

Tony and Rita Sullins
Don Sul, Inc. DBA Arrow Rentals
187 North L Street
Livermore, Ca. 94550

RECEIVED
JUL 31 2008
ENVIRONMENTAL HEALTH SERVICES

July 30, 2008

Jerry Wickham
Alameda County Health Care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, Ca. 94502-6577

Re: Fuel Leak Case No. RO0000394, Arrow Rentals, 187 North L Street, Livermore, Ca.

Dear Mr. Wickham,

I am writing this letter to appeal Alameda County's decision to require the remediation of the contamination of our property, and to ask for your help in resolving this matter.

This contamination was brought to our attention in 1988. Since that time, over \$520,000.00 has been spent on "identifying" and "characterizing" the problem at the direction of Alameda County. During those 20 years, no remediation has taken place. Tony and I have spent over \$80,000.00 of our own money on these investigations, since we have been required by the UST Fund to pay 15% of all remediation costs. We have also spent over \$130,000.00 on attorney's fees and loan costs in an attempt to get the "real" responsible parties to pay their share of this burden. After repeated requests, Alameda County has not been willing to help in identifying and holding responsible one of the responsible parties, namely Pitcock Petroleum. We have now reached retirement age and we do not want to lose all the money that will soon be required to affect what we believe to be an unnecessary remediation.

It is frustrating to hear politicians relating stories about all the people they meet with problems, and how the government wants to help solve them. Here is an opportunity for Alameda County to assist its law-abiding tax-paying residents. As you are aware, back in the 1990's, directives were handed down to close as many sites as possible that did not pose any risk. We feel strongly that Arrow Rentals is one of those sites, and should be closed already.

Last year, Alameda County gave their permission to develop this “contaminated” property at the request of the City of Livermore Redevelopment Agency. For this permission to be granted, there must have been a determination that there is no risk to human health with regards to development. Over these many, many years, various geologists have provided Alameda County with all the information available regarding the danger to human health, and the possibility of contamination to wells that may be in the vicinity of our property. To our knowledge, and according to all the reports we have read, we can find absolutely no risk to any wells ANYWHERE.

If you look at all the monitoring mandated by Alameda County that has gone on over these past 20 years, you will see that the actual plume has decreased in size. And not only that, but the whole area is less contaminated. The fact that there are levels of contamination that may exceed government standards is in itself, no reason to remediate. Only if those levels can be shown to pose some threat now (which there is not), or can be shown to migrate such as to cause some threat (which it has not), can there be justification to remediate. There is a long history of data on this site. If this contamination were going to spread or impact any other areas, we can logically conclude that there would be some evidence, or sign of it, in the last 20 years. To our knowledge, there is not. It appears that nature is doing the job that over \$650,000.00 did not do. And left on its own, will continue to do so through natural attenuation.

According to our geologist, this remediation could cost several hundreds of thousands of dollars more, depending on when Alameda County closes this site. This is a piece of property that is less than 18,000 square feet! To a layperson like myself, it seems ludicrous that one would spend a small fortune on a remediation that does not pose any threat whatsoever to human health, now, or in the future. It’s as though we are remediating for the sake of remediation. I am sure the UST funds could be more efficiently applied to sites with contamination that has been demonstrated to pose a real and immediate risk to human health.

Please consider this our formal request for Alameda County to close our site. If there are reasons why this site cannot be closed, then we respectfully request correspondence from Alameda County explaining those reasons in laymen terms. Please specify exactly what is the necessity for this remediation and **WHAT IS THE RISK TO HUMAN HEALTH** that requires us to spend hundreds of thousands of dollars more. There’s no need to further explain the levels of contamination that are under the ground. We all know what they are after 20 years of monitoring. Just explain what I’ve outlined above and what Alameda County specifically thinks could happen that has not already happened in the last 20 years, and what the likelihood of it happening is, and why immediate closure cannot occur.

We implore you to take another look at this case and apply common sense to this situation. We truly believe it is clear that there is absolutely no danger to anyone or anything, and if left alone, this property will really "remediate" itself.

Sincerely yours,

A handwritten signature in cursive script that reads "Rita Sullins".

Rita Sullins

cc: Governor Arnold Schwarzenegger, State of California

Senate President pro Tem Don Perata, State of California

Assemblyman Guy Houston, State of California

Cherie McCaulou, San Francisco Bay Regional Water Quality Control Board

David Charter, State Water Resources Control Board

Colleen Winey, QIC 80201, Zone 7 Water Agency

Danielle Stefani, Livermore-Pleasanton Fire Development

Donna Drogos, P.E., Alameda County Health Care Services Agency

Dr. Raymond Kablanow II, Geological Technics

Heidi Timken, Timken Johnson Hwang, LLP

Chris Davidson, City of Livermore