

RIVER BEND PROPERTIES

P.O. BOX 9440
RANCHO SANTA FE, CA 92067
(858) 756-6632 Fax (858) 756-3506
eof@cox.net

ERIC O. FREEBERG
President

Alameda County
AUG 22 2005
Environmental Health

August 16, 2005

Ms. Donna Drogos
Alameda County Health Services Agency
Environmental Protection Division
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

**RE: Fuel Leak Case No. RO 161, American Auto Dismantlers
3744 Depot Road
Hayward, CA ("Property")**

Dear Ms. Drogos,

Last fall we spoke in regard to the above referenced Property. In our conversation, you were upset that PIERS Environmental Services, Inc. ("PIERS") had petitioned the Regional Water Quality Control Board ("RWQCB") to take over jurisdiction of the case, and you wanted to confirm that Riverbend Properties, Inc. ("RBP") had authorized this action. I confirmed that RBP had in fact authorized the action, and I explained why we had taken this action. During our conversation, I apologized if we upset anyone and confirmed that both PIERS and RBP had the utmost admiration for the professionalism of your office and how busy your office was. I expressed my frustration that we had worked with so many different representatives of Alameda County but the constant turnover in the office had made it difficult to achieve closure as the parameters of what the county seemed to want PIERS to do changed with every departure, and the workload made it hard to find anyone who had the time to stay focused upon this case.

I told you that I was delighted at your interest in the case, and agreed that the RWQCB request would not be necessary if Alameda County would stay focused on this case so that we could get it closed. As we talked about the case, you told me that in your file you could not find any response by PIERS to the questions and concerns raised by Scott Seery of your office in May 2004. I pulled out my Property file, and confirmed that PIERS had in fact submitted a written response to Mr. Seery in July of 2004. You did not have a copy of this submittal.

After talking to you, I suggested that PIERS should send you another copy of its response to Mr. Seery's letter of May 2004, and you agreed that this would make sense. After our conversation, I immediately requested PIERS to send you another copy of the report entitled "Work Plan for Additional Soil and Groundwater Investigation and Site Conceptual Model with Preferential Pathway Study ("Work Plan"). This Work Plan was submitted to you on November 12, 2004 by Dawn Murray of PIERS. This Work Plan had previously been submitted to Scott Seery of your office in July 2004. The Work Plan

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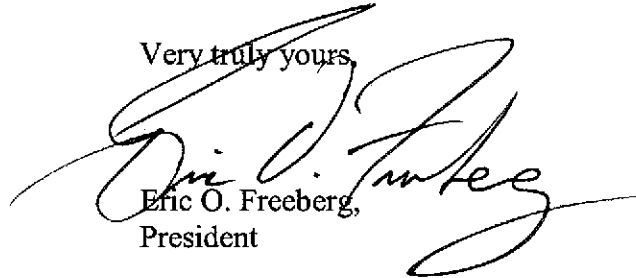
was prepared in response to requests made by Mr. Seery in May 2004. From May to November 2004, despite repeated telephone calls by PIERS to Alameda County requesting feedback to this submittal, we heard nothing until your telephone call. Given the fact that we could not get any feedback, and the fact that after you took over the case from Mr. Seery you did not see our July 2004 response, it is not surprising that we are all frustrated at the failure to get this case closed.

Since the November re submittal of the Work Plan, you called me once this spring and I have called back at least twice and maybe more. I am not being critical, but it would be deeply appreciated if you would respond to the Work Plan so we can proceed to hopefully close this case. As I told you in our telephone conversation, I am not technically competent to discuss the merits of the Work Plan and I would request that you contact PIERS and discuss any issues you have with them. If for any reason, you find their cooperation or response to not be adequate, please contact me immediately. I have always found every representative of PIERS to be professional and eager to respond to any reasonable request by Alameda County.

The failure to get this case closed is now causing RBP severe economic distress and RBP stands ready, willing and able to immediately implement the Work Plan, or to respond to any reasonable request for modifications to the submitted Work Plan to move this case to closure.

Thank you very much for your time and attention to this matter.

Very truly yours,



Eric O. Freeberg,
President

cc: Dawn Murray,
REA/CEO/President PIERS

Baryalai Feroz
American Auto Dismantler