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ENVIRONMENTAL HEALTH SERVICES

Alameda County Health Care Services Agency
Environmental Health Department
Local Oversight Program
1131 Harbor Way Parkway, Suite 250
Alameda, California 94502-6577

Date: June 23, 2008
Your Reference: R0002530
Environmental Closure Report
Attn.: Ms Donna L. Drogos, PE

SUBJECT: SNK Andante Project at 3992 San Pablo Avenue, Emeryville, California

Dear Ms Drogos:

I am writing to you because we have received no communication from the Agency regarding the environmental "closure" of the Andante site in Emeryville, California.

Attached please find a copy of my letter addressed to Mr. Barney Chan dated March 26, 2007 indicating that Environmental Closure Reports were completed and would be uploaded to the Alameda County Environmental Health Care Agency's website. In that letter, we request the Agency's concurrence with the Closure Report's recommendations by our consulting engineers, The San Joaquin Company Inc. (SJC) - specifically that the Andante site be "closed" as a site under environmental regulatory oversight and that we further be permitted to close the monitoring well on the site.

To briefly summarize the history of events concerning the matter, in 2003 we completed all of the required physical remediation of the site and satisfied all of the closure requirements except for post-remediation groundwater-quality monitoring, which was subsequently completed in 2005. Along the way, we coordinated with the Agency, first with Ms. Eva Chu, then with Mr. Chan, to ensure that all work met with Agency approval. Towards this end, the Corrective Action Report and Environmental Closure Report can be directly referenced.

Having spent well in excess of \$0.5 million to remediate soil and groundwater on property that was affected by petroleum hydrocarbons released wholly at off-site locations, we respectfully request that the Agency issue a letter of "closure" for the Andante property and approve that the monitoring well be closed.

If we should apply for closure directly to the San Francisco Area Regional Water Quality Control Board, please advise us accordingly and we will make such application without delay.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.P.', written in a cursive style.

Don Peterson
Vice President
SNK Captec Andante LLC

Cc: Mr. Dai Watkins, The San Joaquin Company Inc.

Attachment: Closure report cover letter March, 2007



SNK Captec Andante LLC
3996 San Pablo Avenue, Suite A
Emeryville, CA 94608.

Alameda County Environmental Health Care Services
Local Oversight Program
1131 Harbor Way Parkway, Suite 250
Alameda, California 94502-6577

Date: March 26, 2007

Your Reference: RO-0002530

Attn: Mr. Barney Chan, REHS

SUBJECT: Environmental Closure Report - Andante Project, Emeryville, CA

Dear Mr. Chan:

Our consultants, The San Joaquin Company Inc. (SJC), have prepared a report titled: *Environmental Closure Report - Andante Project, 3992 San Pablo Avenue*, dated March 2007. That report includes a summary of the environmental site characterization and corrective action program that has been conducted on the subject property. It includes SJC's recommendation that the Andante site be "closed" as a site under environmental regulatory oversight. If you concur with our consultant's recommendation, following your issuance of a notice to that effect, we plan to close the monitoring well currently extant on the site under the permit and oversight of Alameda County Public Works Agency. The report will be uploaded to the Alameda County Environmental Health Care Agency's web site.

Please note that SNK Captec Andante LLC, which redeveloped the Andante property, was not responsible for the releases of petroleum hydrocarbons at off-site locations that contaminated the property at 3992 San Pablo Avenue.

With respect to the environmental closure report cited above, I state the following:

"I declare, under penalty of perjury, that the information and recommendations contained in the cited document are true and correct to the best of my knowledge"

If you have any technical questions about the material contained in environmental closure report please call Dr. Dai Watkins of The San Joaquin Company Inc. at (510) 336-9118. For administrative questions please call me at (626) 396-1600.

Sincerely,

Don Peterson
Vice President, SNK Captec Andante LLC

cc: Dr. Dai Watkins- The San Joaquin Company Inc.