

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

October 10, 2008

Paul Supple  
Atlantic Richfield Company  
(A BP Affiliated Company)  
P.O. Box 1257  
San Ramon, CA 94583

Subject: Fuel Leak Case No. RO0000014, BP #11132, 3201 35<sup>th</sup> Avenue, Oakland, CA 94619;  
Additional Responsible Party

Dear Mr. Supple:

In a Notice of Responsibility dated November 4, 1992, BP was notified that the above referenced site had been placed in the Local Oversight Program and that BP was named as a Responsible Party for the fuel leak case. Tosco (now Conoco Phillips) purchased the property in 1994 and has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720. Rajinder S. & Sukhvinder Sull purchased the property in 2007 and has also 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) 777-2478.

Sincerely,

Paresh C. Khatri  
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos, ACEH  
Paresh Khatri, ACEH  
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

October 10, 2008

**Site Name & Address:**

**BP #11132**  
**3201 35TH AVE**  
**Oakland, CA 94619**

**Local ID: RO0000014**  
**Related ID: 3878**  
**RWQCB ID: 01-0227**  
**Global ID: T0600100213**

**All Responsible Parties**

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**RP has been named a Primary RP - PAUL SUPPLE**  
**BP PRODUCTS NORTH AMERICA INC**  
PO BOX 1257 | SAN RAMON, CA 94583 | Phone (714) 670-5303

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**RP has been named a Primary RP - TERRY L GRAYSON**  
**CONOCOPHILLIPS**  
76 BROADWAY STREET | SACRAMENTO, CA 95818 | Phone (916) 558-7666

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**RP has been named a Primary RP - RAJINDER & SUKHVINDE SULL**  
2004 HARTNELL STREET | UNION CITY, CA 94587 | 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)

October 10, 2008

### Responsible Party Identification

#### Existence of Unauthorized Release

On March 5, 1986, the USTs failed tank tightness testing. Three groundwater monitoring wells were subsequently installed at the site on July 30, 1986. Sheen was detected on groundwater at the site in December 1986 indicating that an unauthorized release had occurred.

#### Responsible Party Identification

British Petroleum owned the subject property until 1994. British Petroleum is a responsible party because it owned the USTs (definition 1), operated the USTs for storage of hazardous substances (definition 2), owned the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (definition 3), and had control over the USTs at the time of or following an unauthorized release of a hazardous substance (definition 4).

Tosco purchased the property in 1994. Conoco Phillips purchased TOSCO and all assets including this property were absorbed by them in December 2005. Conoco Phillips as a successor to TOSCO is a responsible party for the site because they owned and operated the underground storage tanks (Definition 1), and formerly owned the property where an unauthorized release occurred, (Definition 3).

Rajinder S and Sukhvinder Sull purchased the property in May 2007. Rajinder S and Sukhvinder Sull are responsible parties because they own the property where an unauthorized release of a hazardous substance occurred (definition 3).