

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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June 18, 2008

Ms. Jane Yoon
c/o Mr. David B. Whitman
Attorney for Jane Yoon
405 14th Street, #1011
Oakland, CA 94612

Subject: Fuel Leak Case No. RO0000343 and Geotracker Global ID T0600101263, Shell, 461 8th Street, Oakland, CA 94607 – Access Agreement

Dear Ms. Yoon:

Under the direction of this office, Shell Oil Products US is conducting an environmental investigation for a property located at 461 8th Street in Oakland, CA. The property at 461 8th Street was a former gasoline service station and is adjacent to property you own at 458 7th Street in Oakland, CA. Petroleum hydrocarbons have been detected in soil vapor and groundwater in sampling locations at 461 8th Street that are near your property. The extent of the soil vapor and groundwater contamination is currently unknown but potentially could extend beneath your property. Alameda County Environmental Health (ACEH) is requiring Shell Oil Products US to characterize the extent of contamination from their site. Conestoga-Rovers & Associates, on behalf of Shell Oil Products US, submitted an access agreement to you to allow installation and monitoring of soil vapor probes or monitoring wells in the basement of your property at 458 7th Street. It is imperative that this access agreement be resolved promptly and in a reasonable manner in order to define the extent of contamination and prevent future contaminant migration. We understand that you have requested among other items, that Shell Oil Products US pay the sum of \$50,000 to execute an access agreement. Your request for a large sum of money to allow access for the proposed activities is not a reasonable request.

We request that you negotiate more reasonable terms with Shell Oil Products US in order to execute an access agreement as soon as possible. Owners of adjacent properties are generally not responsible for the cost of investigation and cleanup of contamination that migrates onto their property from an adjacent fuel leak site. However, owners of adjacent properties are expected to cooperate with the responsible party's investigation and cleanup activities to the extent that they are not experiencing undue hardship or alteration to their property. The Regional Water Quality Control Board may hold an uncooperative property owner responsible for investigation and cleanup costs if he or she refuses to provide reasonable access to a responsible party attempting to investigate and cleanup pollution that has moved onto adjacent sites.

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If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

cc: Denis Brown, Shell Oil Products US, 20945 S. Wilmington Ave., Carson, CA 90810-1039

John Ward, Trust Real Estate, Wells Fargo Bank, P.O. Box 693939, San Francisco, CA 94163

Anye Spivey, AF Broadway 8LLC, EF Evans, 1000 Broadway, Ste. 300, Oakland, CA 94507

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032

Leah Goldberg, Meyers Nave, 555 12th Street, Suite 1500, Oakland, CA 94607

Jacquelyn England, Conestoga-Rovers & Associates, 19449 Riverside Drive, Suite 230, Sonoma, CA 95476

Ana Friel, Conestoga-Rovers & Associates, 19449 Riverside Drive, Suite 230, Sonoma, CA 95476

Grover Buhr, Treadwell & Rollo, 501 14th Street, 3rd Floor, Oakland, CA 94612

Donna Drogos, ACEH
Jerry Wickham, ACEH
File