

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH DEPARTMENT  
OFFICE OF THE DIRECTOR  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

Certified Mail #: 7002 2030 0006 9574 2171

November 29, 2011

**NOTICE OF RESPONSIBILITY**

Site Name & Address:

**RINO PACIFIC / OAKLAND TRUCKSTOP  
1107 5TH ST  
Oakland, CA 94607**

Local ID: **RO0000234**  
Related ID: **922**  
RWQCB ID: **01-2322**  
Global ID: **T0600102136**

Responsible Party:

**TONY MUIR & LILLIE EARLS**

**PO BOX 328  
WILSONVILLE OR 97070-0328**

Date First Reported: 2/17/1995

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

Funding for Oversight: LOPS - LOP State Fund

Multiple RPs?: No

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 RINO PACIFIC 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 LEVI, Director  
Contract Project Director

Date: 12/7/2011

Action: Add  
Reason: ADD RP

Attachment A: Responsible Parties Data Sheet

cc: Jenniffer Jordan, SWRCB, D. Drogos (Sent via electronic mail to donna.drogos@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

November 29, 2011

**Site Name & Address:**  
**RINO PACIFIC / OAKLAND TRUCKSTOP**  
**1107 5TH ST**  
**Oakland, CA 94607**

**Local ID: RO0000234**  
**Related ID: 922**  
**RWQCB ID: 01-2322**  
**Global ID: T0600102136**

**All Responsible Parties**

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**RP has been named a Primary RP - REED RINEHART**  
**RINO PACIFIC**  
2401 NORTH STATE ST | UKIAH, CA 95482 | Phone No Phone Number Listed

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**RP has been named a Primary RP - TONY MUIR & LILLIE EARLS**  
PO BOX 328 | WILSONVILLE, OR 97070-0328 | 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)

November 29, 2011

### **Responsible Party Identification**

#### Existence of Unauthorized Release

Fuel indicative of a release was observed during a product delivery on February 15, 1995. An Unauthorized Release Report was prepared on February 17, 1995. Subsequent site investigation activities have detected petroleum hydrocarbons in soil and groundwater over much of the site.

#### Responsible Party Identification

Rino Pacific Inc. was the business owner, tank owner, and tank operator at the time of the unauthorized release in 1995. Rino Pacific Inc. is a responsible party because they were the business owner, tank owner, and tank operator at the time of the unauthorized releases (Definition 1) and had control of the USTs at the time of or following an unauthorized release (Definition 4).

Lillian Earls and Tony Muir are responsible parties because they owned the property at the time of the release and are the current property owners (Definition 3).