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ENVIRONMENTAL HEALTH SERVICES

Mr. Paresh C. Khatri
Hazardous Materials Specialist
Alameda County Health Care Services Agency
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Subject: Geotracker Status for the Leaking Underground Storage Tank (UST) Case for Fuel Leak Case #: RO0002947; Geotracker Global ID # T0600191509; City of Oakland Redevelopment Agency / EBMUD, 383 11th St., Oakland, CA 94607

Dear Mr. Khatri:

The East Bay Municipal Utility District (EBMUD) is in receipt of your letter dated July 3, 2008, requesting that EBMUD claim this fuel leak case in the GeoTracker database and upload electronic copies of analytical and survey data. EBMUD requests additional time to address the issues raised in your letter.

EBMUD cannot claim this site on GeoTracker at this time. EBMUD and the City of Oakland's Redevelopment Agency (ORA) had entered into a *Disposition and Development Agreement (DDA)* on June 19, 1987, whereby the ORA agreed to sell to EBMUD the subject property. The DDA further set forth various obligations concerning tank removal and certified elimination of hazardous substances from the subject property, to be performed by the ORA prior to close of escrow. In the event of the ORA's failure to perform, EBMUD was entitled to terminate the DDA or, at EBMUD's option, the continuing obligations of the ORA were to be governed by a holdback of a portion of the purchase price.

On January 7, 1988, the two parties entered into a *Hazardous Substance Removal and Escrow Holdback Agreement (Holdback Agreement)*, whereby both parties agreed that a sum of \$1,000,000 was to be set aside and withheld by the Escrow Holder (Land Title Company of Alameda County) from funds deposited into escrow by EBMUD. The holdback fund was only to be paid to the ORA in accordance with the terms of this agreement. The Holdback Agreement specifically required the ORA to be responsible for the elimination or reduction of all identified contaminants of soil and water on the subject property to levels acceptable to all regulatory agencies with jurisdiction over this contamination.

It is doubtful that any contamination still remains on property owned by EBMUD. The construction of EBMUD's Downtown Oakland administration building involved considerable excavation for foundation and basement, and the three floors of parking

basement are surrounded by a clay barrier that effectively prevents hydrocarbon migration across EBMUD's property, if present. In any event, this case has been inactive, if not closed, since at least the early 1990s. No analytical data or reports have been generated since that time. Therefore, we have no new analytical data or reports since the 2001 and 2005 enactment of regulations requiring the electronic submittal of data and reports via GeoTracker.

EBMUD has attempted to contact the ORA but has so far not received any response. Therefore, we request more time to discuss this issue with the ORA.

Please contact Derek Lee, Senior Environmental Health and Safety Specialist, at (510) 287-1086 or me at (510) 287-0345 if you have any questions.

Sincerely,



John H. Schroeter, P.E.
Manager of Environmental Compliance

cc: William Wilkins, Oakland Redevelopment Agency