



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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March 30, 2012

Narvie M. & Reginald D. Smith Trust
3777 Chateauguay
Decatur, GA 30034

Subject: Site Access to 996 40th Street, Oakland for Fuel Leak Case No. RO0000337 (Global ID #T0600100249), California Linen Supply Company, 989 41st Street, Oakland, California 94609

Dear Smith Trust:

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 996 40th Street in Oakland to conduct an environmental investigation as part of a subsurface investigation for the California Linen site listed above. 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 41st 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 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.

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)

Paul King, P&D Environmental, Inc, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610; (sent via electronic mail to 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)

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