



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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February 11, 2014

Wai C. Yu and Amanda K. Chiu Trust
c/o Amanda Chiu
911 Fitchburg Avenue
Alameda, CA 94502-6715

Subject: Access Agreement for Fuel Leak Case No. RO0000382 and GeoTracker Global ID T0600100980, Bill Chun Service Station, 2301 Santa Clara Avenue, Alameda, CA 94501

To Wai C. Yu and Amanda K. Chiu Trust

Under the direction of this office, the Lily A. Chun 1991 Trust is planning to implement a soil and groundwater cleanup along with groundwater monitoring for a fuel leak case located at 2301 Santa Clara Avenue. The proposed cleanup method is Groundwater Recirculation Enhanced Remediation, which involves pumping of groundwater from the exterior portions of the plume back to the site at 2301 Santa Clara Avenue for treatment and injection back into the ground. This cleanup is necessary to address petroleum hydrocarbon contamination in groundwater that extends from the site to your property at 2309 Santa Clara Avenue. The planned cleanup is described more fully in the document entitled, "*Corrective Action Plan, Bill Chun Service Station, 2301 Santa Clara Avenue, Alameda, CA,*" dated August 1, 2013. However, ACEH is requesting a modification from the proposed cleanup in the CAP. One extraction well was originally planned to be installed on your property. After further review, we believe the extraction well should be moved further west to the property at 2305 Santa Clara Avenue to avoid potentially expanding the benzene plume.

Although no extraction wells are planned for your property, two monitoring wells are currently located on your property at 2309 Santa Clara Avenue. In order to utilize these two monitoring wells, an access agreement between you and the Lily A. Chun 1991 Trust is necessary. We understand that you have had contact with the Lily A. Chun 1991 Trust but no access agreement has been completed. We request that you work cooperatively to resolve this access agreement promptly and reasonably in order to begin cleanup. You must not impose unreasonable conditions or expenses that would prevent an access agreement from being reached.

Ms. Carolyn Fong, trustee of the Lily A. Chun 1991 Trust, provided us with an email dated January 16, 2014 from your attorney, Mr. Michael S. Brown. The message presented a demand that Ms. Fong agree to undertake the financial responsibility for Ninyo & Moore to conduct further investigation of the property at 2309 Santa Clara Avenue. Further investigation of the 2309 Santa Clara Avenue property is not a requirement of this agency and is not a reasonable condition for completing an access agreement. We request that further investigation of 2309 Santa Clara Avenue not be a prerequisite for completing an access agreement.

ACEH requests you complete negotiations with the Lily A. Chun 1991 Trust and their consultant Ninyo & Moore by March 13, 2014. This request is made pursuant to Water Code Section 13267, which allows ACEH to require technical reports from persons whose activities may have an impact on water quality.

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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. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

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

Cc Lily A. Chun 1991 Trust, Carolyn C. Fong, Trustee, 711 East Hermosa Drive, San Gabriel, CA 91775, (*Sent via E-mail to: carolynfong1@sbcglobal.net*)

Lisa Fowler, Gallagher & Lindsey Rentals, 1406 Webster Street, Alameda, CA 94501, (*Sent via E-mail to: Lisaf@gallagherandlindsey.com*)

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Kris Larson, Ninyo & Moore, 1956 Webster Street, Suite 400, Oakland, CA 94612 (*Sent via E-mail to: klarson@ninyoandmoore.com*)

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