

## Plunkett, Steven, Env. Health

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**From:** Donald Jay Miller [donaldjaym@comcast.net]  
**Sent:** Tuesday, September 02, 2008 5:18 PM  
**To:** Plunkett, Steven, Env. Health  
**Cc:** Drogos, Donna, Env. Health; LeRoy Griffin  
**Subject:** 989 41st Street, Oakland, CA 94608

Dear Mr. Plunkett,

As President of California Linen Supply Co., Inc., I am writing to you concerning the property described in the subject line of this email, reference Alameda County Fuel Leak Case No. RO 337.

It is my understanding that all reports, documentation, charts, graphs, tables, etc., have been submitted to you pertaining to our request for closure of this site and ensuing NFA letter. We were advised by Mr. Paul King of RGA Environmental that review of this case was originally promised for July, rescheduled to August and now "sometime within the next few months". This creates a great hardship for us and I am asking for your assistance to make this case a priority.

My concern is on several levels. We have spent several years and hundreds of thousands of dollars to make this property suitable for residential development. In addition to all the sparging and other methods used to extract the benzene-related waste from the soil caused by the underground storage tanks, we even had to excavate certain areas to remove certain elements (arsenic, lead, etc.) which were on site from the nursery which occupied the lot when it was purchased by my grandfather 85 years ago. We paid for this material to be hauled to an approved off-site hazardous disposal site.

We have an interested developer, Pocket Development, with whom we have a contract and deposit in escrow. We have had to amend the agreement several times because no NFA letter has been received so they cannot proceed with development of the property. They recommended that Dawn Zemo be brought in (at our expense) to expedite the process and provide her expertise and she has done considerable work to help gain closure of this site, in addition to all the work, time and effort provided by RGA Environmental. Since this has dragged on for over two years now, we are in danger of losing this developer because of our failure to supply them in a timely manner with the NFA letter that they require. Their plans apparently have been approved by the City of Oakland and they are ready to begin, but are stymied because we cannot yet give them the clearance that they require. We have worked closely with them and their engineer, Tom Graf, and they have been kept apprised of our progress.

On a more urgent matter, the Company's rental payments to the landlords cease on November 1. The property was originally purchased by my grandfather in the 1920's. When he and my grandmother passed away, the ownership of the property transferred to their four sons, my father being the eldest. The four brothers are now all dead and through trust instruments, the 25% interest in the real property of each brother has been transferred to their widows (with the exception of one brother who died without issue). These three widows' (Janice Miller, Barbara Miller and Marrion Miller) primary source of income has been the monthly rental income. When payments stop in two more months, they will be in great hardship. When the sale of the land is finalized, they will realize their quarter-share distribution of the proceeds and will once again be financially stable. In the meantime, however, the delay will cause them considerable financial uncertainty.

There are other, less important problems that this delay has caused us. We have had vagrants vandalizing the building and I have had to meet the Oakland Police Department there on several occasions to board up broken windows, fix knocked down doors, repair holes in the Cyclone fencing, etc. The police have instituted regular patrols to try to catch the perpetrators. In addition, I have received calls from our across-the-street neighbors about the garbage collecting on the sidewalks and untamed growth of weeds on the Linden Street side which we had under control when we were occupying the building. I am going into Oakland tomorrow to clean up the area and report to our neighbors.

I'm sure that most individuals and companies requesting site closures have their stories to tell, I realize that we are not alone, and I'm sure that your department is overwhelmed with cases and understaffed, and certainly we all know the financial straits of the State and local governments; nevertheless, I am requesting that some consideration be given to our situation for the above stated reasons.

Thank you very much. My contact information is below if you wish to communicate with me. I am available at any time to meet with you and/or other members of the County if this will speed up the approval process.

Cordially,

Donald J. Miller, President  
CALIFORNIA LINEN SUPPLY CO., INC.  
2104 Magnolia Way  
Walnut Creek, CA 94595  
(925)938-2491 (home phone)  
(925)938-5349 (home fax)  
[donaldmiller@californialinen.com](mailto:donaldmiller@californialinen.com) (email)