

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7002 2030 0006 9574 2300

January 09, 2009

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:

**UNOCAL #6129
3420 35TH AVE
Oakland, CA 94619**

**Local ID: RO0000058
Related ID: 518
RWQCB ID: 01-1590
Global ID: T0600101465**

Responsible Party:

SON T. NGUYEN

**3420 35TH AVENUE
OAKLAND CA 94619**

Date First Reported: 9/20/1989

**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 CONOCOPHILLIPS 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 JAKUB, BARBARA, at this office at (510)639-1287 if you have questions regarding your site.


ARJI LEVI, Director
Contract Project Director

Date: JAN 9, 2009

Action: Add
Reason: New Property Owner

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 09, 2009

Site Name & Address:

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3420 35TH AVE
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All Responsible Parties

RP has been named a Primary RP - TERRY L GRAYSON
CONOCOPHILLIPS

76 BROADWAY STREET | SACRAMENTO, CA 95818 | Phone (916) 558-7666

RP has been named a Primary RP - SON T NGUYEN

3420 35TH AVENUE | OAKLAND, CA 94619 | 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)

January 09, 2009

Responsible Party Identification

RO 58, 3420 35th Ave, Oakland

Existence of Unauthorized Release

Two 10,000-gallon gasoline underground storage tanks (USTs) and one 550-gallon waste-oil UST were excavated and removed from the site September 11, 1989. The cause of the release is listed on the unauthorized release form as unknown.

Maximum petroleum hydrocarbon concentrations of 690 milligrams per kilogram (mg/Kg) total petroleum hydrocarbons as gasoline (TPHg) and 3.2 mg/Kg benzene were detected from initial piping soil samples collected during the tank removal.

In November 2003 a due diligence investigation discovered methyl tertiary butyl ether in soil at maximum concentrations of 0.41 mg/Kg in soil and 2,100 ug/L in groundwater.

Responsible Party Identification

Unocal (currently ConocoPhillips) was the business owner, tank owner and property owner at the time of and following the release(s). Unocal is a responsible party for the site because they owned and operated the underground storage tanks (Definition 1), formerly owned the property where an unauthorized release occurred, (Definition 3), and had control of an underground storage tank at the time of an unauthorized release (Definition 4).

Tosco purchased the portion of Unocal which included this property in April 1997. Tosco meets the definition of a responsible party for the site because they formerly owned the property where an unauthorized release occurred (Definition 3).

Conoco Phillips purchased TOSCO and all assets including this property were absorbed by them in December 2005. Conoco Phillips as a successor to Unocal is a responsible party for the site because they owned and operated the underground storage tanks (Definition 1), formerly owned the property where an unauthorized release occurred, (Definition 3), and had control of an underground storage tank at the time of an unauthorized release (Definition 4).

Son T. Nguyen purchased the property in January 2006 and is the business owner, tank owner and property owner following an unauthorized petroleum hydrocarbon release(s). Son T. Nguyen meets the definition of a responsible party for the site because he owns the property where an unauthorized release occurred, (Definition 3).

0002 4256 9000 0000 2030 2000		U.S. Postal Service™	
		CERTIFIED MAIL™ RECEIPT	
		<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
		For delivery information visit our website at www.usps.com	
		OFFICIAL USE	
Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee <i>(Enforcement Required)</i>			
Son T. Nguyen 3420 35th Avenue Oakland, CA 94619			
City, State, ZIP+4			
PS Form 3800, June 2002		See Reverse for Instructions	

UNITED STATES POSTAL SERVICE

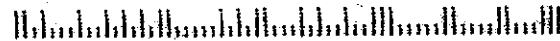


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
Attn: Barbara, RO#58

Alameda County
JUN 21 2009
Environmental Health



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Son T. Nguyen
3420 35th Avenue
Oakland, CA 94619**

2. Article Number
(Transfer from service label)

7002 2030 0006 9574 2300

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Son Nguyen* Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

SON NGUYEN *11/16/09*

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

SOI

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL PROTECTION
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January 9, 2009

Terry L. Grayson
ConocoPhillips
76 Broadway
Sacramento, CA 95818

Subject: Fuel Leak Case No. RO0000058, Unocal #6129, 3420 35th Ave., Oakland, CA 94619;
Add Responsible Party

Dear Mr. Grayson:

In a Notice of Responsibility dated March 11, 1992, Unocal was notified that the above referenced site had been placed in the Local Oversight Program and that Unocal was named as a Responsible Party for the fuel leak case. Son T. Nguyen purchased the property in January 2006 and has 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) 639-1287.

Sincerely,

Barbara J. Jakub
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos, ACEH
Barbara Jakub, ACEH
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

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