



May 12, 1998

Mr. Derek C. Lee ✓  
State of California  
Regional Water Control Board  
San Francisco Bay Region  
2101 Webster Street, Suite 500  
Oakland, CA 94612

**Re: The Clorox Company**  
**850 42nd Street**  
**Oakland Plant**  
**Site Cleanup Order 95-233**  
**Implementation of Institutional Restraints**  
**and Deed Restrictions**

Dear Mr. Lee:

Pursuant to the Site Cleanup Order (95-233), this letter and attachments documents measures taken by The Clorox Company (Clorox) to restrict the usage of the subject property, and to notify downgradient property owners of off-site pollution management measures which are currently in place through Clorox actions.

In compliance of the Site Order, Clorox notified the Alameda County authorities of the site environmental conditions via a "Deed Restriction on Real Property" which was recorded by the County on January 13, 1987. Specific land use restrictions are clearly identified in this document, and the restriction notice is signed by an officer of Clorox.

In addition to the deed restrictions placed on this property, Clorox notified three downgradient neighboring property owners, including Larms Building and Garden Supply, Inc., Southern Pacific Transportation Company, and the California Department of Transportation. Clorox provided information to each of these property owners regarding the specific environmental concerns at the Clorox site, and the pollution management measures which affect these adjacent sites. Each of the adjacent site owners were requested to acknowledge the off-site pollution management measures defined in the attached documents; Larms and Southern Pacific signed the acknowledgment page of these documents, California Department of Transportation has not returned the acknowledgment letter. Each of the aforementioned documents are provided as attachments to this letter.

*Aberdeen Plant*  
1319 Perryman Road  
Aberdeen, Maryland  
21001-4026

(410) 273-5100  
Fax (410) 273-0105

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If you have any questions regarding the information provided herein, please call me at (410) 273-5145.

Sincerely,

**The Clorox Company**

A handwritten signature in black ink, appearing to read "Thomas J. Lusardi".

**Thomas J. Lusardi, C.P.G.  
Environmental Engineering Associate**

cc: J. Dionne (w/o attachments)  
M. Mazza, Esq.  
J. Stier

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**SITE DEED RESTRICTION**

Recorded at the request of:  
The Clorox Company  
1221 Broadway  
Oakland, California 94612  
Attention: Legal Services Department

Book \_\_\_\_\_ Page \_\_\_\_\_ 08

RECORDED IN OFFICIAL RECORDS  
OF ALAMEDA COUNTY, CALIF.  
RENE C. DAVIDSON, County Recorder

JAN 13 1987

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

8/5  
DEED OF  
RESTRICTIONS ON REAL PROPERTY

WHEREAS, The Clorox Company ("Grantor") is the fee owner of the real property situated in the City of Oakland, County of Alameda, State of California, described in the attached Exhibit A (the "Premises");

WHEREAS, it has been determined that there are traces of the element Mercury present in the upper layer of soil beneath the Premises;

WHEREAS, Grantor has made full and voluntary disclosure of the presence of Mercury on the Premises to the California Department of Health Services (the "Department") and Grantor has conducted extensive sampling of the Premises; and

WHEREAS, Grantor desires to comply with the Department's hazardous waste requirements;

NOW, THEREFORE, Grantor places the following restrictions on the Premises:

LIST OF RESTRICTIONS

- (1) Without a specific variance approved in writing by the Department, no construction or placement of a building or structure shall occur on the Premises which is intended for use as any of the following:
  - A) Residence for permanently occupied human habitation;
  - B) Hospital;
  - C) School for persons under 21 years of age;

- D) Day-care center; and
  - E) Any permanently occupied human habitation other than those used for industrial purposes.
- (2) Any activities that involve disturbance of the Premises must take into consideration the existence of contamination and potential health and safety problems.
- (3) All excavated material shall be handled as hazardous waste unless shown otherwise by sampling and analysis.

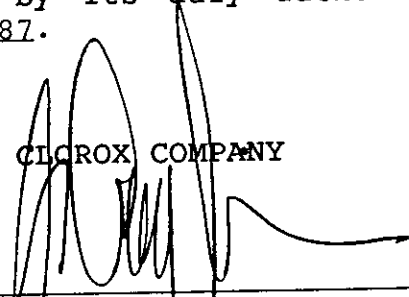
DURATION AND EFFECT OF RESTRICTIONS

These restrictions shall be recorded with the Recorder of the County of Alameda and shall remain in effect until such time as the Department determines that the restrictions are no longer necessary to protect current or future public health and safety. If such a determination is made, these restrictions may be removed by a release executed by the grantor or its transferees, successors and assigns attesting to that fact. Unless and until such a determination has been made, these restrictions will be binding on Grantor, Grantor's transferees, successors and assigns, as well as any lessees or occupants of the Premises.

Any failure to comply with the terms of these restrictions will result in enforcement action by the Department. The Department may also take enforcement action against any and all responsible parties if new information comes to the attention of the Department indicating that hazardous materials present on the site pose a significant hazard to public health and safety or to the environment.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be affixed hereto and this Deed of Restrictions on Real Property to be executed by its duly authorized officer this 8th day of January, 1987.

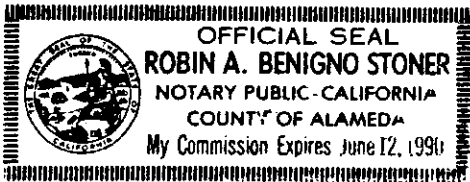
THE CLCROX COMPANY

By:   
G. Craig Sullivan  
Title: Vice President

STATE OF CALIFORNIA     )  
                                   )  
 COUNTY OF ALAMEDA     )     ss.

I, Robin A. Benigno Stoner, a Notary Public, do hereby acknowledge that on the 8th day of January, 1987, personally appeared before me G. Craig Sullivan, personally known to me to be a vice president of The Clorox Company, executing the foregoing documents, and being first duly sworn, acknowledged that he signed the foregoing documents in the capacity therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.



*Robin A. Benigno Stoner*  
 Notary Public

EXHIBIT ALEGAL DESCRIPTION OF PREMISES

PARCEL 1: LOTS 1 and 2 in Block 19, as said lots and block are shown on the "Map of Subdivisions of the northeast portion of the Sather Tract, Fruitvale, Brooklyn Township, Alameda County, California," filed December 6, 1902, in book 19 of Maps, page 1, in the office of the County Recorder of Alameda County.

PARCEL 2: COMMENCING at the point of intersection of the northwestern line of High Street, with the southwestern line of Warren Street, as said streets are shown on the map herein referred to; and running thence southwesterly along said line of High Street, 160.04 feet; thence northwesterly and parallel with the right of way of the Central Pacific Railroad Company, as said right of way is shown on said map, 159.88 feet; thence northeasterly and parallel with said line of High Street, 132.05 feet to said southwestern line of Warren Street; and thence southeasterly along said line of Warren Street, 165 feet to the point of commencement.

BEING all of Lots 3 and 4 and a portion of Lots 5 and 6, in Block 19, as said lots and block are shown on the "Map of Subdivisions of the Northeast portion of the Sather Tract, Fruitvale, Brooklyn Township, Alameda County, California," filed December 6, 1902, in book 19 of Maps, at page 1, in the office of the County Recorder of Alameda County.

PARCEL 3: BEGINNING at the intersection of the western line of High Street, with the northern line of the right of way of the Central Pacific Railroad, said point being the southeastern corner of Block 19, herein referred to; running thence northerly along said line of High Street, 100 feet; thence running westerly parallel with said line of the right of way of the said Central Pacific Railroad, 159.88 feet; and thence running southerly parallel with said line of High Street, 100 feet to said line of said right of way; thence running easterly along said line of said right of way, 159.88 feet to the point of beginning.

BEING Lot 7 and a portion of Lots 5 and 6, in Block 19, as said lots and block are shown on the "Map of Subdivisions of the Northeast portion of the Sather Tract, Fruitvale, Brooklyn Township, Alameda County, California," filed December 6, 1902, in book 19 of Maps, page 1, in the office of the County Recorder of Alameda County.

PARCEL 4: BEGINNING at the intersection of the northwestern line of 42nd, formerly Fulton, Avenue, with the southwesterly line of Wattling, formerly Warren, Street; thence north  $59^{\circ} 29'$  west along the southwesterly line of Wattling Street, 75.44 feet to a point; thence westerly from a tangent that bears south  $84^{\circ} 58' 10''$  west along a curve to the right, having a radius of 593.14 feet, an arc distance of 212.28 feet; thence along the southerly prolongation of the southeasterly line of 40th Avenue, south  $30^{\circ} 27'$  west, 55.74 feet to a point that is distant 50 feet northeasterly, measured at right angles from the center line of the Central Pacific Railway Company's westward main track; thence south  $49^{\circ} 45'$  east along a line that is parallel with and distant northeasterly 50 feet from said center line of westward main track, 219.14 feet to the northwesterly line of 42nd Avenue; thence north  $45^{\circ} 53'$  east along the northwesterly line of 42nd Avenue, 189.79 feet to the point of beginning.

CONTAINING 30,188 square feet, more or less.

EXCEPTING THEREFROM, that portion thereof, conveyed by Clorox Chemical Co., a corporation, to State of California, by deed dated January 12, 1948, recorded March 11, 1948, in book 5204 of Official Records of Alameda County, page 251.

PARCEL 5: COMMENCING at the intersection of the northwestern line of 42nd, formerly Fulton, Avenue, with the southwestern line of Wattling, formerly Warren, Street; thence north  $59^{\circ} 29'$  west, along the southwestern line of Wattling Street, 75.44 feet to the true point of beginning of the parcel of land to be described; thence westerly from a tangent that bears south  $84^{\circ} 58' 10''$  west along the arc of a curve to the right, having a radius of 593.14 feet, an arc distance of 212.28 feet; thence north  $30^{\circ} 27'$  east, along the southern prolongation of the southeastern line of 40th Avenue, 10.361 feet to a point that is distant 10 feet southerly, measured radially from the centerline of the Central Pacific Railway Company's existing Drill Track; thence easterly along a curve to the left, having a radius of 583.14 feet (chord bears south  $80^{\circ} 32' 41''$  east, 116.97 feet) concentric with and distant 10 feet southerly measured radially from said center line of track, an arc distance of 117.17 feet; thence south  $86^{\circ} 18' 02''$  east, 83.83 feet to a point in said southwestern line of Wattling, formerly Warren, Street, that is 6.94 feet northwesterly measured thereon from the true point of beginning; thence south  $59^{\circ} 29'$  east, along last said southwesterly line, 6.94 feet to the true point of beginning.

CONTAINING an area of 1880 square feet, more or less.

EXCEPTING THEREFROM, that portion thereof conveyed by Clorox Chemical Co., a corporation, to State of California, by deed dated January 12, 1948, recorded March 11, 1948, in book 5204 of Official Records of Alameda County, page 251.