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David Benaroya Helfant, Ph.D., M.ASCE, Trustee
The Wadsworth Family Trust
1879 San Ramon Avenue, Berkeley, CA 94707
(510) 547-8260; F:(510) 527 7785

June 4, 2009

TO: Ms. Barbara Jakub, P.G.
Hazardous Materials Specialist
Local Oversight Program
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Ste. 250
Alameda, CA 94502-6577
T: 510-567-6700 F: 510-337-9335

RE: **Request for Permission to Access Property for Investigation and Clean-up of Petroleum Hydrocarbon Contamination at Fuel Leak Case No RO0000082 and Geotracker Global ID T0600138389, Nady Systems Inc., 1137 65th Street, Oakland, CA 94608**

On June 1, 2009, you wrote: "...ACEH is requiring Nady System Inc., to investigate and clean up contaminated soil and groundwater at the site to prevent ...spreading...To properly determine the extent of that contamination in groundwater, Nady System Inc. must perform additional off-site investigation. Therefore, we need your help in allowing access to your property by Nady System Inc. to properly define the extent of contamination..."

As you may know, we have previously denied access to the subject property for which I am the Trustee.

In order to grant permission the following prerequisites must be met:

1. Owner must provide a specific timetable that is delimited and contains liquidated damages for each day of work and clean-up that exceeds a timetable that we approve. As this property is in use, any encumbrances will be subject to liquidated damages.
2. Specific chemicals must be clearly indicated for investigation: No free for all, unlimited testing will be permitted beyond the specific pollutants your agency has detailed.
3. Liability insurance to five million dollars must be in place— and the Trust must be named as an additional insured.
4. Proper clean-up methodology and a delimited timetable proposal must be submitted to the Trust for our review and approval. The property must be restored to its pre-investigation and clean-up stage upon completion. If clean-up is to be completed at a separate time, this must be detailed before we grant approval to enter the property: Prolonged investigations, clean-up or other activities that may be required shall not impact or encumber the property in any way and will be unacceptable and subject to liquidated damages regardless of who promotes or causes the additional encumbrance.
5. Prior to our agreement, we must have assurances in writing from the ACEH that the results of any tests cannot/will not be used to initiate any administrative or legal proceeding against the Trust or its property.
6. It is understood that if permission is granted by the Trust to enter the property it will be for one time only and will be accompanied by full indemnification that covers the Trust and Trustees.

Should you have any questions regarding the above, please feel free to contact the undersigned.

Sincerely,

David Benaroya Helfant, PhD, M.ASCE
Trustee

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