



OFFICE OF THE COUNTY COUNSEL

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RICHARD E. WINNIE
COUNTY COUNSEL

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August 10, 2009

Mr. Ariu Levi, Director
Environmental Health Department
County of Alameda
1131 Harbor Bay Parkway
Alameda, California 94502

Re: Shell Oil Fuel Leak Case No. RO0000360 and
ConocoPhillips Fuel Leak Case No. RO0000361

Dear Mr. Levi:

This office requests the assistance of the Alameda County Environmental Health Agency (ACEH) to ensure a timely soil remediation at the above sites. Remediation is a condition precedent to transfer of the property from the County of Alameda to the City of Pleasanton, and so it is essential that a timely remediation is achieved.

The subject properties in question are part of a larger parcel of land which is being sold by the County to Pleasanton. According to the Purchase Agreement, if the remediation is not completed by July 8, 2013, the City's obligation to purchase Segment 7 (the contaminated portion) terminates with no cost or penalty to the City. There is strong public interest in having the entire site transferred to the City, so that there is not a remainder parcel that remains fenced and undeveloped for an indefinite future. Your department's assistance is crucial in achieving this goal.

The County's goal is to see that the cleanup is proceeding on schedule for completion by July 2013. In order to meet this deadline, it is imperative that Conoco and Shell submit remediation plans for your approval without further delay. Absent these plans, remediation will not be accomplished within the time set forth in the Purchase Agreement.

It is my understanding that ACEH agreed that more data are needed before Conoco would be required to propose a corrective action plan. I strongly urge ACEH to impose deadlines on Conoco and Shell for submission of a Corrective Action Plan (Plan). Holding Conoco and Shell to a timeline for remediation will accomplish the important public interest set forth in the Agreement.

Our attorneys in this matter Les Hausrath and Catherine Johnson (Wendel Rosen Black & Dean, LLP) may contact you or your designee in the future to facilitate the remediation process. Please assist them in this endeavor.

Ariu Levi, Director
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Please do not hesitate to contact Audrey Beaman, Deputy County Counsel, if you have any questions regarding this matter.

Thank you for your cooperation and assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard E. Winnie', with a long horizontal flourish extending to the right.

Richard E. Winnie
County Counsel

cc: Les Hausrath, Esq., Wendel, Rosen, Black and Dean
Robert Reiter, Deputy County Counsel
Audrey Beaman, Deputy County Counsel
Rory MacNeil, ACPWA