

## Khatri, Paresh, Env. Health

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**From:** Christine Noma [CNoma@wendel.com]  
**Sent:** Monday, October 19, 2009 1:54 PM  
**To:** Drogos, Donna, Env. Health; Khatri, Paresh, Env. Health  
**Cc:** rich@rathbunproperties.com  
**Subject:** FW: ARCO - Fuel Leak Case 899 Rincon Avenue, Livermore

Dear Ms.Drogos and Mr. Khatri,

I represent the owner of the Livermore Center which is adjacent to the ARCO station at 899 Rincon Avenue, Livermore. I am writing to follow up on my earlier email as to the status of ARCO's investigation work. ARCO has still refused to commit to certain legal protections that the Livermore Center requires before off site access will be granted. Therefore, as far as the Livermore Center is aware, no work has begun on the investigation.

The owner will soon be re-financing the property and it is imperative that IF any investigation work on the Livermore Center is required, that it be conducted and completed within the next few months. If it has now been confirmed that the contamination has NOT moved off site onto the Livermore Center, then I would appreciate your confirmation so that the lender can be provided with such assurances.

Thank you for your attention to this matter.

Regards,  
Chris Noma

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**From:** Christine Noma  
**Sent:** Wednesday, June 17, 2009 3:28 PM  
**To:** 'donna.drogos@acgov.org'; 'paresh.khatri@acgov.org'  
**Subject:** ARCO - Fuel Leak Case 899 Rincon Avenue, Livermore

Dear Ms. Drogos and Mr. Khatri,

I represent Livermore Center, LLC. The Livermore Center operates a shopping center adjacent to the ARCO station. Rich Rathbun is the manager for the Livermore Center. ARCO and its consultant, Matt Herrick, recently sent Mr. Rathbun a request for site access. We understand that ARCO proposes to drill several borings/wells on the Livermore Center property.

Mr. Rathbun is extremely concerned that the investigation work will be damaging to his property. In order to protect his interests, we have asked ARCO to enter into a right of entry and indemnification agreement. The right of entry follows the same format as that entered into by other oil companies, including Shell, Chevron and ExxonMobil, with respect to other fuel leak sites. As in these other cases, we also requested that ARCO reimburse Livermore Center for the legal costs to negotiate and draft this agreement.

However, ARCO has refused and is insisting that the Livermore Center use "it form". I will be contacting ARCO's business manager to advise him that ARCO's standard form is unacceptable and that its refusal to reimburse the minimal legal fees incurred by the Livermore Center is unreasonable.

We wanted to advise your office that the Livermore Center is willing to cooperate in this investigation, but that the limitations imposed by ARCO are unreasonable. To the extent that there are any delays in ARCO's implementation of the workplan, such delays are entirely a result of ARCO's own unreasonable actions. To the extent that the County can direct ARCO to work with the Livermore Center in good faith, we would appreciate such assistance.

If you have any questions regarding the Livermore Center's position, please feel free to email or give me a call.

Regards, Chris

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