

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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May 1, 2008

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

Bank of New York Trust
Trustee for 2859 Helen Street, Oakland
1757 Tapo Canyon Road
Simi Valley, CA 93063

Subject: Spills, Leaks, Investigation and Cleanup (SLIC), Case #RO0002508 (Global ID # T06019741226), 1549 32nd Street, Oakland, California

Dear Madam or Sir:

Under the direction of this office, Rush Property Group is conducting an environmental investigation for a property located at 1549 32nd Street, Oakland, California. Groundwater contamination has been detected in soil and groundwater in close proximity to your property. The extent of the groundwater contamination is currently unknown but potentially could extend beneath your property. Alameda County Environmental Health is requiring Rush Property Group to characterize the extent of contamination from their site. ACC, on behalf of Rush Property Group, previously submitted an access agreement to you to allow the installation of a groundwater monitoring well at 1549 32nd Street, Oakland. It is imperative that this access agreement be resolved in order to define the extent of contamination and prevent future contaminant migration.

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. To date, you have not responded to requests to provide reasonable access to your property.

These requests are made pursuant to Water Code Section 13267, which allows ACEH to require technical reports from persons whose activities may have an impact on water quality. You may be subject to administrative civil liability of up to \$1,000 per day pursuant to Water Code Section 13268 if you fail to respond, respond late, or submit an inadequate response.

Please contact me at (510) 383-1767 or via email at <mailto:steven.plunkett@acgov.org> with any questions regarding this case.

Sincerely,

Steven Plunkett
Hazardous Materials Specialist

Trustee for 2859 Helen Street
April 30, 2008
Page 2

cc: Dave Dement
ACC Environmental
7977 Capwell Drive, Suite 100
Oakland, CA 94612

Francis Rush
Hannah Street & Precision Lofts LLC
655 3rd Street #3
Oakland, CA 94607-3559

Leroy Griffin
Oakland Fire Prevention Bureau
250 Frank Ogawa Plaza, Suite 3341
Oakland, CA 94612

Donna Drogos, ACEH, Steven Plunkett, ACEH, File

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New Light Christian Center
1841 Parker Street
Berkeley, CA 94703

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Sincerely,

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