

Re 79

Chan, Barney, Env. Health

From: Catherine W. Johnson [CJohnson@wendel.com]
Sent: Tuesday, November 21, 2006 2:06 PM
To: Drogos, Donna, Env. Health; Chan, Barney, Env. Health
Cc: JBenjamin@fbm.com; Brian Haughton; Deborah Castles

Dear Ms. Drogos and Mr. Chan:

I am writing on behalf of my client, 1001 42nd Street, LLC ("1001"), the current owner of the property located at 1001 42nd Street, Oakland California ("Property"), in response to your October 12, 2006 letter addressed to Mr. and Mrs. Edward Kozel and to the Grow Group (former owners of the Property).

As you know, your October 12, 2006 letter to the Kozels and the Group Group and a letter to Green City Lofts and Dunne Quality Paints of the same date, directed that the parties coordinate on certain tasks associated with a plume that Alameda County Health Care Services ("County") contends has comingled. As the current owner of the Property, we are attempting to work cooperatively with other responsible parties to respond to the County's directives. To date, we have met with Green City Lofts and with representatives of the Kozels/O.N.E. Color Communications, Inc. to discuss going-forward issues.

We directed our environmental consultant, John Cavanaugh of ERM, to coordinate with John Rosso, Green City Lofts' environmental consultant, and request an extension of time from the County for certain tasks identified in the County's letters of October 16, 2006. As the new owner of the Property, we need some time to get up to speed on the factual and technical issues at issue. We also need time to coordinate with the other parties and reach an agreement on how we will proceed.

We understand from John Cavanaugh that he and John Rosso have exchanged voice mail messages and emails with Barney Chan regarding an extension of time. We do not yet have written confirmation of an extension for all the matters for which we requested an extension, but we understand that Mr. Chan indicated that the County would grant an extension of time. Our consultant, John Cavanaugh, will contact you with specifics about the time extension.

Meanwhile, as the current owner of the Property, please add us to your contact list for the Property. Please forward communications to the following:

Deborah M. Castles
McGrath Properties, Inc.
130 Webster Street, Suite 200
Oakland, CA 94607
510-273-2002 (phone)
510-251-0747 (fax)
deborah@aegisrealty.com
with a copy to:
Catherine W. Johnson
Wendel Rosen Black & Dean, LLP
1111 Broadway, 24th Floor
Oakland, CA 94111
(510)-834-6600 (phone)
(510)-834-1928

7/26/2007

cjohnson@wendel.com.

I am also writing to confirm our earlier discussion regarding the laws applicable to the County's oversight of the remediation. I understand from you that the site is within the Local Oversight Program ("LOP") for underground storage tanks and that any appeal from a final decision of the County would be to the State Water Resources Control Board and/or the Regional Water Quality Control Board. In addition, I understand that the recent letters that you sent to the parties should not be considered a final decision for purposes of any appeal. I would appreciate your letting me know when the County issues a letter or directive that it considers to be a final decision for purposes of any appeal, such that I can advise my client of any actions that should be taken should it want to consider an appeal.

Thank you for your attention to this matter. We look forward to working with you.

Catherine

Catherine W. Johnson
Wendel Rosen Black & Dean, LLP
1111 Broadway, 24th Floor
Oakland, CA 94607
510-834-6600 (phone)
510-834-1928 (fax)