

December 26, 2012

Alameda County Health Care Services Agency
Department of Health Services
1131 Harbor Bay Parkway
Alameda, CA 94502

2012 DEC 27 PM 10:10

Alameda County
DEC 27 2012
Environmental Health

Attn: Barbara Jakub, P.G. Hazardous Materials Specialist

By Email on 12/18/2012 to: barbara.jakub@acgov.org
AND By US Mail

Reference: Request for Closure - Batarse Residential Development; case file # RO0002964

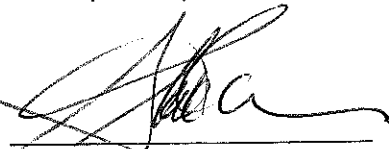
Dear Ms. Jakub,

We have exhausted our resources attempting to find copies of the analytical laboratory test data for the 2001 Levine Fricke PSA study purportedly performed on the Batarse properties. There are apparently no records with the OUSD, none with the DTSC, Batarse never received a copy of the report, and Levine Fricke is no longer in business. The ACDEH also, apparently, does not have these records.

In the absence of certified analytical laboratory reports and their associated Chains of Custody, there is no evidence that can be presented that validates the claims or the validity of the Levine Fricke PSA report. In addition, the study in question was reportedly not performed under the oversight of the ACDEH.

My client is hereby contesting the validity of that report, and respectfully requesting copies of the sampling Chains of Custody, and certified laboratory report evidence being used to justify opening and maintaining this site as a LUST case. In the absence of this evidence, my client respectfully requests that the case be closed by the County. The property affected by this case is currently under contract for sale, and that sale is in jeopardy as a result of this open case. If the County refuses to grant case closure, please present this in writing, expeditiously, so that we can move this to the RWQCB for fast track closure.

Thank you for your cooperation.



Stuart G. Solomon – Consultant to Anthony A. Batarse, Jr.

Cc: A. A. Batarse, Jr.