

Nowell, Keith, Env. Health

From: Dennis Dettloff <Dennis.Dettloff@anteagroup.com>
Sent: Thursday, November 13, 2014 11:49 AM
To: Nowell, Keith, Env. Health
Cc: Walter Sprague (WSprague@pcandf.com); Roe, Dilan, Env. Health; Mark Vargo; Hamed Adib <hadib@mygoodsmarket.com> (hadib@mygoodsmarket.com)
Subject: RE: Fuel leak case RO219 - 499 Hegenberger Rd., Oakland -Re offsite borings SB-11 and SB-12 Wells MW-7 and MW-8

Keith:

The last time that Antea Group spoke with Mr. Beretta, a conference call on August 12, 2014, he made it clear that he was going to prepare an access agreement for Antea Group to sign and indicated that if we requested or made any changes to the prepared agreement, he would not approve it. In addition, Mr. Beretta indicated that he was going to discuss with you, the necessity for the two borings, SB-11 and SB-12 and the two on-site monitoring wells, MW-7 and MW-8. That is where we left off. We have not received any Draft Access Agreement Document from Mr. Beretta.

I'm sure you are aware that Antea Group will not be bullied into signing an access agreement with a neighboring property owner if we don't agree with the terms of the agreement. Myself and Antea Group's legal counsel have no problem working with Mr. Beretta to obtain the off-site access necessary to complete the required investigation, but Mr. Beretta needs to understand that he needs to be professional and not the bully that he has been in the past. As you may recall, I called you back in May of this year and during this call I informed you of Mr. Beretta's wishes that monitoring wells MW-7 and MW-8 be removed from his property. I was merely informing you of Mr. Beretta's wishes to have the wells removed. I was not acting on his behalf, I was merely letting you know of a potential issue with the neighboring property owner as I am required to do on behalf of my client, ConocoPhillips. I'm sure you are aware of this, but I just want to clarify Antea Group's position on this matter.

At no time did Antea Group enter Mr. Beretta's property illegally. We gauged and sampled the two monitoring wells, as required during the first and second quarters of 2014. This was done after providing Mr. Beretta notification via email. However, we were notified subsequent to our work that the email address provided by Mr. Beretta was no longer functioning properly. Mr. Beretta indicated the following in an email dated February 25, 2014.

Please be advised that your request for an Access Agreement and any Borings is denied. The proposed boring locations believed to be SB 11 and SB 12 are completely unacceptable. They infringe on the future development of the property and existing structures.

We are attempting to receive and gather all the information previously requested regarding the Existing Monitoring Wells MW-6 and MW-7 including previous Test results.

Please be advised that NO permission has been granted to Antea Group; Contractor(s) or the adjacent property to enter our property nor conduct any form of construction; excavation; or re-construction currently planned for the adjacent retail service station. Any and all work shall be conducted from within the Property Lines of the Adjacent Property for this purpose and advised our property management firm: Vintaco Inc/Bergam Inc accordingly.

No place in this email does it indicate that Antea Group and or our Subcontractors are not allowed access to the two monitoring wells.

As I indicated above, Antea Group will do our best to work with Mr. Beretta to gain access to his property, but this has to be done in a professional manner and the terms of the agreement have to agreeable to all parties involved.

Don't hesitate to contact me if you have any questions

Best Regards,

Dennis S. Dettloff, P.G. | Senior Project Manager | Antea Group

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From: Nowell, Keith, Env. Health [mailto:Keith.Nowell@acgov.org]

Sent: Thursday, November 13, 2014 10:52 AM

To: Dennis Dettloff

Cc: Walter Sprague (WSprague@pcandf.com); Roe, Dilan, Env. Health

Subject: FW: Fuel leak case RO219 - 499 Hegenberger Rd., Oakland -Re offsite borings SB-11 and SB-12 Wells MW-7 and MW-8

Mr. Dettloff,

Please respond to Mr. Beretta's comments.

Thank you,
Keith Nowell

From: David Beretta [mailto:DBeretta@berettamgmt.com]

Sent: Wednesday, November 12, 2014 4:39 PM

To: Nowell, Keith, Env. Health

Subject: Re: Fuel leak case RO219 - 499 Hegenberger Rd., Oakland -Re offsite borings SB-11 and SB-12 Wells MW-7 and MW-8

Keith

Please see comments below and thank you for your response.

David Beretta

Sent from my iPhone

On Nov 12, 2014, at 4:07 PM, "Nowell, Keith, Env. Health" <Keith.Nowell@acgov.org> wrote:

Dear Mr. Beretta,

Thank you for today's follow up reminder email. I spoke with Mr. Dennis Dettloff last week (November 6, 2014). As you are aware, Mr. Dettloff represents the Antea™ Group (Antea), consultant for Convenience Retailers LLC, dba Pacific Convenience & Fuel (PC&F), the responsible party for the UNOCAL station located at 449 Hegenberger Road, Oakland, CA. Mr. Dettloff called to discuss alternative locations for the proposed borings designated SB-11 and SB-12 in the Antea work plan addendum dated February 18, 2014. In order to accommodate your concerns, the alternative boring locations discussed are outside of the Berretta Investment Group (BIG) property boundary. At this time, no decision has been made to the locations of borings SB-11 and SB-12 as Antea has not formally submitted a revised document depicting the locations for Alameda County Environmental Health's (ACEH) review and acceptance.

Well they will need to do so and submit a formal revised document.

Regarding groundwater monitoring wells MW-7 and MW-8 situated on the adjoining BIG property, ACEH maintains its opinion stated in its correspondence dated June 12, 2014 which expressed wells MW-7 and MW-8 are instrumental in defining the UNOCAL contaminant plume and are ideally located for their intended purpose. Therefore ACEH considers the abandonment of these wells premature.

That maybe their opinion but ACEH nor the adjacent property owner have any right to use our property and their access agreement ended years ago. They have entered our property illegally And against the express written denial of their request to do so.

ACEH has spoken individually with you, Mr. Dettloff, and Mr. Walter Sprague of PC&F. From these conversations I have formed the opinion that each of you are professional, reasonable, and agreeable men. The access requirements you spoke to me about, e.g. advanced written notice for access, indemnification, and proof of insurance, are standard business practices that are easily dealt with. Additionally, ACEH notes that access to wells MW-7 and MW-8 has been made available for sampling since the wells installation in 1997. Therefore, ACEH requests "your people" open a conversation with "their people" to resolve the issues preventing access to these wells. ACEH respectfully requests BIG to continue to allow PC&F, and its authorized representatives, continued access to the wells. Please note that Antea will be performing corrective action at the UNOCAL site in the near future which should remove residual source material, and as such, future groundwater monitoring may be limited to one additional year.

At this point in time ACEH and the adjacent property owner are barred from entering onto our property and the previous agreement expired years ago for both Monitoring Purposes and any and all other purposes including any work that they are doing on their property.

ACEH is willing to aid in facilitating this matter. Should you wish to discuss this correspondence further, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

We have been in touch with them and past non approved and illegal entry on our property has been an issue complicating the matter. We may request and require the Adjacent Property Owner/Tenant to use another consultant in this regard,

Respectfully,
Keith Nowell

Keith Nowell PG, CHG
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PDF copies of case files can be reviewed/downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

This e-mail is personal. For our full disclaimer, please visit <http://www.anteagroup.com/confidentiality>.