

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 3855

August 20, 2008

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:**

**ARCO #4494  
566 HEGENBERGER RD  
Oakland, CA 94621**

**Local ID: RO000204  
Related ID: 3854  
RWQCB ID: 01-0112  
Global ID: T0600100104**

**Responsible Party:**

**JAMES F. BROWN  
APOGEE HOLDINGS LLC  
100 PRINGLE AVENUE, #229  
WALNUT CREEK CA 94596**

**Date First Reported: 4/19/1989**

**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 BP WEST COAST PRODUCTS LLC 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 KHATRI, PARESH, at this office at (510)777-2478 if you have questions regarding your site.

  
\_\_\_\_\_  
ARIU LEVI, Director  
Contract Project Director

Date: 8/22/08

Action: Add  
Reason: NEW PROPERTY OWNEF

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**

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**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

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**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

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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:

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).

**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:

**James F. Brown  
Apogee Holdings LLC  
100 Pringle Avenue, # 229  
Walnut Creek, CA 94596**

2. Article Number  
(Transfer from service label)

7006 3450 0000 0503 3855

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)  Yes

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7006 3450 0000 0503 3855



ALAMEDA COUNTY  
**HEALTH CARE SERVICES AGENCY**  
Department Of Environmental Health  
Environmental Protection Division  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577

**RECEIVED**  
SEP 02 2008  
ENVIRONMENTAL HEALTH SERVICES

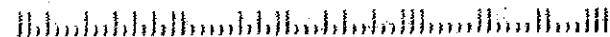
*Val*

**James F. Brown  
Apogee Holdings LLC  
100 Pringle Avenue, # 229**

NIXIE 945 DA 1 00 08/28/08

RETURN TO SENDER  
VACANT  
UNABLE TO FORWARD

DC: 94502654031 \*2305-11951-25-38



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