

**From:** [Wickham, Jerry, Env. Health](#)  
**To:** "[Braker, Gregory S.](#)"  
**Subject:** RE: Eastmont Town Center (SLIC Case RO0002942 and GeoTracker Global ID SLT19735483)  
**Date:** Tuesday, September 29, 2015 2:14:00 PM

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Mr. Braker:

The approach you have outlined will adequately document new ownership and lead for the Eastmont Town Center case.

Regards,  
Jerry Wickham  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
510-567-6791  
[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

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**From:** Braker, Gregory S. [<mailto:GSBraker@Venable.com>]  
**Sent:** Tuesday, September 29, 2015 2:05 PM  
**To:** Wickham, Jerry, Env. Health <[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)>  
**Subject:** FW: Eastmont Town Center (SLIC Case RO0002942 and GeoTracker Global ID SLT19735483)

Mr. Wickham,

Will the approach set forth below adequately document new ownership and clean-up lead for the Eastmont Town Center site post-closing. If so, please confirm. If not, please advise on what else is needed. FYI, we are still on target to close the sale on October 7<sup>th</sup>.

Thanks,  
Gregg Braker

**VENABLE LLP**  
Gregory S. Braker  
Partner / Environmental Group  
Venable LLP | 575 7th Street, NW | Washington, DC 20004  
(202) 344-4807 (Direct Line) | (202) 344-8300 (Facsimile) | (301) 633-3336 (Cell Phone)

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**From:** Braker, Gregory S.  
**Sent:** Friday, September 25, 2015 12:34 PM  
**To:** 'Wickham, Jerry, Env. Health'  
**Cc:** Aguilar, Alen G. II  
**Subject:** RE: Eastmont Town Center (SLIC Case RO0002942 and GeoTracker Global ID SLT19735483)

Mr. Wickham,

My client has asked that I confirm with you what you will need for documentation of the change of ownership for Eastmont Town Center and buyer's agreement to take on full responsibility for completing the regulatory obligations imposed by Alameda County with respect to the Sparkle Cleaners matter (referenced above). I would assume that, if the Agreement of Sale with the buyer includes the following language, you only would need to see further documentation of our closing on the sale having been completed and some contact information for the new ownership:

**8. Sparkle Cleaners.** Effective upon the Closing, Buyer assumes all obligations, liabilities and responsibility for and with respect to the environmental condition of the former Sparkle Cleaners site (it being agreed that Seller shall have no obligation, liability or responsibility with respect thereto). In addition to, and not in limitation of, the foregoing, Buyer shall, from and after the Closing, take all steps which are necessary or desirable, at Buyer's sole cost and expense, to (1) promptly notify Alameda County that Buyer has taken ownership of the Property and full responsibility for completing all regulatory obligations for the case relating to the former Sparkle Cleaners site (referenced as SLIC Case RO0002942/GeoTracker Global ID SLT19735483, the "*Sparkle Cleaners Case*"); and (2) promptly cause the closure of that case by obtaining a "no further action" letter with respect thereto - in accordance with all applicable federal, state and local statutes, ordinances and rules, and related regulations, relating to the environmental condition of real or other property, including without limitation, the liability of property owners for environmental matters. Buyer hereby agrees that it shall, upon Seller's request and at Buyer's sole cost and expense, promptly execute and deliver all documents and instruments, and promptly perform all acts, as may be reasonably necessary or desirable to give effect to and/or accomplish the provisions and intent of this paragraph, including, without limitation, promptly cooperating with any efforts by Seller to comply with the requests made by the Alameda County Health Care Services in that certain letter dated August 26, 2015 and issued to Seller in connection with the Sparkle Cleaners Case (which cooperation shall include consenting to any extension of the Scheduled Closing Date requested by Seller). The provisions of this paragraph shall survive the Closing.

FYI, closing on the sale of Eastmont Town Center is currently scheduled for October 7, 2015. We will advise the buyer that, if the October 28, 2015 deadline stated in your August 26, 2015 letter does not give them sufficient time to prepare a Work Plan to address the Sparkle Cleaner site – based on either the October 7<sup>th</sup> closing deadline or any delay in closing that may occur – they should reach out to you as soon as possible. If for some reason closing gets delayed past October 28, 2015, I will reach out to you, since the site will still be under my client's ownership, to discuss status and talk about any needed next steps. Please advise if you require any information or documentation beyond what I have described in this email to document the change of ownership for Eastmont Town Center and cleanup responsibility for Sparkle Cleaners site. Thanks so much for your timely assistance!

Best Regards,  
Gregg Braker

**VENABLE LLP**

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Partner / Environmental Group

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**From:** Wickham, Jerry, Env. Health [<mailto:jerry.wickham@acgov.org>]

**Sent:** Wednesday, September 23, 2015 2:36 PM

**To:** Braker, Gregory S.

**Cc:** Aguilar, Alen G. II

**Subject:** RE: Eastmont Town Center (SLIC Case RO0002942 and GeoTracker Global ID SLT19735483)

Mr. Braker,

The message below accurately reflects our telephone conversation of today, September 23, 2015.

There is one additional item which we did not discuss that I would like to point out. The costs for regulatory oversight for these types of cases are paid by the active responsible party. Funds for regulatory oversight are billed on an hourly basis, currently \$174 per hour against a deposit provided by the responsible party. Currently, there is a positive balance of approximately

\$1,000.00 for this case RO0002942. Future costs for regulatory oversight will be billed against this balance and an additional deposit may be requested if this balance is not sufficient to reach case closure.

Regards,  
Jerry Wickham  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
510-567-6791  
[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

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**From:** Braker, Gregory S. [<mailto:GSBraker@Venable.com>]  
**Sent:** Wednesday, September 23, 2015 11:02 AM  
**To:** Wickham, Jerry, Env. Health <[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)>  
**Cc:** Aguilar, Alen G. II <[VAguilar@Venable.com](mailto:VAguilar@Venable.com)>  
**Subject:** Eastmont Town Center (SLIC Case RO0002942 and GeoTracker Global ID SLT19735483)

Dear Mr. Wickham,

This message is to confirm our telephone conversation of earlier today. As we discussed during that call, my client, Eastmont Oakland Associates, LLC, currently owns the Eastmont Town Center site on Bancroft Avenue in Oakland, California, including the Sparkle Cleaner parcel subject to the above-referenced Alameda County Environmental Health cleanup action. They are preparing to close on the sale of that property as soon as early October 2015. In light of this, you and I discussed the following:

- Upon closing, Alameda County needs to be notified of the new ownership, provided with documentation that the new ownership is stepping into the role of responsible party for purposes of the Alameda County cleanup, and provided with related contact information for the new ownership's point person who will be coordinating with Alameda County on the cleanup matter.
- Alameda County is amenable to extending the October 28, 2015 deadline for submitting a Work Plan (as spelled out in its August 26, 2015) if the early October closing date for the sale slips for some reason. We just need to provide the County with as much advanced notice of any needed schedule modification as reasonably possible.

If I have misstated anything that we discussed, please advise. Otherwise, please reply to all to confirm the accuracy of these takeaways from our conversation. Thank you so much for your timely assistance!

Best Regards,  
Gregg Braker

**VENABLE LLP**  
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