

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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August 20, 2008

Paul Supple
BP West Coast Products, LLC
P.O. Box 1257
San Ramon, CA 94583

Subject: Fuel Leak Case No. RO0000204, ARCO #4494, 566 Hegenberger Road, Oakland, CA
94621 – Additional Responsible Party

Dear Mr. Supple:

In Notices of Responsibility dated April 10 1992, ARCO (currently BP West Coast Products, LLC.) was notified that the above referenced site had been placed in the Local Oversight Program and that ARCO was named as Responsible Party for the fuel leak case. Apogee Holdings, LLC. purchased the property 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) 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

August 20, 2008

Site Name & Address:

ARCO #4494
566 HEGENBERGER RD
Oakland, CA 94621

Local ID: RO0000204
Related ID: 3854
RWQCB ID: 01-0112
Global ID: T0600100104

All Responsible Parties

RP has been named a Primary RP - PAUL SUPPLE
BP WEST COAST PRODUCTS LLC
PO BOX 1257 | SAN RAMON, CA 94583 | Phone (925) 275-3801

RP has been named a Primary RP - JAMES F BROWN
APOGEE HOLDINGS LLC
100 PRINGLE AVENUE, #229 | WALNUT CREEK, CA 94596 | 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)

August 20, 2008

Responsible Party Identification

Existence of Unauthorized Release

On December 16, 1988, one 280-gallon waste oil underground storage tank (UST) was removed from the site. Confirmation samples collected at the site verified soil and groundwater impact from previous release(s) of gasoline, diesel fuel, and motor oil.

Responsible Party Identification

BP Products West Coast, LLC. (previously known as Atlantic Richfield Company) owned the subject property from circa January 1977 until circa December 2007. BP Products West Coast, LLC. 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).

Apogee Holdings, LLC. purchased the property in December 1997. Apogee Holdings, LLC. is a responsible party because it owns the property where an unauthorized release of a hazardous substance occurred (definition 3).