



AGENCY

Certified Mail #: 7011 3500 0003 1848 4685

December 26, 2013

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**  
**ARCO #2112**  
**1360 PARK STREET**  
**ALAMEDA, CA 94501**

**Local ID: RO0000044**  
**Related ID: NA**  
**RWQCB ID:**  
**Global ID: T0600100083**

Responsible Party:

**M & S MINI MART INC**  
**C/O JOEL GUTIERREZ**  
**13411 IMPERIAL HIGHWAY**  
**WHITTIER, CA 90605-4236**

**Date First Reported: 6/30/1987**

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

**Funding for Oversight: LOPS - LOP State Fund**

**Multiple RPs?: Yes**

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 Atlantic Richfield Company 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) 341-5752.

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 WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site.

  
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ARIU LEVIK, Director  
Contract Project Director

Date: 12/26/2013

Action: Add RP  
Reason: Add current owner

Attachment A: Responsible Parties Data Sheet

cc: GeoTracker, eFile

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

December 26, 2013

**Site Name & Address:**

**ARCO #2112  
1260 PARK STREET  
ALAMEDA, CA 94501**

**Local ID: RO000044**

**Related ID: NA**

**RWQCB ID:**

**Global ID: T0600100083**

**All Responsible Parties**

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**RP has been named a Primary RP – CHARLES CARMEL**

**ATLANTIC RICHFIELD COMPANY**

P.O. BOX 1257 | SAN RAMON, CA 94583 | Phone 925-275-3803

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**RP has been named a Primary RP – M & S MINI MART C/O JOEL GUTIERREZ**

13411 IMPERIAL HIGHWAY | WHITTIER, CA 90605-4236 | Phone No Phone Number Listed

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**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:

"Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."

"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."

"Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."

"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.

**Existence of Unauthorized Release**

During the removal of five underground storage tanks (USTs) and associated piping on July 26, 1990, soil contamination was observed in the excavation. Soil samples collected from the tank excavation had up to 23,000 parts per million (ppm) of total petroleum hydrocarbons as gasoline (TPHg) and 150 ppm of benzene. Based on these results from the UST removals, an unauthorized release or releases occurred from the UST system.

**Responsible Party Identification**

Atlantic Richfield Company is a responsible party for the fuel leak because they were the former business owner, tank owner, and tank operator (Definition 1), were the former property owner (Definition 3), and had control of the UST at the time of or following an unauthorized release (Definition 4).

M & S Mini Mart, Inc. purchased the property in 2011. M & S Mini Mart, Inc. is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).