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Quinlan S. Tom

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October 4, 2012

Keith Nowell *Via email and U.S. Mail [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)*  
Alameda County Environmental Health  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Re: *5175 Broadway, Oakland, California*  
ACEH Fuel Leak Case No. RO0000139

Dear Mr. Nowell:

I represent Rockridge Heights, LLC ("Rockridge"), the current owner of the property located at 5175 Broadway, Oakland, California in Alameda County ("Property"). Since 2007, the Alameda County Environmental Health Department ("ACEH") has been monitoring the cleanup of the Property and is currently responsible for determining when case closure is appropriate for the Property.

Bob Clark-Riddell of Pangea Environmental Services, Inc. ("Pangea") previously requested that you schedule a meeting to discuss case closure of the Property. You have not responded other than to request additional information, which was immediately provided. I request that ACEH immediately schedule this meeting so as to avoid any further delays to the sale and development of the Property.

**A. Rockridge's Remediation Efforts**

On January 31, 2012 Pangea ceased on-site remediation of the Property and began post-remediation monitoring of the Property. The first, second, and third quarter post-remediation reports indicate that the Property qualifies for case closure. On September 26, 2012 Pangea sent you the Post-Remediation Soil Gas Sampling Report with the soil gas sampling results that confirm that the Property is ready for case closure.

**B. Rockridge's Case Closure Request**

On August 13, 2012 Pangea wrote to you requesting that you schedule a meeting to discuss case closure. You have failed to do so.

### **C. ACEH's Pattern of Non-responsiveness**

ACEH's recent failure to respond to this request is consistent with ACEH's pattern of non-responsiveness:

1. Workplan Review Delay of 5.5 Months  
ACEH took 5.5 months to review the January 18, 2012 *Workplan for Enhanced Site Remediation*, which was intended as a short (30 to 60 day) rebound test and possible expansion of the existing DPE/AS remediation system. During the July 6, 2012 conference call the ACEH verbally denied the workplan pending additional information.
2. Review Delay of 7 Weeks  
ACEH took over two months to review the July 16, 2012 *Soil Gas Sampling Workplan* (later amended within 3 days notice of an agreed-upon expansion) after verbally committing on July 6 to a 2 to 3 week review period. ACEH issued the September 21, 2012 approval letter 9 weeks after July 16, 2012 report date, which is 7 weeks later than promised.
3. Remediation Delay (8 Months)  
Due to the above ACEH delays, the remediation system was temporarily turned off on January 31, 2012 with system restart delayed 8 months and counting. Shutdown was intended as a brief rebound test.
4. Conference Call Delay of 4 Weeks  
Rockridge's verbal request for a face-to-face meeting was moved to a conference call by ACEH. On June 8, 2012 Rockridge requested a conference call within a week. The conference call was eventually held on July 6, 2012 (about 4 weeks after request). The conference call did not include supervisor (as requested) to help get more complete information from agency.
5. Case Closure Meeting Delay (continuing)  
Rockridge requested on August 13, 2012 for a meeting in early September 2012. ACEH responded with a letter requiring additional information by September 19, 2012 before scheduling a meeting. Rockridge delivered the requested information on September 14, 2012. As of October 4, 2012, ACEH has not even scheduled the meeting, over 7 weeks after the request.

### **D. Unacceptability of the ACEH's Non-responsiveness and Delays**

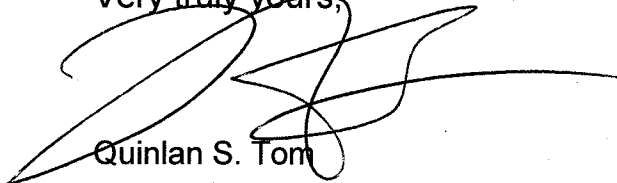
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The ACEH's non-responsiveness and delays are unacceptable and have delayed Rockridge's ability to close this matter with the prospective purchaser. Rockridge previously notified you in writing that the prospective purchaser is trying to get comfortable with your agency (with respect to responsiveness and establishment of a closure pathway) before proceeding with the transaction. Your continued lack of responsiveness and communication on this matter will jeopardize the sale of the Property. Rockridge requests that ACEH schedule the meeting immediately and be prepared to have meaningful discussions regarding case closure.

If ACEH continues ignoring its obligations to Rockridge, we will have no choice but to request that the file be transferred to an alternative agency who will respond in accordance with its governmental obligations.

Please advise as to how you intend to proceed. If you have any questions, please give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Quinlan S. Tom', with a long horizontal flourish extending to the right.

Quinlan S. Tom

cc: Donna Drogos ([donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Rockridge Heights, LLC  
Bob Clark-Riddell