

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

March 30, 2012

Mr. Davy Francois & Ms. Catherine Stewart  
984 40<sup>th</sup> Street  
Oakland, CA 94608

Subject: Site Access to 984 40<sup>th</sup> Street, Oakland for Fuel Leak Case No. RO0000337 (Global ID T0600100249), California Linen Supply Company, 989 41<sup>st</sup> Street, Oakland, California 94609

Dear Mr. Francois & Ms. Stewart:

Alameda County Environmental Health (ACEH) understands that Mr. Donald Miller (the Responsible Party for the subject Fuel Release Case) and his consultant Mr. Paul King, formerly with RGA Environmental, and currently with P&D Environmental, Inc, have previously requested access to your property at 984 40<sup>th</sup> Street in Oakland to conduct an environmental investigation as part of a subsurface investigation for the California Linen site listed above. ACEH has also previously sent a letter on May 26, 2009 (see attached copy) to facilitate site access; however, Mr. Miller and Mr. King have informed ACEH that access has been denied since you have not signed and returned an access agreement. The purpose of this letter is to advise you in your decision regarding access.

A hydrocarbon release occurred at the 989 41<sup>st</sup> Street property and has contaminated soil and groundwater beneath that site. As the responsible party, Mr. Miller has been required by ACEH to investigate the extent of the release(s) and to clean up the contamination. The extent of the contamination is currently unknown but may extend beneath your property. For this reason for Mr. Miller, and his consultant Mr. King, have requested access to determine the full extent of the soil and groundwater contamination.

ACEH encourages you to work with Mr. Miller, and his consultant, Mr. King of P&D Environmental, and agree upon the terms necessary (i.e. your signature on the access agreement) to allow them temporary access to your property to conduct the required work. Owners of adjacent properties are generally not responsible for the cost of investigation and cleanup of contamination that migrates onto their property from an adjacent fuel leak site; however, owners of adjacent properties are expected to cooperate with the responsible party's investigation and cleanup activities to the extent that they are not experiencing undue hardship or alteration to their property. If you continue to deny access or do not respond by the date specified below, then this Agency and the Regional Water Quality Control Board may hold you legally responsible for any contamination beneath your property. You may then be required to investigate the extent of the contamination at your own expense. Since the costs for such investigations are often high, allowing access is clearly more reasonable and in your financial interests. Please reconsider the request to access your property previously sent by P&D Environmental and respond to this correspondence within twenty-one (21) days from the date of this letter with your decision.

Should you have any questions, do not hesitate to call me at (510) 567-6876, or to send me an e-mail at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

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

cc: Mr. Donald Miller, Barbara Miller & Eugene Miller Trust, et al, 2104 Magnolia Way, Walnut Creek, CA 94595; (sent via electronic mail to [donaldjaym@comcast.net](mailto:donaldjaym@comcast.net))

Paul King, P&D Environmental, Inc, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610; (sent via electronic mail to [PDKing0000@aol.com](mailto:PDKing0000@aol.com))

Leroy Griffin, Oakland Fire Department 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (sent via electronic mail to [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))

Donna Drogos (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))

Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))

Electronic File, GeoTracker

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) 337-9335

May 26, 2009

Mrs. Francois  
984 40<sup>th</sup> Street  
Oakland, CA 94608

Subject: Fuel Leak Case No. RO0000337 (Global ID #T0600100249), California Linen Supply Company, 989 41<sup>st</sup> Street, Oakland, California 94609

Dear Mrs. Francois:

Under the direction of this office, California Linen Supply Company is conducting an environmental investigation for a property located at 989 41<sup>st</sup> Street, Oakland, California. Contamination has been detected in soil and groundwater beneath the property located at 989 41<sup>st</sup> Street, Oakland. The extent of the contamination is currently unknown but potentially could extend beneath your property. Alameda County Environmental Health is requiring California Linen Supply Company to characterize the extent of contamination from their site. RGA Environmental, Inc, on behalf of California Linen Supply Company, previously submitted a request for access to you to allow the installation soil borings at 990 40<sup>th</sup> Street, Oakland. It is imperative that this access agreement be resolved in order to define the extent of contamination and prevent future contaminant migration.

Owners of adjacent properties are generally not responsible for the cost of investigation and cleanup of contamination that migrates onto their property from an adjacent fuel leak site. However, owners of adjacent properties are expected to cooperate with the responsible party's investigation and cleanup activities to the extent that they are not experiencing undue hardship or alteration to their property. To date, you have not responded to requests to provide reasonable access to your property.

These requests are made pursuant to Water Code Section 13267, which allows ACEH to require technical reports from persons whose activities may have an impact on water quality. You may be subject to administrative civil liability of up to \$1,000 per day pursuant to Water Code Section 13268 if you fail to respond, respond late, or submit an inadequate response.

Please contact me at (510) 383-1767 or via email at <mailto:steven.plunkett@acgov.org> with any questions regarding this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Plunkett', written over a horizontal line.

Steven Plunkett  
Hazardous Materials Specialist

cc: Mr. Donald Miller, Barbara Miller Trust, Et Al., 989 41<sup>st</sup> Street, Oakland, CA, 94608  
Elizabeth Costello, Pocket Development LLC, 615 Front Street, San Francisco, CA 94111  
Paul King, RGA Environmental, Inc., 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610  
Leroy Griffin, Oakland Fire Prevention Bureau, 250 Frank Ogawa Plaza, Suite 3441, Oakland, CA 94612  
Donna Drogos, Steven Plunkett, File