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By Alameda County Environmental Health at 4:32 pm, Mar 07, 2014

**From:** [Ann.Witte@shell.com](mailto:Ann.Witte@shell.com) [<mailto:Ann.Witte@shell.com>]  
**Sent:** Monday, March 03, 2014 2:15 PM  
**To:** [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)  
**Cc:** [perry.pineda@shell.com](mailto:perry.pineda@shell.com); Cool, Aubrey  
**Subject:** 999 San Pablo Ave., Albany, CA - Shell reply to Anabi objection

Mr. Wickham – As was discussed with you last week, attached is Shell’s written response to the Notice of Objection submitted by Kenneth Roberts on behalf of Anabi Oil Corporation. Thank you.

Regards,

**Ann Christine Witte**  
**Shell Oil Products US | US Environmental Claims Lead**  
One Shell Plaza, 910 Louisiana, 2974B, Houston, TX 77002

**Tel:** +1 713-241-3736 | **Email:** [Ann.Witte@shell.com](mailto:Ann.Witte@shell.com)  
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March 3, 2014

Mr. Jerry Wickham  
Senior Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
Environmental Health Services – Environmental  
Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
*Via electronic mail*

**Shell Oil Products US**  
US Environmental Claims  
One Shell Plaza  
910 Louisiana, 2974B  
Houston, Texas 77002  
Tel (713) 241-3736  
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**Re: *Shell Oil Products US Reply to Notice of Objection by Anabi Oil Corporation  
Related to Landowner and Public Notification for Fuel Leak Case No. RO0000121 and  
GeoTracker Global ID T0600101277, Shell #135037, 999 San Pablo Ave., Albany, CA***

Dear Mr. Wickham:

This letter is intended to be the reply of Shell Oil Products US (“Shell”) to the Notice of Objection dated January 28, 2014, submitted by Anabi Oil Corporation (“Anabi”) in reference to the property at 999 San Pablo Ave., Albany, California (the “Property”).

Shell submitted a proposal for case and site closure under the California Low-Threat Underground Storage Tank Closure Policy (“LTCP”). Shell continues to request case closure under the LTCP. The requirements for closure have been satisfied under the LTCP, as the environmental conditions at the Property make it the appropriate outcome of the site investigation and groundwater monitoring. For further detail of the technical merits of the basis for requesting case and site closure, please see Shell’s Site Conceptual Model and Closure Request dated November 27, 2012.

While Anabi has titled its letter dated January 28, 2014 as a “Notice of Objection”, there is no substantive objection stated under the applicable regulations to the closure request. Anabi’s objection fails to address current site conditions nor does it dispute that site conditions satisfy closure requirements under the LTCP. No technical or regulatory basis is presented as to why the site should not be closed as requested.

In its objection, Anabi has stated only a concern about future site management, for which Anabi itself has contractually assumed responsibility. While the parties have allocated future site management responsibilities as between themselves by contract, regulatory processes and designations remain unaffected. Shell has not disputed the agency designation of responsible party for the referenced release and is not requesting any action from the agency related thereto. Further, Shell has satisfied its regulatory responsibilities of conducting investigation, monitoring, and reporting activities so that the requested site and case closure is appropriate. Future site management is a responsibility that the parties have chosen to allocate between themselves by agreement, and such an agreement is binding on the parties notwithstanding the requirements that may be imposed as a condition of closure. Public health and safety and regulatory compliance are a priority and any closure conditions imposed on the

site will be adhered to, either by Shell or by its assignee as they may determine by the terms of the parties' agreement. Shell's regulatory obligations for the site have and will continue to be satisfied, however the cost and/or requirement for performing future work may be contractually allocated and, therefore, Shell reiterates its request for a case closure under the LTCP for Fuel Leak Case No. RO0000121.

If you would like additional details about the parties' contract or any other matter related to Shell's request for closure, please advise.

Sincerely,  
Shell Oil Products US



Ann Christine Witte  
US Environmental Claims Lead

cc: Kenneth P. Roberts  
6355 Topanga Canyon Boulevard  
Woodland Hills, California 91367-2102  
*(on behalf of Anabi Oil Corporation)*

Betty Patton Trust and Mary Biggs Trust  
Douglas Patton  
5314 Proctor Avenue  
Oakland, CA 94618-2732  
*(Property Owner)*

Betty Patton Trust and Mary Biggs Trust  
Gregg Biggs  
3640 Valley Road  
Casper, WY 82604-4982  
*(Property Owner)*