

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



September 11, 2003

ENVIRONMENTAL HEALTH SERVICES

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

Mr. Douglas Herman
Port of Oakland
530 Water St.
Oakland, CA 94607-2064

Dear Mr. Herman:

Subject: Groundwater Monitoring at the Ninth Avenue Terminal, Oakland CA 94606

Alameda County Environmental Health staff has received several letters from the Port of Oakland requesting a suspension of future UST work at the site pending the development of this site by the developer, Oakland Harbor Partners. Future work would be proposed in a site remediation and management program developed by their consultant, Erler and Kalinowski, after the sales of the property to the developer. The anticipated close of escrow is stated as being sometime between September 2005 and September 2007. Therefore, it appears that the Port is requesting the cessation of work for up to four years. Our office and that of the RWQCB **does not concur with this proposal**. The following factors contribute to this decision:

- Soil contamination exceeding ecological screening levels exist in close proximity to the Oakland-Alameda estuary
- Several on-going UST sites overseen by Alameda County Local Oversight Program exist within the Ninth Avenue Terminal site and would be affected by this decision. These sites are at various stages of their investigation.
- The uncertainty as to when future work would resume is not acceptable.
- Elevated concentrations of HVOCs exist in groundwater at the site.
- A site wide monitoring plan was already developed in November 2001, which was based upon prior analytical data. This plan included the closure of some wells, the elimination of some analytes and the reduction of monitoring to either annual or semi-annual.

Our offices request that you continue with the present monitoring schedule or provide a revised monitoring proposal and its rationale. Your written response is requested within 30 days or by no later than October 13, 2003.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos

Mr. J. Rubin, Ms. D. Heinze, Port of Oakland, 530 Water St., Oakland 94607-2064
Ms. Betty Graham, SFRWCB

Mon9thAveTerminal

20485



State Water Resources Control Board

ST 10 6894



"BC"

Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California 94444-2112
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

99 SEP 15 PM 4: 13

September 14, 1999

J.W.Redding%Fitzgerald,Abbot & Beardsley
East Bay Oil Co/Gold Shield Dist.
1221 Broadway 21st Fl
Oakland, CA 94612

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF ELIGIBILITY
DETERMINATION AND PRIORITY CLASS CHANGE: CLAIM NUMBER 014333; FOR SITE
ADDRESS: 79 8TH AVE, OAKLAND 94606

Your claim has been accepted for placement on the Priority List. However, the priority class you claimed (Priority Class C) was not supported by the documentation you submitted. Therefore, your claim has been assigned to Priority Class "D" with a deductible of \$10,000 based on the following reason:

Port of Oakland (Port) owns the land on the Oakland Estuary, which is bounded by Clinton Basin, Oakland Estuary Inner Harbor, the Ninth Avenue Terminal and the Embarcadero . The Port leased the property to several tenants beginning in the 1940's. When your leased terminated in 1970, the Port became the owner of the UST. According to the Port, the UST operated through 1975. In 1975, the Port removed the UST.

The unauthorized release was discovered by a tank owner, Port, the claim takes the lower priority of the two. Fund regulations describe situations where a lower priority maybe applied to a priority being claimed. Section 2811.1(b) states that "for purposes of assignment to a priority class, (1) where the operator and the owner of a tank at the time of discovery of an unauthorized release are different persons, or (2) where an operator and the current owner of a tank are different persons, and where such operator and owner would be eligible to submit a claim to the Fund for costs paid or incurred by such operator or owner, a claim submitted by either shall be treated as if a joint claim by both had been submitted..."

The section cited above distinguishes the two owners that may be eligible to file a claim with the Fund. In the first situation, the "tank owner" (which may include past owners), at the time of the discovery of the release may apply. In the second situation, the current owner of UST (as in the case where a person purchased the UST with known unauthorized release) at the time of the discovery of the unauthorized release may also apply. If the Fund determines that the operator and owner of the UST are two different persons, the claim will be placed in the lower priority. Therefore, if the Port of Oakland applies to the Fund for past costs incurred for the same release discovered by Port, the claim would be assigned Priority Class D.

If you disagree with the Staff Decision that the claim does not qualify for Priority Class "B", you may either request review and reconsideration by the Program Manager or you may formally appeal the decision and request a Final Division Decision from the Chief of the Division. A request for reconsideration along with any additional documentation should be sent to:

Dave Deaner, Program Manager, Claim # 014333
UST Cleanup Fund Program

California Environmental Protection Agency



State Water Resources Control Board
Division of Clean Water Programs
P.O. Box 944212
Sacramento, CA 94244-2120

A request to the Chief of the Division must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the action or the Staff Decision is erroneous, inappropriate or improper.

The request to the Chief of the Division must be sent to Edward C. Anton, Chief, Division of Clean Water Programs, at the address listed above.

If you do not request review and reconsideration by the Program Manager or request a Final Division Decision from the Chief of the Division within sixty (60) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

Compliance Review: Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. *It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.*

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an

investigative workplan/Corrective Action Plan (CAP) before performing any work. This phasing process and the workplan/CAP requirements were intended to:

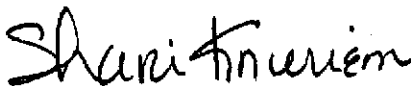
1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations *interim cleanup* will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. ***Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.***

Three bids and Cost Preapproval: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work. ***If you do not obtain three bids and cost preapproval, reimbursement is not assured and costs may be rejected as ineligible.***

If you have any questions, please contact me at (916) 227-4366.

Sincerely,



Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



State Water Resources Control Board

STID 6894
BC



Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

ROUSB

June 28, 1999

J.W.Redding%Fitzgerald,Abbot & Beardsley
East Bay Oil Co/Gold Shield Dist.
1221 Broadway 21st Fl
Oakland, CA 94612

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, REQUEST FOR
FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 014333;
FOR SITE ADDRESS: 79 8TH AVE, OAKLAND 94606

After reviewing your claim application to the Cleanup Fund, we find that the following
additional information is needed to determine your eligibility for placement on the Priority List:

Verification from the local agency that an unauthorized release of petroleum from the UST was
discovered on a specified date.

Copy of a letter from the local regulatory agency naming you a responsible party and directing
you to clean up the contamination at the subject site.

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this
letter may result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 227-4366.

Sincerely,

ORIGINAL SIGNED BY

Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

99 JUN 29 PM 3:44
ENVIRONMENTAL
PROTECTION



State Water Resources Control Board



Gray Davis
Governor

Division of Clean Water Programs ENVIRONMENTAL PROTECTION

2014 F Street • Sacramento, California 95814 • (916) 227-4400
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4349 • Internet Address: <http://www.swrcb.ca.gov>

MAR 22 PM 4:12

Aston H. Hickox
Secretary for
Environmental
Protection

MAR 18 1999

Rouss

Kerry I. Zimmerman
Fitzgerald, Abbott & Beardsley LLP
Attorneys at Law
PO Box 12867
Oakland, CA 94604-2867

Dear Mr. Zimmerman:

UNDERGROUND STORAGE TANK LOCAL OVERSIGHT PROGRAM, PETITION FILE NUMBERS P98-190 (PORT OF OAKLAND), P98-191 (MARINE TERMINALS), P98-192 (TEXACO), AND P98-193 (VICTOR ADELSON), ALAMEDA COUNTY

This is in response to your recent letters addressed to Barney Chan with Alameda County and myself regarding a settlement that has been reached between the Port of Oakland and various other responsible parties. This settlement involves cleanup projects at sites in Oakland, Alameda County, which are the subjects of four petitions.

Site Number 3335 – 370 8th Avenue, Petition File Number P98-190 (Port of Oakland)

R0100

This site was not the subject of the above-referenced letters; however, the petition was submitted by the Port of Oakland and we have been holding it in abeyance at the request of the Port. Please notify me if this site was also included in the settlement and should be withdrawn.

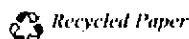


Site Number 5067 – 101 10th Avenue, Petition File Number P98-191 (Marine Terminals)

R0110

Your letters indicate that Encinal Terminals and Victor Adelson should be removed as responsible parties for this site as a result of the settlement. Both of these parties are not currently listed as responsible parties. Marine Terminals (Petitioner) and the Port of Oakland are currently listed as the responsible parties. By copy of this letter, I am requesting a response from Gary A. Angel, attorney for Marine Terminals, regarding withdrawal of the petition. Marine Terminals has been identified as a responsible party because there is evidence that an unauthorized release occurred during their involvement with the site. If the Port of Oakland has assumed responsibility for the cleanup, that would be a civil matter between the Port and Marine Terminals.

California Environmental Protection Agency



Site Number 6895 - 271 8th Avenue, Petition File Numbers P98-192 (Texaco) and P98-193 (Victor Adelson)

R2108

Currently, the Port of Oakland, Victor Adelson, and Texaco are listed as jointly responsible for cleanup at this site. According to Barney Chan of the County, there is no evidence which would indicate that an unauthorized release occurred during the time of Texaco's and Mr. Adelson's involvement with the site; therefore, they will be removed from the responsible party list. Consequently, we will close the files on this matter with respect to the subject petitions.

Site Number 6894 - 79 8th Avenue

R2185

Your letter requests that Gold Shield be removed from the list of responsible parties. I have been notified by Mr. Chan that the County has removed both Gold Shield and Groeniger and Company from the list of responsible parties for this site.

If you have any questions, please telephone me at (916) 227-4325 (casiasl@cwpswrcb.ca.gov).

Sincerely,



Lori Casias
Local Oversight Program

cc: See attached list

cc: Barney Chan
Alameda County
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Michele Heffes, Esq.
Deputy Port Attorney
Environmental Department
Port of Oakland
PO Box 2064
Oakland, CA 94604-2064

Jonathan W. Redding
Fitzgerald, Abbott & Beardsley LLP
Attorneys at Law
PO Box 12867
Oakland, CA 94604-2867

Mitchell S. Griffin, Esq.
Cox, Wootton, Griffin, & Hansen, LLP
Four Embarcadero Center, Ste. 1450
San Francisco, CA 94111

Thomas E. Kuhnle
McCutchen, Doyle, Brown & Enersen
3150 Porter Drive
Palo Alto, CA 94304-1212

Craig S. Fox, Esq.
King, Snell, Mildwurm & Fox
29650 Liberty Street, Suite 420
Fremont, CA 94538-2261

Gary A. Angel
Attorney at Law
Pacific States Building
Fourth Floor
445 Bush Street
San Francisco, CA 94108

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

March 10, 1999
StID # 6894

Ms. Michelle Heffes, Esq.
Port of Oakland
530 Water St.
Oakland CA 94607

**Re: Change in Responsible Party for StID # 6894, Former Building H-204, 79 8th Ave.,
Oakland CA 94606**

Dear Ms. Heffes:

In accordance with the recent March 2, 1999 letter from Fitzgerald, Abbott & Beardsley LLP and with concurrence from Alameda County Environmental Health and the State Water Resources Control Board UST Program, our office has removed Gold Schield Distributors and Groeniger and Co. as responsible parties for the underground tank investigation/remediation requirements at the above referenced site.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B.Chan, files

Ms. Carol Woo, Esq., Lawler, Bonham & Walsh, 300 Esplande Dr., Ste. 1900, Oxnard,
CA, 93031

Mr. Jim Reid, Esq., 3 Altarinda Rd., Ste. 201, Orinda, CA 94563

Mr. Kerry Zimmerman, Fitzgerald, Abbott & Beardsley LLP, 1221 Broadway, 21st Floor,
Oakland CA 94612-1837

Ms. L. Casias, SWRCB UST Program, P.O. Box 944212, Sacramento, CA 94244-2120

RP-79 8th Ave.

FITZGERALD, ABBOTT & BEARDSLEY LLP

JAMES C. SOPER, INC.
PHILIP M. JELLEY, INC.
GERALD C. SMITH
LAWRENCE R. SHEPP
RICHARD T. WHITE
MICHAEL P. WALSH
J. BRITTAIN HABEGGER
VIRGINIA PALMER
TIMOTHY H. SMALLSREED
STEPHEN M. JUDSON
STEPHEN M. WILLIAMS
JONATHAN W. REDDING
BETH E. ASPEDON
KRISTIN A. PACE
MICHAEL M. K. SEBREE
ANTONIA L. MORE
SARAH ROBERTSON McCUAIG
PHILIP E. DRYSDALE
JAY M. GOLDMAN
KERRY I. ZIMMERMAN
MICHAEL S. WARD
ELEANOR M. ROMAN
FATIMA BRUNSON EVANS

ATTORNEYS AT LAW

1221 BROADWAY, 21ST FLOOR
OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (510) 451-3300

PLEASE REPLY TO:

P. O. Box 12867
OAKLAND, CALIFORNIA 94604-2867

March 2, 1999

R. M. FITZGERALD 1858-1934
CARL H. ABBOTT 1867-1933
CHARLES A. BEARDSLEY 1882-1963
FACSIMILE: (510) 451-1527
EMAIL: INBOX@FABLAW.COM
WEB SITE WWW.FABLAW.COM

PRO:EC:1/1/99
99 MAR -3 PM 3:27

ASSOCIATED COUNSEL:

PAUL S. KIBEL

VIA FACSIMILE (510) 337-9335
AND FIRST CLASS MAIL

VIA FACSIMILE (916) 227-4344
AND FIRST CLASS MAIL

Mr. Barney Chan
Hazardous Materials Specialist
Alameda County Health Care
Services Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

Lori Casias
State Water Resources Control
Board
UST Programs
P. O. Box 944212
Sacramento, CA 94244-2120

Re: Ninth Avenue Terminal, Port of Oakland --
Removal of Gold Shield From Notice of
Responsibility With Respect to Underground
Storage Tank Located at Former Building H-213
(STID #6894)

Dear Mr. Chan and Ms. Casias:

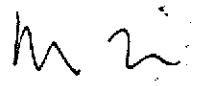
The purpose of this correspondence is to inform you that a settlement between the Port of Oakland and Gold Shield has been executed wherein the Port of Oakland has assumed responsibility for responding to agency directives regarding the above-captioned site. As a result, please delete Gold Shield from the list of responsible parties.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY LLP

By


Kerry I. Zimmerman

KIZ:mga
cc: Carol Woo

NICHOLS, CATTERTON, DOWNING & REED, INC.

A PROFESSIONAL LEGAL CORPORATION

WELDON C. NICHOLS (1902-1957)
GUY B. CATTERTON (1919-1994)
MERTON R. DOWNING (1935-1981)
JAMES E. REED
CAROL VERES REED

201 D/A FINANCIAL BUILDING
THREE ALTARINDA ROAD
ORINDA, CALIFORNIA 94563-2601
(510) 254-7893

ORINDA TELEFAX (510) 254-3259

ENVIRONMENTAL
PROTECTION

96 JUL -8 PM 2:10

SHASTA COUNTY OFFICE
P.O. BOX 857
13130 MAIN STREET
FALL RIVER MILLS, CALIFORNIA 96028
(916) 336-5050

BERKELEY OFFICE
(510) 845-3893

OAKLAND OFFICE
3871 PIEDMONT AVENUE
OAKLAND, CALIFORNIA 94611
(510) 654-1828
(510) 444-2590

July 7, 1998

Barney Chan
Alameda County Health Care Services
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, Ca. 94502-6577

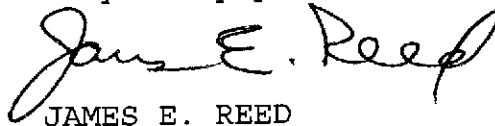
Re: StID 6894
Card Lock Bldg H-204
79 8th Ave., Oakland

Dear Mr. Chan:

I represent Groeniger & Company, listed as responsible party #2 on the Notice of Responsibility. Groeniger & Company as well as a few family members have been sued by the Port of Oakland in Federal Court in the Keep on Trucking litigation for any environmental Groeniger may have caused during its tenancy at the Port. An agreement for settlement has occurred between Groeniger and the Port which if approved by the Court July 31, 1998, the agreement will become effective and Groeniger will pay the Port a substantial sum of money. Part of the Port's theory of liability relates to the Card Lock Facility which was the subject of Notice of Responsibility referenced above.

I enclose a letter from the Port's Attorney which relieves Groeniger, and makes the Port responsible, for any liability relating to the Card Lock Facility contamination. If your department intends to hold Groeniger responsible, independent of the Port's assumption of the responsibility, I would like to know that before the hearing July 31, 1998. If I do not hear from you, I will assume Groeniger has no further concern and your Agency will look to the other named responsible parties in the future.

Very truly yours,


JAMES E. REED

cc Michael Groeniger



Cal/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

Mailing Address:
PO Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4325
FAX (916) 227-4349

APR 10 1998



Pete Wilson
Governor

Carol A. Woo, Esq.
Lawler, Bonham & Walsh
Attorneys at Law
300 Esplanade Drive, Suite 1900
Oxnard, CA 93031

Dear Ms. Woo:

PETITION, UNDERGROUND STORAGE TANK (UST) LOCAL OVERSIGHT PROGRAM, SITE NO. 6894, 79 8TH AVENUE, OAKLAND, ALAMEDA COUNTY, FILE NO. P98-189

This will acknowledge receipt of the petition dated February 4, 1998, submitted on behalf of Gold Shield Distributors. I apologize for the delay in responding. You will be notified of further action by the State Water Resources Control Board regarding this matter.

If you have any questions, please telephone me at (916) 227-4325.

Sincerely,

Lori Casias
Local Oversight Program

cc: Barney Chan
Alameda County
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Leroy Griffin
City of Oakland
Office of Emergency Services
Hazardous Materials Mgmt. Program
505 14th Street, Suite 702
Oakland, CA 94612

Port of Oakland
c/o Jonathan Redding
Fitzgerald, Abbott & Beardsley LLP
1221 Broadway, 21st Floor
Oakland, CA 94612-1837

Groeniger & Co.
c/o Jim Reed, Esq.
3 Altarinda Road, Suite 201
Orinda, CA 94563



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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

JAMES C. SOPER, INC.
PHILIP M. JELLEY, INC.
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LAWRENCE R. SHEPP
RICHARD T. WHITE
MICHAEL P. WALSH
J. BRITTAIN HABEGGER
VIRGINIA PALMER
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MICHAEL S. WARD
JEAN C. FUNG
FATIMA BRUNSON EVANS
KEVIN G. MEIN

FITZGERALD, ABBOTT & BEARDSLEY LLP

ATTORNEYS AT LAW

1221 BROADWAY, 21ST FLOOR
OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (510) 451-3300

PLEASE REPLY TO:

P. O. Box 12867
OAKLAND, CALIFORNIA 94604-2867

R. M. FITZGERALD 1858-1934
CARL H. ABBOTT 1867-1933
CHARLES A. BEARDSLEY 1882-1963

FACSIMILE: (510) 451-1527

January 5, 1998

Jim Reed, Esq.
3 Altarinda Road, #201
Orinda, CA 94563

Re: Groeniger Settlement/Notice of Responsibility for
Cardlock Tank at H204

Dear Mr. Reed:

This letter follows up our telephone discussion of December 23, 1997, concerning the Notice Of Responsibility for the UST (I.D. #6894) i.e., the former cardlock gasoline tank at Building H-204. The Port has not received settlement funds from you on account of the contamination at the property and the parties have agreed to allocate all of the settlement proceeds to damages other than the UST at H-204, which the Port contends were caused by Groeniger at the site.

Notwithstanding, please be advised that since the Port has given Groeniger a complete site release, the Port does not intend to hold Groeniger responsible for contamination at the UST or the rest of the site and it will assume or compel other parties to assume any compliance obligations with respect to the UST. Of course, this release and the Port's assumption of obligations is expressly contingent upon the Court approving the good faith settlement between our respective clients. In this connection, although the timing is unclear due to the appointment of a new judge to handle this matter, you may wish to begin work on the good faith settlement motion and forward your draft to us immediately.

We are currently complying with regulatory requirements in connection with the UST referenced in the notice and will continue to do so in the future. At the moment, we have groundwater

monitoring wells in the vicinity which are being periodically sampled to comply with the state orders, pending development and approval of cleanup requirements by the Port and Alameda County.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY LLP

By



Jonathan W. Redding

JWR:mga

cc: Michele Heffes, Esq.

Kerry I. Zimmerman, Esq.

*Part 11: 11-
East Bay Oil
X187. Revisions*

William C. Russell

A. F. Bruno

July 2, 1969

East Bay Oil Company Gasoline Delivery Service
Which May be Affected by Termination

East Bay Oil Company has been providing gasoline delivery service through a separate keyed and metered gasoline pump, together with an underground 1,000 gallon capacity storage tank, situated at building H-204 adjacent to their offices on the west side of 8th Avenue.

The keyed and metered pump has the capacity for serving 10 separate accounts, but presently there are four users including East Bay Oil. The users are East Bay Oil, C. D. Erickson, Ace Fork Lift Service who provides service for Erickson, and Greeniger.

This facility has been in existence for a number of years and apparently has been convenient to the adjacent tenants. Would it be appropriate to determine whether having this facility remain would be a worthwhile convenience to those tenants remaining in the area at such time as East Bay Oil terminates their tenancy? If it were decided to allow this facility to remain, a decision as to who would be responsible for its upkeep and operation would have to be made.

A. F. Bruno

A. F. Bruno
Properties Technician

AFB:EJ

CC Crandall

PORT OF O. LAND RENTAL BILLING INSTRUCTIONS

3341

Bill the following monthly starting _____ until further notice
or ending _____

NAME _____ or one time only November 1973

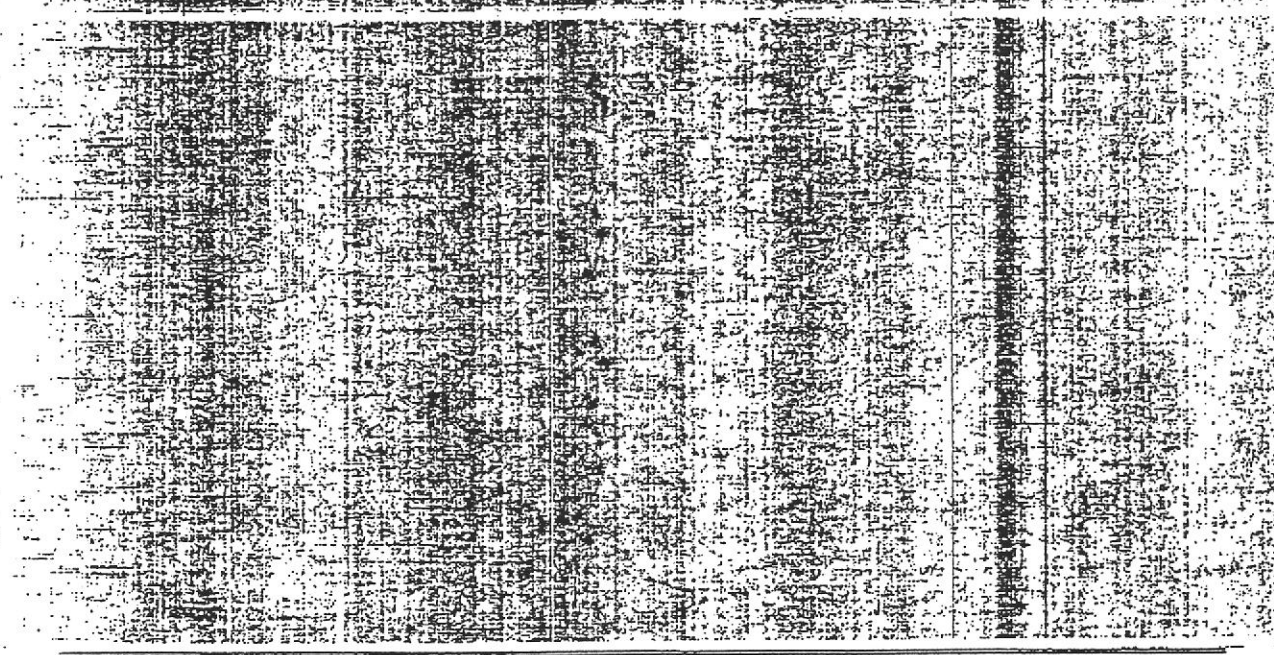
Greenway Company
P. O. Box 1078
Oakland, CA 94604

Resolution _____

Lease Approval _____ Date _____

CODE	RENTAL	DESCRIPTION AND AREA	AMOUNT
		Building H-204 and adjacent gas pump	\$59.00

Remarks— In addition to other area occupied. This supersedes R. B. I. _____
area formerly under license to Brooks Hinder.



Prepared 11-21-73 by HJ APPROVED _____
Cancelled _____ by _____
FILE COPY