

Graham & James LLP

October 4, 1996

Risk Management Plan done with the H&S P done

VIA FACSIMILE

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Ms. Susan Hugo
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94501

**Re: 6707 Bay Street, Emeryville, CA/
No Further Action Request**

Dear Susan:

I am writing today to follow up on our previous telephone conversations last month regarding the status of my client's "No Further Action Request" regarding the property located at 6707 Bay Street, Emeryville, California (the "Property").

As you know, on June 21, 1996, Subsurface Consultants, Inc. ("Subsurface") submitted a groundwater monitoring report detailing the results of its May 1996 sampling round at the Property.

Pursuant to the ACHSA approved Workplan for the Property, the May 1996 sampling round followed previous sampling rounds in February, May and November 1995. As Subsurface's June 21, 1996 report stated,

"All measures required under the Work Plan have been completed. Based on over six years of groundwater monitoring data, it is our opinion that the contaminant plume is stabilized and that contaminant levels at the [Property] are within the guidelines set forth in the Work Plan. There is no indication that plume concentrations are increasing nor that the plume is migrating offsite. Hence, in our opinion further mitigation measures are not warranted."

NB197.P50

Ms. Susan Hugo
October 4, 1996
Page 2

Subsurface then requested that ACHSA confirm that "No Further Action" is required at the Property.

As I am sure you will appreciate, my client is anxious to obtain closure of this matter and is frustrated that over three months have elapsed since Subsurface submitted the No Further Action Request.

Based on our conversation last month, it was my understanding that you were in the process of confirming with the Regional Board that the "No Further Action Request" could be approved in final.

Although we understand from Subsurface that, in the past, you have corresponded directly with the Regional Board regarding this matter, as you requested in our last call several weeks ago, Subsurface promptly sent extra copies of the June 21, 1996 report directly to the Regional Board.

While we appreciate the great volume of cases for which you and your colleagues are responsible for reviewing, we would greatly appreciate your accelerating your review of this matter. If there is anything that we may do to help expedite this process, please do not hesitate to call me.

Very truly yours,

GRAHAM & JAMES LLP

By *Maureen Bennett*
Maureen Bennett

MB:kas

cc: James McClay
R. William Rudolph

Our File: 34252.1

Ms. Susan Hugo
October 4, 1996
Page 3

bcc: Jack Boes

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