

Wickham, Jerry, Env. Health

From: Baertschi, Dennis [dbaertschi@croworld.com]
Sent: Thursday, February 28, 2008 10:40 AM
To: Wickham, Jerry, Env. Health
Subject: RE: Work plan for2350 Harrison Oakland

Jerry –

The work plan was uploaded to Alameda County's ftp site today.

Apparently geotracker is not letting us upload this doc. as we are apparently not an approved contractor for this project/site (yet) – We are looking into resolving this through our geotracker contacts and through help of Shell – it will be uploaded to geotracker as soon as we resolve this -

Sorry for the inconvenience, and let me know if you have any questions -

Dennis Baertschi
Conestoga-Rovers & Associates (CRA)

408 7th Street, Suite A,
Eureka, CA 95501
Phone: 707.268.3813
Fax: 707.268.8180
Cell: 707.845.8552
dbaertschi@croworld.com

From: Wickham, Jerry, Env. Health [mailto:jerry.wickham@acgov.org]
Sent: Thursday, February 28, 2008 9:11 AM
To: Baertschi, Dennis
Subject: Work plan for2350 Harrison Oakland

Dennis,

I have a hard copy of a 2/7/2008 work plan for 2350 Harrison Street, Oakland but could not find the work plan on the ACEH ftp site or Geotracker. Please upload the owork plan to both the ACEH ftp site and Geotracker in oder to get the document processed and reviewed.

Thanks,
Jerry Wickham
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 fax
jerry.wickham@acgov.org

2/28/2008

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Tuesday, January 15, 2008 9:43 AM
To: 'Baertschi, Dennis'
Subject: RE: Extension Request - 2350 Harrison, Oakland - Case #RO0000505

Dennis,

Based upon your request, the schedule for submittal of a Work Plan for the above referenced case is extended to February 8, 2008.

Regards,
Jerry Wickham
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 fax
jerry.wickham@acgov.org

From: Baertschi, Dennis [<mailto:dbaertschi@croworld.com>]
Sent: Monday, January 14, 2008 5:00 PM
To: Wickham, Jerry, Env. Health
Subject: Extension Request - 2350 Harrison, Oakland - Case #RO0000505
Importance: High

Mr. Wickham –

Unfortunately, here is another site that I need an extension for – for work plan – this is a new site that Shell has recently asked CRA to become consultant for - your 11/16/07 letter asked for a work plan by 1/22/07 -

This extension request (for a work plan) was mailed to you today – and asks for extension until 2/8/08 - please review this and let me know if this extension is acceptable w/ you –

Let me know if there are any questions -

Thanks

Dennis Baertschi
Conestoga-Rovers & Associates (CRA)

408 7th Street, Suite A,
Eureka, CA 95501
Phone: 707.268.3813
Fax: 707.268.8180
Cell: 707.845.8552
dbaertschi@croworld.com

1/15/2008

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Wednesday, January 02, 2008 4:20 PM
To: 'David Siegel'
Subject: RE: 2350 Harrison

We will add your name to future correspondence. The directive letter was sent by hard copy to your client and does not exist in electronic format; therefore, I cannot email you a copy.

Regards,
Jerry Wickham
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 fax
jerry.wickham@acgov.org

From: David Siegel [<mailto:dave@eras.biz>]
Sent: Friday, December 21, 2007 10:14 AM
To: Wickham, Jerry, Env. Health
Subject: 2350 Harrison

I spoke to my client, Dick Burge who indicated he had not seen the letter requesting the workplan. I have attached a letter indicating that Mr. Burge would like us to monitor the environmental status.

Can you kindly e-mail me the last letter for this site and put me on the distribution list for future correspondence?

Thanks, Dave

David Siegel
ERAS Environmental, Inc.
1533 B Street
Hayward, CA 94541
510.247.9885 X304
510.886.5399
dave@eras.biz

Wickham, Jerry, Env. Health

From: David Siegel [dave@eras.biz]
Sent: Friday, December 21, 2007 10:14 AM
To: Wickham, Jerry, Env. Health
Subject: 2350 Harrison

I spoke to my client, Dick Burge who indicated he had not seen the letter requesting the workplan. I have attached a letter indicating that Mr. Burge would like us to monitor the environmental status.

Can you kindly e-mail me the last letter for this site and put me on the distribution list for future correspondence?

Thanks, Dave

David Siegel
ERAS Environmental, Inc.
1533 B Street
Hayward, CA 94541
510.247.9885 X304
510.886.5399
dave@eras.biz

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

F

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

November 16, 2007

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

Mr. Richard Burge
Burge-Pacific Enterprises, Inc.
490 Grand Avenue, Suite 200
Oakland, CA 94610

Subject: Fuel Leak Case No. RO0000505 and Geotracker Global ID T0600102237, 7-Eleven #20009, 2350 Harrison Street, Oakland, CA 94612

Dear Mr. Brown and Mr. Burge:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above referenced site. Shell owned and operated a service station at 2350 Harrison Street in Oakland until 1977. Shell obtained tank removal permits from the City of Oakland and apparently removed four underground storage tanks (USTs) in March 1977; however, no documentation of the tank removal has been found. Mr. Richard Burge purchased the property from Shell on May 31, 1977 after the USTs were removed. During the installation of two light poles in November 1992, lubricating oil was detected in soils at concentrations up to 3,200 milligrams per kilogram (mg/kg). Total petroleum hydrocarbons as gasoline (TPHg) were detected in soil at concentrations up to 89 mg/kg. Petroleum contamination was also detected in soils from four additional soil borings advanced on March 4, 1993. TPH as lubricating oil and TPHg were detected in soil from the 1993 borings at concentrations up to 7,900 and 620 mg/kg, respectively. No groundwater sampling has been conducted at the site to date.

ACEH previously requested that Shell prepare a work plan for site investigation in correspondence dated May 21, 2001. We request that you **prepare a Work Plan by January 22, 2008** to investigate the extent of soil and groundwater contamination at the site.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **January 22, 2008 – Work Plan for Soil and Groundwater Investigation**

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Mr. Denis Brown
Mr. Richard Burge
R00000505
November 16, 2007
Page 2

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

Mr. Denis Brown
Mr. Richard Burge
RO0000505
November 16, 2007
Page 3

UNDERGROUND STORAGE TANK CLEANUP FUND

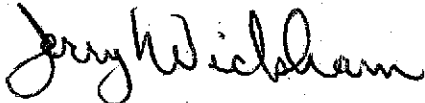
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File

**Alameda County Environmental Cleanup
Oversight Programs
(LOP and SLIC)**

ISSUE DATE: July 1, 2005

REVISION DATE: December 16, 2005

PREVIOUS REVISIONS: October 31, 2005

SECTION: Miscellaneous Administrative Topics & Procedures

SUBJECT: Electronic Report Upload (ftp) Instructions

Effective January 31, 2006, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

1) Obtain User Name and Password:

- a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- b) In the subject line of your request, be sure to include **"ftp PASSWORD REQUEST"** and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker)** you will be posting for.

2) Upload Files to the ftp Site

- a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
- d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
- e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.

3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs

- a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
- b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
- c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

November 13, 2007

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

Subject: Fuel Leak Case No. RO0000505 and Geotracker Global ID T0600102237, 7-Eleven
#20009, 2350 Harrison Street, Oakland, CA 94612

Dear Mr. Brown:

In a Notice of Responsibility dated June 8, 1998, Shell Oil Products US was notified that the above referenced site had been placed in the Local Oversight Program and that Shell Oil Products US was named as a Responsible Party for the fuel leak case. Mr. Richard Burge purchased the property and has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

If you have any questions, please call me at (510) 567-6791.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Wickham".

Jerry Wickham, P.G.
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

November 13, 2007

Site Name & Address:

7-ELEVEN #20009
2350 HARRISON ST
Oakland, CA 94612

Local ID: RO0000505

Related ID: 4596

RWQCB ID: 01-2428

Global ID: T0600102237

All Responsible Parties

RP has been named a Primary RP - DENIS BROWN

SHELL OIL PRODUCTS US

20945 S WILMINGTON AVE | CARSON, CA 90810-1039 | Phone (707) 865-0251

RP has been named a RP - RICHARD G BURGE

RICHARD G BURGE TRUST

490 GRAND AVE STE #20 | OAKLAND, CA 94610-5057 | Phone No Phone Number Listed

Responsible Party Identification Background

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ACEH has named the responsible parties for this site as detailed below.

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

November 13, 2007

Responsible Party Identification

Existence of Unauthorized Release

Shell owned and operated a service station at 2350 Harrison Street in Oakland until 1977. The underground storage tanks (USTs) obtained tank removal permits from the City of Oakland and apparently removed the USTs in March 1977; however, no documentation of the tank removal has been found. Mr. Richard Burge purchased the property from Shell on May 31, 1977 after the USTs were removed. Petroleum-contaminated soils were detected during the installation of two light poles on the site in November 1992. Petroleum contamination was also detected in soils from four additional soil borings advanced on March 4, 1993.

Responsible Party Identification

Shell Oil Products US owned the USTs and property and operated the USTs until the USTs were removed and the site sold in 1977. Shell Oil Products US is the primary responsible party because the unauthorized release occurred during the time that Shell Oil Products US owned and operated USTs at the time of an unauthorized release (Definition 1), was the owner of property where an unauthorized release occurred (Definition 3), and had control of USTs at the time of or following an unauthorized release (Definition 4).

Mr. Richard Burge is a responsible party because he is the current owner of the property where an unauthorized release has occurred (Definition 3).

20505

BURGE-PACIFIC ENTERPRISES, INC.

490 GRAND AVENUE, SUITE 200
OAKLAND, CA 94610

Tel (510) 452-1433
FAX (510) 452-4412

November 9, 2007

Beth A. Flowers
Shell Oil Products US
Environmental Claims
One Shell Plaza, Room 665
Houston, TX 77002

Re: 2350 Harrison Street, Oakland, California

Dear Ms. Flowers:

Thank you for your prompt response to our letter of October 24, 2007, addressed to my son Mr. Glyn Burge. We are sending a copy of this letter to our consultant, Mr. David Siegel of ERAS Environmental, Inc.

Mr. Siegel has been retained by us to follow up and monitor the situation. Please copy him in on any future correspondence. Thank you.

Sincerely,



Richard G. Burge

RGB/amb

Cc: David Siegel - ERAS Environmental, Inc.



Mr. Glyn Burge
Burge-Pacific Enterprises, Inc.
490 Grand Avenue, Suite 200
Oakland, California 94610

Shell Oil Products US
Environmental Claims
One Shell Plaza, Rm 665
910 Louisiana
Houston, Texas 77002
Tel (713) 241-0548
Fax (713) 241-6926
Email beth.flowers@shell.com
Internet <http://www.shell.com>

Via Facsimile (510-452-4412) and U.S. Mail

November 7, 2007

Re: 2350 Harrison Street, Oakland, California

Dear Mr. Burge:

The following is provided in response to your letter of October 24, 2007 in which the subject location was referenced. Mr. Denis Brown will be the project manager assigned to this handled this matter and will contact the Alameda County Environmental Health Department regarding work required at the site. The contact information for Denis is included below:

Mr. Denis Brown
Shell Oil Products US
20945 South Wilmington Avenue
Carson, California 90810
(707) 865-0251
denis.l.brown@shell.com

Please contact Denis or me with questions.

Sincerely,

Shell Oil Products US

Beth A. Flowers
Environmental Claims Manager

Cc: Denis Brown – Shell Oil Products US

490 GRAND AVENUE, SUITE 200
OAKLAND, CA 94610

Tel (510) 452-1433
FAX (510) 452-4412

October 24, 2007

Mr. William Platt III, Esq.
Shell Oil Company
P.O. Box 2463
One Shell Plaza, Room 1442
Houston, TX 77252-2463

Re: Former Shell Station at 2350 Harrison Street, Oakland, CA 94612

Dear Mr. Platt:

In reviewing our files for the above referenced property, I note that the Alameda County Environmental Health Department requested that the work plot to investigate the extent of petroleum contamination be provided to them by July 5, 2001.

I have enclosed a copy of a Site Environmental Status which provides a review of the project recently completed by ERAS Environmental, Inc. at our request. This may help to bring you up-to-date on this file. Please review your files and advise us of the current status of this project, as Alameda County indicates that the work has not been completed.

Please contact Glyn Burge at the above address or 510-452-1433 with the results of your review. Thank you for your assistance.

Sincerely,



Richard G. Burge
Property Owner

RGB/amb

Enc.

Cc: David Siegel, ERAS Environmental, Inc.
Donna Drogos, Alameda County Environmental Health Dept.

RECEIVED

NOV 1 2007

ENVIRONMENTAL HEALTH SERVICES

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

May 21, 2001
StID #4596
RO 0000505

Mr. William Platt, III Esq.
Senior Manager, Environmental Claims
Shell Oil Company
P.O. Box 2463
One Shell Plaza
Room 1442
Houston, TX 77252-2463

Re: Former Shell Station at 2350 Harrison St., Oakland CA 94612

Dear Mr. Platt:

As requested in your May 18, 2001 letter, enclosed, please find copies of a site map with sample locations, analytical results and chain of custody documents for soil samples collected by Groundwater Technology, Inc. Also enclosed is a site map indicating the location of the former tank pit area, existing and dispenser islands. The documents verify the detection of petroleum hydrocarbons at this site. I trust that you will authorize Equiva to proceed with performing an investigation to determine the extent of such contamination in soil and groundwater.

Please have Equiva submit an appropriate work plan to our office within 45 days or no later than July 5, 2001.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

Enclosure (Mr. Platt only)

✓ C: B. Chan, files

Ms. K. Petryna, Equiva Services, P.O. Box 7869, Burbank, CA 91510-7869

Mr. R. Burge, One Kaiser Plaza, Suite 1010, Oakland CA 94612

Mr. Bob Vasquez, The Southland Corporation, 5820 Stoneridge Mall Rd., Suite 310,
Pleasanton, CA 94586

Resp2350Harrison

Shell Oil Company



P.O. Box 2463
One Shell Plaza
Room 1442
Houston, TX 77252-2463

910 Louisiana
One Shell Plaza
Room 2348
Houston, TX 77002

Direct Number: (713) 241-5126
Direct FAX: (713) 241-6926
E-mail: weplattiii@shellus.com

4596

May 18, 2001

VIA OVERNIGHT MAIL

Mr. Barney M. Chan, Hazardous Materials Specialist
Environmental Health Services
Alameda County Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: *Former Shell Station at 2350 Harrison Street, Oakland, CA*

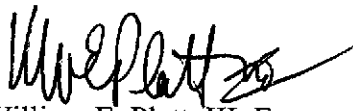
Dear Mr. Chan:

Your letter to Ms. Karen Petryna of Equiva Services related to the above referenced site has been forwarded to me for handling. It is my understanding that your office seeks a subsurface investigation at this location. You reference a letter from Mr. Tom Maher of this office to Ms. Eva Chu of your office dated May 25, 1999. You are correct that Mr. Maher agreed to further investigate the site if "a more reliable indication that a release of product occurred during Shell's occupancy is now available or is discovered in the future". Our records reflect that a response to Mr. Maher's letter was not received by this office. Your letter to Ms. Petryna is the first correspondence received by this office, and was not addressed to the author of Shell's initial response. In addition, if subsequent testing was performed at the site, this office has not received any information regarding such tests.

Please forward a copy of the subsequent testing by GTI referenced in your letter to my attention so that Shell can review the test findings. I have no doubt that the sampling results are as you report them, and when this is verified I will authorize Equiva to perform your requested investigation at the site.

Thank you for your consideration and anticipated help.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. E. Platt, III, Esq.", with a long horizontal flourish extending to the right.

William E. Platt, III, Esq.
Senior Manager
Environmental Claims
Shell Oil Company

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

April 4, 2001
StID # 4596

Ms. Karen Petryna
Equiva Services
P.O. Box 7869
Burbank CA 91510-7869

**Re: Request for Investigation at Former Shell Oil Service Station, 2350 Harrison St.
Oakland CA 94612**

Dear Ms. Petryna:

It is my assumption that Equiva Services is aware and will assume environmental responsibility for the investigation of the referenced former Shell Oil service station. Briefly, this site was a Shell gasoline station up to 1977 at which time the gasoline (and other?) underground tanks were removed. Later investigation found that Shell Oil Co. was issued a permit by the City of Oakland to remove 1-5000, 1-8000, 1-10000 and 1-550 gallon tank. No documentation exists pertaining to the tank removals. The site is currently a 7-11 retail food facility. Apparently, during the installation of two light poles in November 1992 at this site, petroleum contaminated soils were encountered. At that time, the developer, Burge Development Company contracted Groundwater Technology, Inc. (GTI) to collect samples from the two stockpiles generated. Up to 3200 ppm TPH as lubricating oil (GC-FID), 89 ppm TPH as gasoline and 0.24, 0.31, 0.22, 2 ppm BTEX, respectively were detected in these soil samples. No map exists which indicates the location of these two locations. Based upon these results, our office requested additional investigation. Burge Development had GTI prepare a work plan. On March 4, 1993, four additional borings were advanced by GTI. Up to 7900 ppm TPH as lubricating oil and 620 ppm TPH as gasoline was identified in the soil samples. Unfortunately, no BTEX analysis was performed nor were any water samples collected.

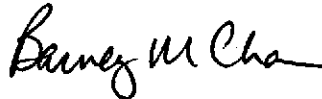
Burge Development never operated underground tanks at this site since their purchase in 1977. Because of the historical use of fuel tanks at this site, Shell Oil was named as a responsible party. Mr. Thomas Maher, Senior Manager, Environmental Claims Management was informed of this request to participate in the investigation and he replied in his May 25, 1999 letter to Ms. Eva Chu of this office, copy of letter enclosed. As you will note in his letter, he questioned that appropriate sampling of the initial samples. The contractor may have biased the soil samples since they were not environmental consultants. That may have been the case, however, the additional investigation performed by GTI was done in a professional manner and these results confirm a minimally a release of TPHg and TPHmo. In Mr. Maher's letter, he states that Shell is "certainly willing to perform a subsurface investigation at 2350 Harrison St. if a more reliable indication that a release of product occurred during Shell's occupancy is now available or is discovered in the future." Therefore, it appears that Shell should now proceed with this investigation.

Ms. Karen Petryna
2350 Harrison St., Oakland CA 94612
StID # 4596
April 4, 2001
Page 2.

Please feel free to review our files and respond to this request in writing within 45 days or no later than May 19, 2001.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Enclosure (Ms. Petryna)

/ C: B. Chan, files

Mr. Richard Burge, One Kaiser Plaza, Suite 1010, Oakland CA 94612

Mr. Bob Vasquez, The Southland Corporation, 5820 Stoneridge Mall Rd., Suite 310,
Pleasanton, CA 94586

Wprq2350Harrison

Shell Oil Company



One Shell Plaza
PO Box 2463
Houston TX 77252-24

MAY 25, 1999

Ms. Eva Chu, Hazardous Materials Specialist
Environmental Health Services
Alameda County Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Former Shell Oil Company Service Station Located at
2350 Harrison Street, Oakland, California

Dear Ms. Chu:

Please excuse my long delay in responding to your inquiries concerning the former Shell Oil Company service station once located at 2350 Harrison Street in Oakland. I apologize for the inconvenience my delay caused.

One of the reasons for my delay is that the information you sent me about the site in early 1998 was lost during a subsequent relocation of our offices. Therefore, I am relying on my recollection of that information in responding to your April 20 letter.

As I recall, the current occupant of the premises installed certain self-standing lighting fixtures on the property. The soil excavated during the installation was stockpiled on site and eventually sampled and analyzed. Because the analysis revealed the presence of petroleum products, you requested that Shell perform further investigation to determine if a release from the underground storage tanks had occurred during for the time Shell occupied the premises.

I believe that I left a telephone message for you that indicated Shell was reluctant to perform further investigation because we felt that the analysis of the stockpiled soil was not sufficient evidence as to warrant further investigation. Shell has not changed its position in that regard. Let me explain.

If Shell were to perform a subsurface investigation for any site under the County's jurisdiction, you would insist that the sampling protocols utilized prevent soil samples from coming into contact with contaminated augurs, tools, sampling devices and storage containers. All such devices would have to be thoroughly cleaned and rinsed before they came into contact with the soil to be sampled. Otherwise, the County could not accept the soil analysis as being representative of actual conditions.

99 JUN -2 AM 9:31
ENVIRONMENTAL
PROTECTION

Ms. Eva Chu, Hazardous Materials Specialist

May 25, 1999

Page 2

There is no indication that any reasonable protocol was used when samples were taken from the soil excavated during the installation of lighting fixtures at 2350 Harrison Avenue. Indeed, it is doubtful that any contractor employed to install lighting fixtures would even be aware of the protocols necessary to obtain representative samples. Presumably, the soil sampled was excavated by a machine that first dug through asphalt paving or by hand tools that could have previously been used for any number of projects that exposed their surfaces to petroleum products. In view of these factors, Shell believes that the analytical results obtained by testing the soil samples taken from 2350 Harrison Avenue are not sufficiently reliable as to warrant the expenditure of the thousands of dollars that an appropriate Phase II investigation would cost.

Please let me make it clear that Shell is certainly willing to perform a subsurface investigation at 2350 Harrison Avenue if a more reliable indication that a release of product occurred during Shell's occupancy is now available or is discovered in the future. Since I will soon be leaving employment with Shell, you should contact Mr. W. E. Platt, III, at the address provided above whenever more reliable information becomes available.

Yours truly,



Thomas F. Maher
Senior Manager, Environmental Claims Management
Shell Oil Company

Writer's direct telephone: (713) 241-0434; facsimile: (713) 241-6926

cc: W. E. Platt, III

Shell Oil Company



One Shell Plaza
PO Box 2463
Houston TX 77252-24

MAY 25, 1999

Ms. Eva Chu, Hazardous Materials Specialist
Environmental Health Services
Alameda County Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

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Yours truly,



Thomas F. Maher
Senior Manager, Environmental Claims Management
Shell Oil Company

Writer's direct telephone: (713) 241-0434; facsimile: (713) 241-6926

cc: W. E. Platt, III

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

StID 4596

April 20, 1999

Mr. Tom Maher
Shell Oil Company
777 Walker Street, Room 1148
Houston, TX 77002

**RE: Second Notice for Additional Investigations at 2350 Harrison Street,
Oakland, CA**

Dear Mr. Maher:

In August 1998 I requested additional investigations be conducted to determine if the former USTs removed in March 1977 had contributed to soil and possible groundwater contamination at the above referenced site. A workplan for this phase of investigation was due to this office by November 1998. To date, I have not received a workplan from you.

This letter is a reminder that the required workplan is due. If you have any questions or comments concerning the content of this and my previous letter, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: Richard Burge
One Kaiser Plaza, Suite 1010
Oakland, CA 94612

98 AUG 21 AM 5:28
P.O. Box 8080
Merced, CA 94553

August 18, 1998

Ms. Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
1131 Harbor Bay Parkway
Suite 250
Alameda CA 94502-6577

SUBJECT: 2350 Harrison St., Oakland, CA
Soil and Groundwater Investigation

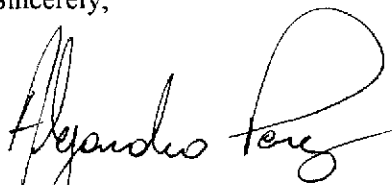
Dear Ms. Chu:

I received your August 14, 1998 letter requesting a work plan from Shell Oil Products Company (Shell) to determine the extent and severity of soil and groundwater contamination at the subject site. You mention in your letter that records indicate that Shell had owned this property and sold it to Mr. Richard Burge in March of 1977. You also mentioned that Mr. Maher was not able to locate any information regarding the removal of the underground storage tanks from this site.

I am writing this letter to let you know that Mr. Maher will still represent Shell on this matter. Mr. Maher will respond to your request and he will coordinate all future environmental activities at this site.

I am forwarding your letter along with a copy of this letter to Mr. Maher for his review and action. Please feel free to contact him if you have any questions about the status of this project or contact me if you have any questions in general.

Sincerely,



A. E. (Alex) Perez
Environmental Engineer
SH&E / Science & Engineering

cc: Mr. Tom Maher, Shell Oil Company, 777 Walker St., Room 1148, Houston, TX 77002

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9335 (FAX)

StID 4596

August 14, 1998

Mr. Alex Perez
Shell Oil Products
P.O. Box 8080
Martinez, CA 94553

RE: Soil and Groundwater Investigation at 2350 Harrison Street, Oakland, CA

Dear Mr. Perez:

I am the case worker and have completed review of the file for the above referenced site. Records indicate that Shell Oil had owned the subject property and sold it to Mr. Richard Burge in March 1977. At that time the fuel underground storage tanks (USTs) were also removed.

The site is currently a 7-11 retail food facility. In November 1992 two light poles were installed in the planter area of the site. Hydrocarbon odors were detected by the construction crew. In March 1993 soil samples were collected at ~7.5'bgs and analyzed for various petroleum hydrocarbon constituents. There was no analysis for BTEX constituents. Up to 7,900ppm TPH as lubricating oil and 620ppm TPH as gasoline were identified. Groundwater was encountered at ~8'bgs but a water sample was not collected.

I contacted Mr. Tom Maher, of Shell's Environmental Claims Department, but he was not able to locate any information regarding the removal of the former USTs at the subject site. Therefore, additional investigations are required at this time to determine the extent and severity of soil and groundwater contamination at this site. A work plan for this phase of the investigation is due to this office by **November 2, 1998.**

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

If you have any questions, I can be reached at (510) 567-6762.

A handwritten signature in black ink, appearing to read 'eva chu', is written over a horizontal line.

eva chu
Hazardous Materials Specialist

c: Richard Burge, One Kaiser Plaza, Suite 1010, Oakland, CA 94612 (7-11-1)

LOP - RECORD CHANGE REQUEST FORM

printed:
06/08/98

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: EC

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
 StID : 4596 LOC: -0-
 SITE NAME: 7-11 DATE REPORTED : 01/12/98
 ADDRESS : 2350 -0 Harrison St DATE CONFIRMED: 01/12/98
 CITY/ZIP : Oakland 94612 MULTIPLE RPs : N

SITE STATUS

 CASE TYPE: S CONTRACT STATUS: 2 PRIOR CODE:2A4 EMERGENCY RESP: -0-
 RP SEARCH: S DATE COMPLETED: 06/08/98
 PRELIMINARY ASMNT: - DATE UNDERWAY: -0- DATE COMPLETED: -0-
 REM INVESTIGATION: - DATE UNDERWAY: -0- DATE COMPLETED: -0-
 REMEDIAL ACTION: - DATE UNDERWAY: -0- DATE COMPLETED: -0-
 POST REMED ACT MON:- DATE UNDERWAY: -0- DATE COMPLETED: -0-

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 06/08/98
 LUFT FIELD MANUAL CONSID: 2SC
 CASE CLOSED: - DATE CASE CLOSED: -0-
 DATE EXCAVATION STARTED : -0- REMEDIAL ACTIONS TAKEN: -0-

RESPONSIBLE PARTY INFORMATION

 RP#1-CONTACT NAME: Alex Perez
 COMPANY NAME: Shell Oil Products
 ADDRESS: P. O. Box 8080
 CITY/STATE: Martinez, C A 94553

INSPECTOR VERIFICATION:					
NAME	SIGNATURE			DATE	
DATA ENTRY INPUT:				Case Progress Changes	
Name/Address Changes Only					
ANPPGMS	LOP	DATE	LOP	DATE	

Press [ESC] for the menu

UNDERGROUND STORAGE TANK CLEANUP SITE

-LOP:A-TRemov:--SLIC:--

SITE ID: 4596	SOURCE OF FUNDS: F	SUBSTANCE : 8006619
SITE NAME: 7-11		DATE REPORTED : 01/12/1998
SITE ADDRESS: 2350	-0 Harrison St	DATE CONFIRMED: 01/12/1998
CITY: Oakland	ZIP CODE: 94612	MULTIPLE RPs : N
CASE TYPE: S	CONTRACT STAT: 4	PRIORITY: 2A4
		DATE ER: -0-
RP SEARCH : S		DATE END: 06/08/1998
PRELIM ASSESSMENT : -	DATE BEGIN: -0-	DATE END: -0-
REMEDIAL INVEST : -	DATE BEGIN: -0-	DATE END: -0-
REMEDIAL ACTION : -	DATE BEGIN: -0-	DATE END: -0-
POST REMED MONITOR: -	DATE BEGIN: -0-	DATE END: -0-
ENFORCEMENT TYPE: 1		DATE ENFORCEMENT ACTION TAKEN: 06/08/1998
LUFT CATEGORY: 2SC	CASE CLOSED: -	DATE CASE CLOSED: -0-
DT EXC START : -0-		REMEDIAL ACTIONS TAKEN: -0-

PgDn for Screen #2

[ESC] Done [F2] Clear field [Shift-F2] Clear to end [Shift-F10] More
 Form: SITE Table: SITE Field: Source Page: 1

STID: 4596

UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

IN-HOUSE MANAGEMENT:

RISK ASSESSMENT : -0-	LOC-CleanUp Fund? -0-
DATE LAST CORSP : 04/20/1998	INSPECTOR INIT: BC

CONTACT/RESPONSIBLE PARTY INFORMATION:

RP #1: CONTACT: Alex Perez	RP COST: \$0.00
RP COMPANY NAME: Shell Oil Products	Ph: 925/335-5000
ADDRESS: P. O. Box 8080	
CITY/ST/ZIP: Martinez, C A 94553	
COMMENT: Groundwater has not been tested for MTBE	

PgUp For Screen #1;PgDn For More RP'S

[ESC] Done [F2] Clear field [Shift-F2] Clear to end [Shift-F10] More
 Form: SITE Table: SITE Field: FlagDate Page: 2

Rb 505

RICHARD G. BURGE

ONE KAISER PLAZA, SUITE 1010
OAKLAND, CA 94612

TEL (510) 452-1433
FAX (510) 452-4412

August 12, 1993

93 AUG 16 PM 12:04

Larry Seto
Sr. Hazardous Materials Specialist
Department of Environmental Health
Alameda County Health Care Services
80 Swan Way, Room 200
Oakland, CA 94621

Subject: 2350 Harrison Street
Oakland, CA.

Dear Larry:

Pursuant to my 7/30/93 letter and our conversation shortly thereafter, I am sending you a copy of the tank removal permit obtained from the Oakland Fire Department files, as you requested.

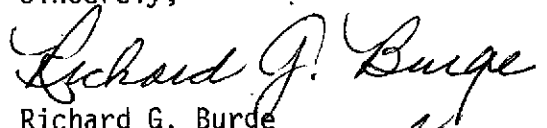
The permit was issued on 3/14/77, before I took title to the property, and the tank inspection after removal apparently took place on 3/22/77. From what we see on this permit, there was a notation that "photos" were taken of the tanks after they were removed.

It also appears from information on this permit that Shell may have installed these tanks about 1952/53 (?).

As I stated in my 7/30/93 letter, "The Shell Oil Company was the owner and operator of this site for many years, and any soil contamination from gasoline, diesel, lubricating oils, etc. occurred during Shell's occupancy and ownership."

For this reason, Shell Oil should be named as the responsible party, as clearly no gas, diesel, or lubricating oil has been stored, sold, or discharged on the site commercially since my purchase of the land on 5/31/77.

Further, as I mentioned, your help on this will be very much appreciated, as we believe Shell must be named as the primary responsible party, before I spend more money and proceed further.

Sincerely,

Richard G. Burge

RGB/r
enclosure

Copy for INSPECTOR

Excavation Permit Granted _____ No. _____

CITY OF OAKLAND

Permit to Excavate and Install, Repair, or Remove Inflammable Liquid Tanks. No. 8193

Tank Permit

Oakland, California, March 14, 1977

PERMISSION IS HEREBY GRANTED TO Widell remove Repair Gasoline tank and excavate commencing _____ feet inside _____ line

on the South side of 8th Street 19 feet East of Harrison Street

House No. 2350 Harrison St. Street Present Storage

Owner Shell Oil Address _____ Phone _____

Applicant Gena Caldeira Address P.O. Box 238 Pleasanton Phone 442-0767

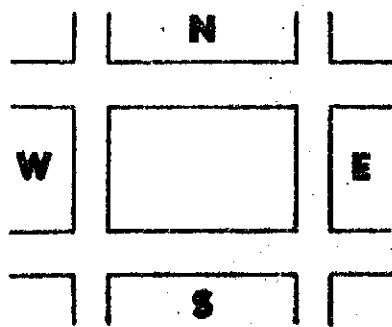
Dimensions of street (sidewalk) surface to be disturbed _____ X _____ Number of Tanks 5 Capacity _____ Gallons, each

Remarks: Removing existing tanks. 10000 - 8000 - 5000 - 550 - 540 PLAN

This Permit is granted in accordance with existing City Ordinances.
Owner hereby agrees to remove tanks on discontinuance of use or when notified by the City Authorities.
When installing, removing or repairing tanks, no open flame to be on or near premises. ON-4 19785 -
DATE 2-12-52

Approved _____ Fire Marshal

Approved _____ Drainage Division Engineering Dept.



PHOTOS
TAKEN OF
REMOVED
TANKS.

EXCAVATING PERMIT

Issued in accordance with Ord. No. 278 CMS, Sec. 6-2.04

_____ square feet of digging or removal granted.

The receipt of \$ _____ special deposit is hereby acknowledged.

GENERAL DEPOSIT.

BUREAU OF PERMITS AND LICENSES.

Inspection Fee Paid 15.00 ck. # 3724

Received by _____

FIRE PREVENTION BUREAU
FERRI APPLIANCES

CERTIFICATE OF TANK AND EQUIPMENT INSPECTION

Inspected and passed on 22 MARCH 1977

By W.L. Beckman Fire Marshal

NOTICE

Before Covering Tanks, Above Certificate Must Be Signed.

When ready for inspection notify Fire Prevention Bureau, 272-8851

THIS PERMIT MUST BE LEFT ON THE WORK AS AUTHORITY THEREFOR.

RICHARD G. BURGE

ONE KAISER PLAZA, SUITE 1010
OAKLAND, CA 94612

TEL (510) 452-1433
FAX (510) 452-4412

July 30, 1993

Larry Seto
Sr. Hazardous Materials Specialist
Dept. of Environmental Health
Alameda County Health Care Services
80 Swan Way, Room 200
Oakland, CA 94621

Subject: 2369 Harrison Street, Oakland, CA.

Dear Larry:

Since meeting with you and sending my 7/20/93 letter, we have made further checks with the City of Oakland, Fire Prevention Department, and have discovered that on 3/14/77 Shell Oil Company was issued Permit #8193 by the City of Oakland for the removal of 4 or 5 tanks as follows:

- a) One 5,000 gallon
- b) One 550 gallon
- c) One 8,000 gallon
- d) One 10,000 gallon


I believe I showed you a copy of the Shell Station as built surface plan when you were in my office, and also the Shell deed restriction on selling and/or storing gas or petroleum products for 20 years from the date I acquired the property on 5/31/77. Before I acquired the land, the station, tanks, paving, etc. were all removed and the excavated area was replaced with clean fill.

The Shell Oil Company was the owner and operator of this site for many years, and any soil contamination from gasoline, diesel, lubricating oils, etc. occurred during Shell's occupancy and ownership. For this reason, we believe that Shell Oil Company should be named an additional responsible party, as clearly no gas, diesel, or lubricating oil has been stored, sold, or discharged on the site commercially since my purchase of the land on 5/31/77.

Your help on this will be very much appreciated, as we would like to have Shell named and involved as a primary responsible party before I spend more money and proceed further, pursuant to my letter to you of 7/20/93.

Thanks for your help.

Sincerely,


Richard G. Burge

RGB/r
enclosures

RICHARD G. BURGE

ONE KAISER PLAZA, SUITE 1010
OAKLAND, CA 94612

TEL (510) 452-1433
FAX (510) 452-4412

July 20, 1993

Larry Seto
Sr. Hazardous Materials Specialist
Department of Environmental Health
Alameda County Health Care Services
80 Swan Way, Room 200
Oakland, CA 94621

Subject: 2350 Harrison Street
Oakland, CA

Dear Larry:

Thank you for coming to my office last Thursday to review the soil sample test results, and to give me direction in trying to resolve this matter.

Based on our conversation, it is my understanding that sample #1 is eliminated as a problem. #2 and #3 had very modest showings of oil and gas, and will eventually break down in the clay based matrix.

The higher levels of oil and gas were found in #4 and it is at or near (within 10') that we should drill another hole in order to; a) See if #4 was caused by oil dropping into the hole from the rig; b) To delineate any concentration of oil and gas in this area.

Finally, if we find confirmation of test results at #4, you suggested installing a monitor well to check on groundwater.

You also asked that the drums containing dirt from test holes be removed from the site in a correct manner.

Larry, I really appreciate your help on this, and I will keep you advised as we proceed with this program. If there is something I have overlooked, please advise.

Kind regards,



Richard G. Burge

RGB/r

RICHARD G. BURGE

ONE KAISER PLAZA, SUITE 1010
OAKLAND, CA 94612

TEL (510) 452-1433
FAX (510) 452-4412

June 11, 1993

Larry Seto
Sr. Hazardous Materials Specialist
Department of Environmental Health
Alameda County Health Care Services
80 Swan Way, Room 200
Oakland, CA 94621

Subject: 7-Eleven Store
2350 Harrison Street
Oakland, CA.
RE: Your 3/2/93 and 6/1/93 Letters

Dear Larry:

I appreciated your time on the telephone this morning, and I am confirming our meeting date for 6/23/93 at 2-2:30 P.M. at my office in Suite 1010, #1 Kaiser Plaza, Oakland, CA.

Per our conversation, I am enclosing soil sample list results obtained at the above referenced property by Ground Water Technology. I was not at the site when samples were taken, but the first holes dug were at #1 and #2 on locator map, so I am assuming that the referenced soil piles tests are from those holes.

Also enclosed as requested is check for \$483.00 payable to Alameda County.

I appreciate your help on getting this resolved.

Sincerely,



Richard G. Burge

RGB/r
enclosures



Certify Mailer P 418 724 527

June 1, 1993

Mr. Richard Burge
Burge Development Company
One Kaiser Plaza, Suite 1010
Oakland, CA 94612

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
50 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

Second Notice of Legal Obligation
RE: 7-11 Store, 2350 Harrison Street, Oakland, CA 94612

Dear Mr. Burge:

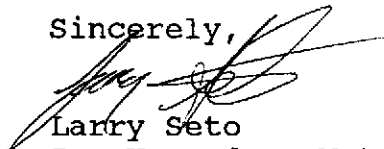
On May 26, 1993 I inspected the above site. There are twenty-one 55 gallon drums on your property that are not properly labelled. An employee of the store informed me that the drums contain contaminated soil. These drums must be properly labelled, and their contents tested for the presence of hazardous materials immediately. Once this is done, the waste must be disposed of in accordance to the applicable regulation.

A letter dated March 2, 1993 from our office was sent to you requesting that you submit a plan of correction within 30 days to address the soil contamination that was discovered at the above site. As of this date, we have not received your plan. Please submit your plan within 10 days of the receipt of this letter. **If a plan of correction is not received within this time frame, your file will be submitted to the District Attorney's office for review.**

Please submit another deposit/refund check for \$483.00 made payable to the County of Alameda within ten days. The current balance on your account is -\$69.00.

If you have any questions, please contact me at 271-4320.

Sincerely,



Larry Seto

Sr. Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Bob Vesques, Southland Corp.
Rich Hiatt, RWQCB
Ed Howell, Chief, Hazardous Materials
Department of Toxic Substance Control

P 418 724 527



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

- GENERAL:**
- Complete items 1 and/or 2 for additional services.
 - Complete items 3, and 4a & b.
 - Print your name and address on the reverse of this form so that we can return this card to you.
 - Attach this form to the front of the mailpiece, or on the back if space does not permit.
 - Write "Return Receipt Requested" on the mailpiece below the article number.
 - The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr Richard Burge
Burge Development Co
One Kaiser Plz ste 1010
Oakland CA 94612

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number
P 418 724 527

4b. Service Type

<input type="checkbox"/> Registered	<input type="checkbox"/> Insured
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise

7. Date of Delivery
L.S. 6-3-93

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**Harold E. Nutter
& Son, Inc.**
Electrical Contractors and Engineers

May 25, 1993

Southland Corp.
P.O. Box 9097
Pleasanton, Ca. 94588

ATTENTION: Jerry Zimowske

RE: 7-Eleven Store # 20009
2350 Harrison Street - Oakland, Ca.

Dear Jerry:

This letter is to inform you of the current status of the contaminated soil that was excavated during the installation of the underground conduit system and pole light standards at the above referenced location.

As you are aware our contractual obligation requires our company to remove all normal spoils that are excavated during construction. Normal meaning a common or natural condition. I have been informed by Sandra Lindsey of Groundwater Technology Inc. that their company has been hired by the owner of the property, Mr. Richard Burge of Burge Development Company, to monitor and dispose of the contaminated spoils. The current status to our knowledge is that all the spoils, consisting of approximately 5 1/2 yards, are currently stored in 21 steel drums on the job site waiting for removal. We at this time will process the bill for work that was done at the store, and any additional cost we incurred due to the nature of the work. We will not, however, be able to obtain an electrical final until the spoils on the job site have been removed.

I am enclosing copies of the following letters sent to Mr. Burge: Groundwater Technology Inc. dated April 13, 1993; Alameda County Health Care Services dated March 2, 1993.

Page 2
7-Eleven Store # 20009
May 25, 1993

Please call if you have any questions or need additional information.

Very truly yours,

HAROLD E. NUTTER, INC.

By: Butch Kennedy
Estimator

HPK/lrf

cc: Bob Vasquez - Southland Corp.
Larry Seto - Alameda Co. Health Care Services
Sandra Lindsey - Ground Water Tech.

N

**Harold E. Nutter
& Son, Inc.**
Electrical Contractors and Engineers

FAXED

DATE: March 3, 1993

FAX TRANSMITTAL LETTER

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Larry Seto

FIRM: Alameda County

CITY:

REMARKS: RE: 7-Eleven Store #20009

Harrison St.

Revised 11/92

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 2

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL AS SOON AS POSSIBLE.

SIGNED: Butch Kennedy/lrf

1	0.1	0.2	0.4	0.7	1.0	1.3	1.2	1.3	2.6	6.5	13.8	13.6	8.3	3.0	1.0	0.0	0.0	0.0	
1	0.2	0.4	0.8	1.3	1.9	2.2	1.9	1.7	2.1	5.5	12.9	14.8	7.3	2.1	1.0	0.7	0.5	0.3	0.2
1	0.3	0.7	1.3	2.3	3.7	3.7	2.7	2.0	1.7	1.7	2.0	1.9	1.7	1.3	1.0	0.7	0.5	0.3	0.1
1	0.3	1.0	2.5	5.0	7.7	6.1	4.3	2.9	2.2	2.0	1.9	2.1	2.1	1.9	1.6	1.2	0.8	0.4	0.2
0	0.2	0.8	3.1	9.3	12.5	9.6	6.3	4.7	2.8	3.4	3.3	3.5	3.7	3.7	3.4	2.6	1.3	0.6	0.3
0	0.5	2.1	7.8	17.2	14.5	10.0	7.0	5.0	3.0	2.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	0.4
E TYPE B, TYP 2.	3.6	10.8	15.0	14.3	19.0	19.3	13.9	8.9	8.0	10.1	14.0	16.8	11.0	4.2	1.8	0.9			
	4.6	9.7	13.5	16.8	15.8	12.9	10.8	11.1	15.4	22.5	19.2	9.2	4.2	2.0					
	8.5	10.4	9.7	9.7	11.0	14.4	22.0	31.1	37.7	28.2	15.8	7.0	2.8						
SIDEWALK	6.8	8.1	11.0	17.9	29.5	35.7	30.4	21.1	13.7	6.7	2.9								
	7.0	19.2	35.1	37.1	23.7	15.5	10.2	5.8	2.8										
	9.5	16.4	23.2	23.8	18.0	11.0													
	8.1	8.3	9.3	SIDEWALK	3.8	2.5	1.6												

NOTE 1

SIDEWALK

NOTE 2

DRIVE

(N)FIXTURE TYPE C, TYP 2.

DRIVE

DRIVE

(E)FLOODLIGHT TO BE REMOVED, (E)7-11 SIGN TO REMAIN.

03/03/93 11:27
916 334 3123
HARDENUTTING

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Cert # P 113 815 494

DAVID A. SUANID, Assistant Agency Director

March 2, 1993

Mr. Richard Burge
Burge Development Company
One Kaiser Plaza #1010
Oakland, CA 94612

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To <i>Butch Kennedy</i>	From <i>Carmy Seto</i>	
Co.	Co. <i>Alameda County</i>	
Dept.	Phone #	
Fax # <i>916-374-7123</i>	Fax # <i>569-4757</i>	

RE: 7-11 Store, 2350 Harrison Street, Oakland, CA 94612

Dear Mr. Burge:

It is my understanding from Groundwater Technology Inc. that your company is the property owner of the above address. During the excavation in December '92 for the installation of new light posts, soil contamination was discovered at the above site. Soil samples taken from the excavation contained up to 3,200 ppm of lubricating oil and 89 ppm of gasoline. Please submit to this office within 30 days of the receipt of this letter a plan of correction. This plan must include, but shall not be limited to:

1. Method(s) that will be used to determine the lateral and vertical extent of contamination
2. Method(s) that will be used to determine the source of this contamination
3. Proposed remediation method(s)
4. An investigation/remediation timetable including the expected date of completion

Groundwater Technology, Inc. has submitted a sampling plan titled, Soil Sampling For Light Pole Installation dated February, 11, 1993 for the above site. It is acceptable with the understanding that during the subsurface remediation, there may be a requirement that the light post(s) be removed.

If you have any questions, please contact me at 271-4320.

Sincerely,

[Signature]
Larry Seto
Sr. Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Butch Kennedy, Harold Nutter & Son
Bob Vesquez, Southland Corp.
Rich Hiatt, RWQCB
Ed Howell, Chief, Hazardous Materials Division
Department of Toxic Substance Control

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Cert P 113 815 494

RAFAT A. SHAHID, Assistant Agency Director

March 2, 1993

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

Mr. Richard Burge
Burge Development Company
One Kaiser Plaza #1010
Oakland, CA 94612

RE: 7-11 Store, 2350 Harrison Street, Oakland, CA 94612

Dear Mr. Burge:

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If you have any questions, please contact me at 271-4320.

Sincerely,


Larry Seto

Sr. Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Butch Kennedy, Harold Nutter & Son
Bob Vesquez, Southland Corp.
Rich Hiatt, RWQCB
Ed Howell, Chief, Hazardous Materials Division *EJA*
Department of Toxic Substance Control



**GROUNDWATER
TECHNOLOGY, INC.**

4057 Port Chicago Highway, Concord, CA 94520 (415) 671-2387

FAX: (415) 685-9148

FAX TRANSMITTAL

DATE: 1/3/93

TIME: 8:35 am

TO: Larry Seto - ACHCS

FROM: Sandra L. Lindsey

FAX NUMBER: 569-4757

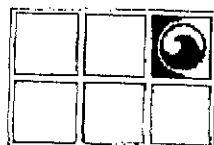
NO. OF PAGES (including cover page): 3

If you do not receive any of the pages, please call (510) 671-2387, Concord Regional/District Office.

To fax a reply, please send to (510) 685-9148.

MESSAGE

Larry
Please review.
Thanks,
Sandra



GROUNDWATER TECHNOLOGY, INC.

4057 Port Chicago Highway, Concord, CA 94520 (415) 671-2387

FAX: (415) 685-9148

February 1, 1993

Mr. Larry Seto
Alameda County Health Care Services Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

SUBJECT: 2350 HARRISON STREET, OAKLAND, CA. 94612

Dear Mr. Seto:

This letter has been prepared to present the work steps to be performed in response to the detection of Total oil and grease and lube oil hydrocarbons in two planter areas at the above referenced site. As we discussed in our telephone conversation of January 27, 1993 the following scope of work is proposed:

SCOPE OF WORK

- Excavate obviously impacted soils in the planter areas of the site to a depth of 5.0-feet below surface grade.
- Hand auger down to 10.0 feet below grade at two different locations in the planter areas and collect soil samples.
- Submit the soil samples to a State certified laboratory for chemical analyses for Total Oil and Grease by Environmental Protection Agency (EPA) method 3550 and hydrocarbons by gas chromatography (GC) EPA method 413.2.
- Place on and cover with polyethylene plastic the excavated soil for characterization and appropriate disposal.
- Monitor the air for volatile organic compounds using a photo-ionization detector (PID) to determine vapor concentrations in the work areas. If vapor concentrations exceed 50 parts per million vapor (ppmv) half face respirators will be required to be worn in the work areas.

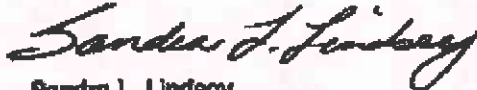
Please review the new GGT flow chart for the new what you think. Thanks!
Amir

Mr. Larry Seto
Alameda Health Care Services Agency

February 1, 1993
Page 2

A copy of the laboratory reports will be forwarded to your office as soon as they are available. Additional environmental work will be performed if the hydrocarbon concentrations exceed the State of California maximum contaminant levels. If you have any questions or comments, please do not hesitate to contact the Groundwater Technology, Inc. Concord office at (510) 671-2387.

Sincerely,
Groundwater Technology, Inc.



Sandra L. Lindsey
Project Manager

PR OK

cc: Mr. Richard Burge, Burge Development Company, One Kaiser Plaza # 1010
Oakland, California 94612



**GROUNDWATER
TECHNOLOGY, INC.**

4057 Port Chicago Highway, Concord, CA 94520 (415) 671-2387

FAX: (415) 685-9148

FAX TRANSMITTAL

DATE: 1/11/93

TIME: 12:55 pm

TO: Larry Sero

FROM: Sander L. Lindsey

FAX NUMBER: 569-4757

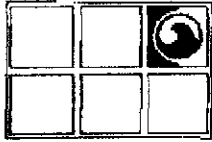
NO. OF PAGES (including cover page): 3

If you do not receive any of the pages, please call (510) 671-2387, Concord Regional/District Office.

To fax a reply, please send to (510) 685-9148.

MESSAGE

Larry,
Thanks for waiting!
Sander



GROUNDWATER TECHNOLOGY, INC.

4057 Port Chicago Highway, Concord, CA 94520 (415) 671-2387

FAX: (415) 685-9148

February 11, 1993

Mr. Larry Seto
Alameda County Health Care Services Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

**SUBJECT: SOIL SAMPLING FOR LIGHT POLE INSTALLATION
2350 HARRISON STREET, OAKLAND, CA. 94612**

Dear Mr. Seto:

This letter has been prepared to present the work steps to be performed in response to the detection of Total oil and grease and lube oil hydrocarbons in two planter areas at the above referenced site. As we discussed in our telephone conversation of January 27, 1993 the following scope of work is proposed:

SCOPE OF WORK

- Excavate obviously impacted soils in the planter areas of the site to a depth of 5.0-feet below surface grade.
- Hand auger down to 10.0 feet below grade at two different locations in the planter areas and collect soil samples.
- Submit the soil samples to a State certified laboratory for chemical analyses for Total Oil and Grease by Environmental Protection Agency (EPA) method 3550 and hydrocarbons by gas chromatography (GC) EPA method 413.2.
- Place on and cover with polyethylene plastic the excavated soil for characterization and appropriate disposal.
- Monitor the air for volatile organic compounds using a photo-ionization detector (PID) to determine vapor concentrations in the work areas. If vapor concentrations exceed 50 parts per million vapor (ppmv) half face respirators will be required to be worn in the work areas.

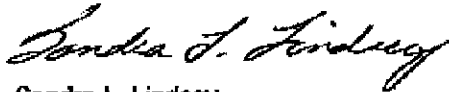
Offices throughout the U.S., Canada and Overseas

Mr. Larry Seto
Alameda Health Care Services Agency

February 11, 1993
Page 2

A copy of the laboratory reports will be forwarded to your office as soon as they are available. If you have any questions or comments, please do not hesitate to contact the Groundwater Technology, Inc. Concord office at (510) 671-2387.

Sincerely,
Groundwater Technology, Inc.



Sandra L. Lindsey
Project Manager

PR__

Fax cc: Mr. Richard Burge, Burge Development Company, One Kaiser Plaza # 1010
Oakland, 1California 94612





December 12, 1992

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621

Mr. Bob Vasquez, Environmental Coordinator (510) 271-4320
The Southland Corporation
5820 Stoneridge Mall Road, Suite 310
Pleasanton, CA 94586

RE: 7-11 Store, 2350 Harrison Street, Oakland, CA 94612

Dear Bob:

I have reviewed the laboratory results for two soil samples taken from the above site. Up to 3200 ppm of lubricating oil and 89 ppm of gasoline were detected. Please submit to this office within 30 days of the receipt of this letter a plan of correction. This plan must include, but shall not be limited to:

1. Method(s) that will be used to determine the lateral and vertical extent of contamination
2. Method(s) that will be used to determine the source of this contamination
3. Proposed remediation method(s)
4. An investigation/remediation timetable including the expected date of completion

In addition, please submit with your plan of correction, a deposit/refund check for \$681.00 made payable to the County of Alameda. Our office charges an hourly rate of \$71.00/hr. for our services.

If you have any questions, please contact me at 271-4320.

Sincerely,



Larry Seto

Sr. Hazardous Materials Specialist

cc: Gil Jensen, Alameda County Distist Attorney's Office
Consumer and Enviromental Protection
Rich Hiett, RWQCB
Dept. Toxic Substance Control
Sandra Lindsey, Groundwater Technology
Butch Kennedy, Harold Nutter & Son, Electrical Contractors
Ed Howell, Chief, Hazardous Materials Division

P 367 604 519

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 1989-234-555
PS Form 3800, June 1985

Sent to	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

SENDER: Complete items 1 and 2 when all services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional services.

1. Show to whom delivered, date, and address (Extra charge) 2. Restricted Delivery (Extra charge)

<p>3. Article Addressed to:</p> <p>Mr. Bob Vasquez, Env. Coord. The Southland Corporation 5820 Stoneridge Mall Road Pleasanton, CA 94586 Suite 310</p>	<p>4. Article Number</p> <p>P 367 604 519</p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>
<p>5. Signature - Address</p> <p>X</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p>
<p>6. Signature - Agent</p> <p>X</p> <p><i>[Handwritten Signature]</i></p>	
<p>7. Date of Delivery</p> <p>DEC 10 1982</p>	

N

**Harold E. Nutter
& Son, Inc.**
Electrical Contracting and Design

DATE: 12/14/92

FAX TRANSMITTAL LETTER

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: *Larry Seto*
FIRM: *Environmental Health Dept.*
CITY: *Alameda County*

REMARKS: *Dear Larry*

*Please find attached copy of letter regarding
the project we are doing at 2350 Harrison St
Oakland Ca.
Per your instructions to me we will
not proceed with further work until you have
notified Southland Corporation with written permission
D. De M.*

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 2

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL AS SOON AS POSSIBLE.

SIGNED *Butch Kinner*

THE
SOUTHLAND
CORPORATION

December 1, 1992

Mr. Butch Kennedy
5930 Rosebud Lane
Sacramento, CA 95841

Re: 7-Eleven #20009
2350 Harrison Street
Oakland, CA 94610

Dear Mr. Kennedy:

We have received verbal approval from Alameda County to proceed with work at this site. Groundwater Technology, an environmental consulting firm, will have an engineer on site to monitor safety and health while you proceed with your contracted work.

Please let me know if more information is needed.

Sincerely,

Bob
Bob Vasquez
Environmental Coordinator

BV/sh

c: John Quintanal
Bud Good
Dave Schmidt
Sandra Lindsey, GTI J/D 671-2387

Attn: Sandra Lindsey (2)

Transamerica
Title Insurance Services



Transamerica
Title Insurance Company (05-01)
Box 2066
440 Grand Avenue
Oakland, CA 94610
(415) 836-4772

204-5508-4101

SHELL OIL COMPANY
235 WEST MacARTHUR BLVD.
OAKLAND, CALIF. 94611
ATTN: WILL URBAN

cc: RICHARD BURGE

Escrow No.: 05-01-5880
Title No.:

Client Reference:
Buyer/Borrower:

Property Address: 2368 Harrison Street
(PLEASE VERIFY) Oakland, CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, Transamerica Title Insurance Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a California Land Title Association Standard Coverage form Policy of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy form.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of

February 23, 1977

, at 7:00 A.M.

CHARLENE VIGIL

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee Simple

Title to said estate or interest at the date hereof is vested in:

SHELL OIL COMPANY, a Delaware corporation

At the date hereof exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy form would be as follows:

Exhibit C To Offer of Agreement to Purchase Real Property From Shell

93 AUG -3 PM 4: 05

Attn: Sandra Lindsay (2)

Transamerica
Title Insurance Services



Transamerica
Title Insurance Company (05-01)
Box 2066
440 Grand Avenue
Oakland, CA 94610
(415) 836-4772

204-5508-4101

SHELL OIL COMPANY
235 WEST MacARTHUR BLVD.
OAKLAND, CALIF. 94611
ATTN: WILL URBAN

Escrow No.:
Title No.: 05-01-5880

Client Reference:
Buyer/Borrower:

cc: RICHARD BURGE

Property Address: 2368 Harrison Street
(PLEASE VERIFY) Oakland, CA

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Exhibit C To Offer of Agreement to Purchase Real Property From Shell

AFTER RECORDING MAIL TO:

Richard G. Burge
1900 Powell Street Suite 940
Emeryville, Calif. 94601

RECORDED at REQUEST OF
Transamerica Title Ins. Co.

At 10:30 A.M.

MAY 3 1 1977

OFFICIAL RECORDS OF

ALAMEDA COUNTY, CALIFORNIA

RENE C. DAVIDSON

COUNTY RECORDER

11-104468

LIMITED WARRANTY DEED

DOCUMENTARY TRANSFER TAX \$ 93.50 ✓
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES
REMAINING THEREON AT TIME OF SALE.

Sharon J. King Transamerica Title Co.
SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX - FIRM NAME
CITY OF *Oakland* (.) UNINCORPORATED

City of Oakland Tax \$ 425.00 ✓
1/2 of 1% of full value conveyed

402

THIS IS A DEED dated March 28, 1977 by SHELL OIL COMPANY, a Delaware corporation with offices at 1 Shell Plaza in Houston, Texas, 77001, (herein called "Grantor") to Richard G. Burge, a married man as his sole and separate property, Suite 940, 1900 Powell Street in Emeryville, California 94601 (herein called "Grantee"):

GRANTOR, for good and valuable consideration received, hereby grants and conveys to Grantee the following described Premises situated in Oakland County of Alameda, State of California:

Beginning at a point on the western line of Bay Place, distant thereon two hundred twenty-nine and 18/100 feet northerly on the arc of a curve to the left, the radius of which is five hundred thirty-four and 5/10 feet, from the point of intersection of the southern line of Lot Numbered 17 with said line of Bay Place, as said lot and place are shown on that certain map entitled, "Survey No. 824 for Henry C. Lee, Esq., 100 acre tract, Oakland Township", filed September 14th, 1867, in the office of the County Recorder of Alameda County; running thence northwesterly along said line of Bay Place, and on said arc one hundred twenty-two feet; thence continuing along said line of Bay Place along the arc of a curve to the left, the radius of which is ten feet, a distance of nineteen feet to the eastern line of Harrison Street, as said Harrison Street now exists; thence southwesterly along said line of Harrison Street on the arc of a curve to the left, the radius of which is seventy-seven hundred eighteen feet, a distance of eighty-five feet, more or less, to the intersection thereof with a line drawn north 87° 14' west from the point of beginning; and thence south 87° 14' east along said line so drawn, a distance of one hundred twenty-eight and 3/100 feet to the point of beginning.

TAX PAID
ALAMEDA COUNTY
CITY OF OAKLAND
TAX PAID

together with all rights, privileges and appurtenances thereto and all buildings and land improvements thereon, but subject to all easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show;

TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, successors and assigns forever.

SUBJECT to the foregoing and to the liens of all taxes and assessments for the year 1977 and subsequent years, Grantor covenants with Grantee that Grantor will warrant and defend the title to the premises against the lawful claims of all persons claiming by, through or under Grantor.

GRANTEE covenants, as part of the consideration for this conveyance, that, during the period of twenty (20) years after the date of this Deed, no petroleum products whatsoever shall be advertised, stored, sold or distributed on the premises

2401 Cross Canyon Rd.
San Ramon - 94583

OFFER OF AGREEMENT TO PURCHASE REAL PROPERTY FROM SHELL

SHELL OIL COMPANY

March 9, 1977

P. O. Box 11145

Oakland, California 94611

Gentlemen:

THE UNDERSIGNED ("Purchaser", whether one or more) offers this agreement in triplicate, which you ("Shell") may accept by executing it, procuring its execution also by Transamerica Title Insurance Company ("Title Company"), and returning one counterpart so executed to Purchaser, either by personal delivery or by depositing it in the mail, certified or registered, not later than May 1, 1977; after which Shell shall give Title Company notice of the date on which such counterpart was so delivered to Purchaser or deposited in the mail ("Return Date").

RB
John

1. PREMISES. Shell shall sell and convey, and Purchaser shall purchase and pay for, the premises located at 2368 Harrison Street in Oakland, California, and described in the form of Deed by Shell to Purchaser which is Exhibit A to this agreement; together with all rights and privileges appurtenant thereto, and all buildings and land improvements now located thereon (collectively "Premises"), and ~~also the equipment now located thereon described in the form of Bill of Sale by Shell to Purchaser which is Exhibit B to this agreement ("Equipment").~~

RB
John

2. PRICE.

2.1. Amount. The purchase price shall be Eighty-five Thousand and No/100 Dollars (\$ 85,000.00).

2.2. Earnest Payment. Purchaser tenders to Shell with this agreement, by certified/bank check, a payment of Eighty-five Hundred and No/100 Dollars (\$ 8,500.00) ("Earnest Payment"), which shall be returned by Shell to Purchaser, if Shell does not accept this agreement, but treated as hereinafter provided, if Shell accepts this agreement.

3. ESCROW. Within the period of fifteen days after the Return Date, the following deposits shall be made with Title Company in escrow, at its offices at its address specified below: (a) by Shell: Shell's Deed to convey the Premises to Purchaser, in the Exhibit A form, ~~and Shell's Bill of Sale to convey the Equipment to Purchaser, in the Exhibit B form;~~ and (b) by Purchaser: the entire balance of the purchase price (i.e., the amount specified in article 2.1, less the Earnest Payment) ("Purchase Money"), in cash or by certified or bank check. Promptly after receipt of all of those deposits, Title Company shall give Shell and Purchaser notice thereof. If Purchaser fails so to deposit the Purchase Money, this agreement shall automatically terminate at the end of such fifteen-day period, whereupon the Earnest Payment shall be forfeited by Purchaser to Shell and Title Company shall return to Shell Shell's Deed ~~and Bill of Sale.~~

RB
John

RB
John

4. CLOSING. The transaction shall be closed at Title Company's offices at its address specified below, on the fifteenth day after the date of Title Company's notice that all the deposits have been received (or, if that is not a business day for Title Company, on the next following such business day). If, at that place and time, Title Company will insure the title to the Premises in Purchaser's favor for the full amount of the purchase price, without any exceptions other than the standard printed exceptions and the special exceptions numbered None, set forth in Title Company's commitment to insure that title, bearing its Title No. 05-01-5880, which (or a true copy of which) is Exhibit C to this agreement: Title Company shall deliver to Purchaser Shell's Deed ~~and Bill of Sale~~, and to Shell the Purchase Money. Taxes, assessments, rents and other items of current revenue and expense shall be prorated between Shell and Purchaser as of the closing day; and all sale, transfer and documentary taxes, recording fees, and charges by Title Company (except that for its commitment to insure) shall be paid by Purchaser.

RB
John

5. TERMINATION. If, at the place and time of closing, Title Company will not so insure the title, this agreement shall then automatically terminate; whereupon Shell shall return to Purchaser the Earnest Payment, and Title Company shall return to Shell Shell's Deed ~~and Bill of Sale~~ and to Purchaser the Purchase Money.

RB
John

LIMITED WARRANTY DEED

THIS IS A DEED dated _____, 1977 by SHELL OIL COMPANY, a Delaware corporation with offices at 1 Shell Plaza in Houston, Texas, 77001, (herein called "Grantor") to Richard G. Burge, a married man, as his sole and separate property, Suite 940, 1900 Powell Street in Emeryville, California 94601 (herein called "Grantee"):

GRANTOR, for good and valuable consideration received, hereby grants and conveys to Grantee the following described Premises situated in Oakland, County of Alameda, State of California:

Beginning at a point on the western line of Bay Place, distant thereon two hundred twenty-nine and 18/100 feet northerly on the arc of a curve to the left, the radius of which is five hundred thirty-four and 5/10 feet, from the point of intersection of the southern line of Lot Numbered 17 with said line of Bay Place, as said lot and place are shown on that certain map entitled, "Survey No. 824 for Henry C. Lee, Esq., 100 acre tract, Oakland Township", filed September 14th, 1867, in the office of the County Recorder of Alameda County; running thence northwesterly along said line of Bay Place, and on said arc one hundred twenty-two feet; thence continuing along said line of Bay Place along the arc of a curve to the left, the radius of which is ten feet, a distance of nineteen feet to the eastern line of Harrison Street, as said Harrison Street now exists; thence southwesterly along said line of Harrison Street on the arc of a curve to the left, the radius of which is seventy-seven hundred eighteen feet, a distance of eighty-five feet, more or less, to the intersection thereof with a line drawn north 87° 14' west from the point of beginning; and thence south 87° 14' east along said line so drawn, a distance of one hundred twenty-eight and 34/100 feet to the point of beginning.

together with all rights, privileges and appurtenances thereto and all buildings and land improvements thereon, but subject to all easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show;

TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, successors and assigns forever.

SUBJECT to the foregoing and to the liens of all taxes and assessments for the year 1977 and subsequent years, Grantor covenants with Grantee that Grantor will warrant and defend the title to the premises against the lawful claims of all persons claiming by, through or under Grantor.

GRANTEE covenants, as part of the consideration for this conveyance, that, during the period of twenty (20) years after the date of this Deed, no petroleum products whatsoever shall be advertised, stored, sold or distributed on the premises

Exhibit A of Offer of Agreement to Purchase Real Property from Shell

hereby conveyed, or any part thereof. Grantor's waiver of any breach of this covenant shall not constitute a waiver of this covenant or of any subsequent breach hereof. This covenant shall run with land, shall bind Grantee's heirs, administrators, executors, successors and assigns, and shall inure to the benefit of Grantor's successors and assigns.

EXECUTED by Grantor as of the date first herein specified.

SHELL OIL COMPANY

[Signature]
E. D. LYNCH, MANAGER
REAL ESTATE ADMINISTRATION
CORPORATE REAL ESTATE

Attest:

[Signature]
P. J. MOREL, ASSISTANT SECRETARY

11-104468

STATE OF TEXAS }
COUNTY OF HARRIS } SS.

On this 28TH day of MARCH, 19 77, before me,
PATSY ANN HARRIS, a notary public in and for said
County and State, residing therein, duly commissioned and sworn,
personally appeared E. D. LYNCH, known to me to be the
MANAGER-
REAL ESTATE ADMINISTRATION of SHELL OIL COMPANY,
the corporation that executed the within instrument, and acknowledged
to me that such corporation executed the same.

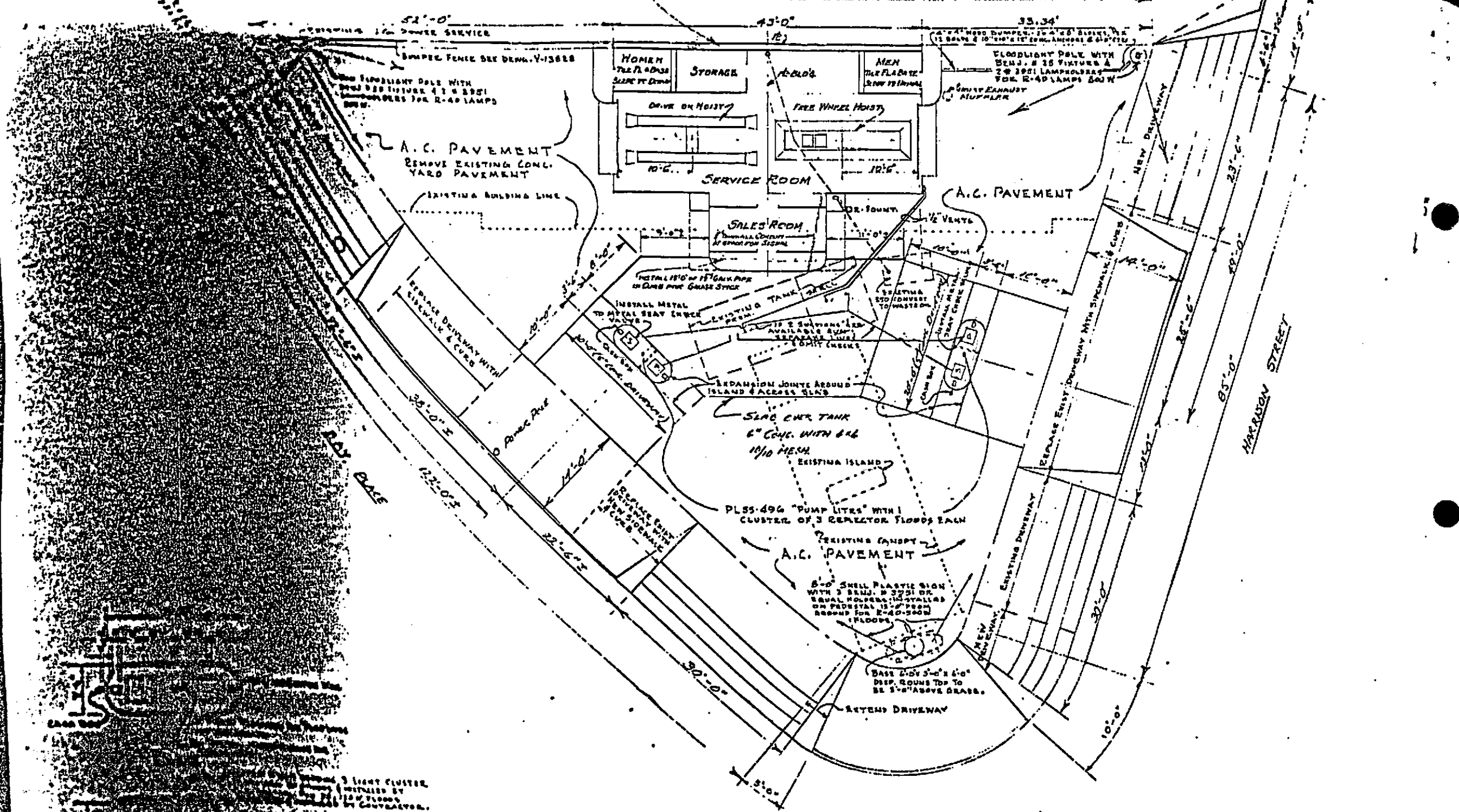
In witness whereof, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

My Commission Expires:

[Signature]
Notary Public

PATSY ANN HARRIS
Notary Public in And For Harris County, Texas
My Commission Expires June 1, 1977

THIS PORTION OF EXISTING FEED WALL TO REMAIN
CLOSE OPENINGS WITH 12" TILE
120.34'



Check with
Contractor for
Location of
Existing
Utilities
and
Obstructions
before
excavation
is started.

Contractor to
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and
backfill
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on
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