting transfer of the case based on some notion of "perceived ease of closure" is wrong, and rather simplistic. There are numerous reasons why the responsible party and ERS chose to request the case be transferred from Alameda County, only some of which were discussed in the April 15th meeting, The primary reason for requesting transfer of the case was expressed in our "toned down" statement:

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.

ACEH's conclusion that "concurrence on the path forward was reached during the April 15, 2009 meeting" was just that..... its conclusion, not ours. During the meeting, Mary Schroeder of McMorgan & Company LLC said it best when she said "Sometimes when you've been beating your head against the wall, it just feels better to stop." She was referring to previous interaction with ACEH and McMorgan's apparent lack of action during the 2005-2008 timeframe. I believe she was voicing her frustration with the process and a general lack of oversight that included two-way communication.

In conclusion, following the April 15 meeting, McMorgan & Company LLC and ERS believed further ACEH oversight would not change substantially. We attempted to give ACEH a graceful way to withdraw but the May 7 letter appears to demonstrate that despite all this scrutiny, ACEH still thinks it knows best. Please correct me if I am wrong, but I thought a responsible party has the right to request what regulatory agency they would like to work with, and we have a right to request that your agency review our case.

David DeMent, PG, REA II
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-----Original Message-----

From: Wickham, Jerry, Env. Health [mailto:jerry.wickham@acgov.org]

Sent: Thursday, May 07, 2009 1:39 PM

To: 'George Lockwood'

Cc: Mary Schroeder; Tracy Roshangah; Cherie McCaulou; Dave DeMent; Firth, Daniel, Env. Health; Drogos, Donna, Env. Health; Dennis Parfitt

Subject: Request for Transfoer of Oversight RO0000184 300 Hegenberger Road, Oakland

Mr. Lockwood,

Attached is Alameda County Environmental Health's (ACEH) request that case RO000184 at 300 Hegenberger Road in Oakland remain under ACEH oversight.

Regards,

Jerry Wickham

Alameda County Environmental Health

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