

415.956.2828 (t)
415.956.6457 (f)

Robert Dollar Building
311 California Street, 10th Flr.
San Francisco CA 94104

202.777.8950 (t)
202.347.8429 (f)
www.rjo.com

Bowen Building
875 15th Street, NW, Suite 725
Washington DC 20005

ROGERS JOSEPH O'DONNELL

Robert C. Goodman
rgoodman@rjo.com

December 23, 2015

VIA E-MAIL (clfobian@cityoflivermore.net)

Catrina Fobian, Esq.
Assistant City Attorney
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550

Re: Mills Square Park, 2259 First Street, Livermore

Dear Ms. Fobian:

As you know I represent Chevron Environmental Management Company (“CEMC”) in connection with this matter. We have received a copy of Cheri Sheets’ letter to the Alameda County Health Care Services Agency (“Agency”) dated December 17, 2015. In that letter, Ms. Sheets states, among other things, that the City of Livermore believes that the gasoline service station formerly located at the referenced property “is the most likely source of the lead contamination,” and that the City requests that Chevron “remediate the site prior to the City’s Livermorium Park/Plaza project.”

Ms. Sheets’ letter fails to acknowledge the City’s responsibility for lead impacts at the property, as a result of imported fill it brought to the property and/or its grading activities. Further, Ms. Sheets’ letter fails to recognize that while current site conditions do not require any active remediation, the City’s planned redevelopment project will remove those (currently inaccessible) areas with elevated lead concentrations. CEMC has previously agreed to enter into an agreement with the City whereby it shares in the incrementally increased costs that the City faces due to the presence of elevated concentrations of lead. CEMC remains willing to enter into such an agreement.

The Agency has required *both* the City and CEMC to submit a revised Remedial Action Plan by January 14, 2016. CEMC with submit this document. However, the City, as a named responsible party, must recognize that it will have to share in the cost of implementing the Remedial Action Plan, and toward that end I encourage you to contact me to discuss finalizing an agreement along the lines that I proposed to you last summer.

Thank you.

Catrina Fobian, Esq.
December 23, 2015
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Very truly yours,



ROBERT C. GOODMAN

cc (via e-mail):

Michelle Bacon, Esq.
Alexis Coulter, CEMC
Caryl G. MacLeod, CEMC
Dilan Roe, Alameda County Environmental Health
Jerry Wickham, Alameda County Environmental Health