



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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December 28, 2011

Foster 3000 Lakeshore LLC
Attn: Michael Foster @ Foster Employment Law
3000 Lakeshore Avenue
Oakland, CA 94610

Roman Catholic Bishop of Oakland
Attn: Jim McCann, Property Manager
2121 Harrison Street #100
Oakland, CA 94612
(sent via electronic mail to: jmccann@oakdiocese.org)

Subject: Offsite Access for Contamination Investigation; Fuel Leak Case No. RO0000284 and Geotracker Global ID T0600100328, Chevron #9-0121; 3026 Lakeshore Avenue, Oakland, CA 94610

Dear Messrs. Foster & McCann:

Under the direction of this office, the Chevron Environmental Management Company (Chevron) is conducting an environmental investigation for the property located at 3026 Lakeshore Avenue in Oakland. Soil and groundwater contamination has been detected in soil borings and groundwater monitoring wells at that location, as well as downgradient (to the west) of your property address. Because of this Chevron has been requested to investigate potential pathways that the contamination may preferentially be using to migrate including beneath your property, and to investigate the potential for petroleum vapor intrusion into indoor air at your locations. It is uncertain that these preferential pathways exist, but at this time data suggest the potential may be present. The purpose of this letter is to advise you in your decision regarding access.

As the responsible party, Chevron is required to investigate the extent of the release(s) and to clean up the contamination. These requirements are set by the State and this Agency provides local oversight for compliance with these laws. For this reason Chevron and their consultant, Conestoga-Rovers Associates (CRA), have requested access to investigate these concerns beneath your property as part of the investigation, thereby complying with State law as required by this Agency.

Alameda County Environmental Health (ACEH) understands that CRA, on behalf of Chevron, has sent you an Access Agreement and has contacted you by phone to request access to allow the installation soil borings and interior subslab soil vapor probes at your addresses in Oakland. We understand that no agreement has been completed to date. We request that you resolve this access agreement promptly and reasonably in order to define the extent of contamination pathways, to prevent future contaminant migration, and to eliminate the potential of vapor intrusion at your location. It is important for this access agreement be resolved.

It is also important to complete the investigation as part of the current fuel leak case. By not allowing the investigation to be completed under the current fuel leak case, you may be retaining some future liability for any contamination that may exist beneath your property. In that situation this Agency and the Regional Water Quality Control Board may hold you responsible for residual contamination beneath your property.

ACEH requests you complete negotiations with CRA and Chevron, by February 24, 2012.

Messrs. Foster & McCann
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If you have any questions, please call me at 510-567-6876 or send me an electronic mail message at mark.detterman@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

cc: Mr. Dave Patton, Chevron Environmental Management Company, 6111 Bollinger Canyon Road, San Ramon, CA 94583; (sent via electronic mail to drpatten@chevron.com)

Nathan Lee, Connestoga-Rovers & Associates, Inc., 5900 Hollis Street, Suite A, Emeryville, CA 94608; (sent via electronic mail to nlee@crawlworld.com)

Michael E. Delehunt, Foley & Lardner LLP, 555 California Street, Suite 1700, San Francisco, CA 94104

Donna Drogos (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic file, GeoTracker