

ALAMEDA COUNTY
HEALTH CARE SERVICES



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AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 70022030000695741884

September 28, 2007

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

NOTICE OF RESPONSIBILITY

Site Name & Address:
CARNATION DAIRY
1310 14TH ST
Oakland, CA 94607

Local ID: RO0000018
Related ID: 3779
RWQCB ID: 01-0282
Global ID: T0600100262

Responsible Party:

MARK HALL
ENCINAL 14TH STREET LLC
1855 OLYMPIC BLVD #250
WALNUT CREEK CA 94596-5057

Date First Reported: 2/27/1989

Substance: 8006619 Gasoline-Automotive (motor gasoline and additives), leaded & unleaded

**Funding for Oversight: COSTRE - Cost Recovery Funds
SLIC, DoD, or local agency oversight**

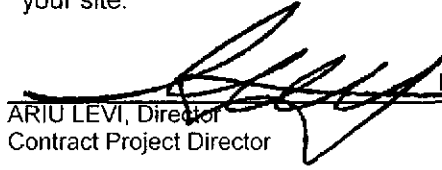
Multiple RPs?: Yes (eg. local agency voluntary assistance program).

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified NESTLE USA INC as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency, within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5650.

Pursuant to section 25296.10(c)(6) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the designation process.

Please contact your caseworker CHAN, BARNEY, at this office at (510)567-6765 if you have questions regarding your site.


Date: 09/28/07
ARIU LEVI, Director
Contract Project Director

Action: Add
Reason: Add RP

Attachment A: Responsible Parties Data Sheet
cc: Jenniffer Jordan, SWRCB, D. Drogos, File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

September 28, 2007

Site Name & Address:

CARNATION DAIRY
1310 14TH ST
Oakland, CA 94607

Local ID: RO0000018

Related ID: 3779

RWQCB ID: 01-0282

Global ID: T0600100262

All Responsible Parties

RP has been named a Primary RP - MICHAEL DESSO

NESTLE USA INC

800 NORTH BRAND BLVD | GLENDALE, CA 91203 | Phone (818) 549-5948

RP has been named a RP - MARK HALL

ENCINAL 14TH STREET LLC

1855 OLYMPIC BLVD #250 | WALNUT CREEK, CA 94596-5057 | 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)

September 28, 2007

Responsible Party Identification

Existence of Unauthorized Release

In January 1989, two gasoline underground storage tanks (USTs), two diesel USTs, and one waste oil UST were removed from the site. Free product was observed in the excavation pit of the fuel tanks. Staining of soils was observed in soil in the tank pit and beneath product piping. Subsequent site investigation encountered free product over a wide area extending north from the former USTs and piping. Laboratory results from soil borings indicated up to 15,660 micrograms per kilogram of total petroleum hydrocarbons (TPH) in soil.

Responsible Party Identification

Carnation, which is a subsidiary of Nestle, owned and operated the USTs and owned the real property from 1929 until 2000. An unauthorized release was discovered in 1989 when the USTs were removed. Nestle USA, Inc. is a responsible party because the unauthorized release occurred during or before the time Nestle owned the USTs (Definition 1), Nestle USA, Inc. owned the real property where an unauthorized release occurred (Definition 3), and Nestle USA, Inc. had control over the USTs at the time of or following an unauthorized release (Definition 4).

Encinal 14th Street LLC purchased the property from Nestle USA, Inc. in June 2000. Encinal 14th Street LLC is a responsible party because they currently own the real property where an unauthorized release occurred (Definition 3).

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Sent To Mark Hall Encinal 14th St. Lc
 Street, Apt. No.,
 or PO Box No. 1855 Olympic Blvd #250
 City, State, ZIP+4 Walnut Creek, CA 94596