



Certified Mail #: 7009 2820 0001 4372 5051

September 03, 2010

ENVIRONMENTAL HEALTH DEPARTMENT
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:

**BP #11127
5425 MARTIN LUTHER KING JR WAY
Oakland, CA 94609**

**Local ID: RO0000241
Related ID: 3105
RWQCB ID: 01-0220
Global ID: T0600100206**

Responsible Party:

**BILL BORGH
CONOCOPHILLIPS
76 BROADWAY STREET
SACRAMENTO CA 95818**

Date First Reported: 2/23/1987

**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 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: 9/3/10

Action: Add
Reason: New Property Owner

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

September 03, 2010

Site Name & Address:

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5425 MARTIN LUTHER KING JR WAY
Oakland, CA 94609

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

RP has been named a Primary RP - TOAN V NGUYEN
5425 M L KING JR WAY | OAKLAND, CA 94609 | 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)

September 03, 2010

Responsible Party Identification

Existence of Unauthorized Release

In August 1990, the dispensers at the site were removed and replaced. Compliance soil sampling detected hydrocarbon contamination. Following dispenser replacement activities, a Preliminary Site Investigation was conducted at the site. Soil and groundwater impact was verified from previous release of gasoline fuel.

Responsible Party Identification

British Petroleum owned the subject property from circa May 1989 until August 1994. British Petroleum 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).

Conoco Phillips (corporate successor to TOSCO and Union Oil Company of California), owned the subject property from August 1994 until June 2004. Conoco Phillips is a responsible party because it (or corporations it acquired) 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).

Toan V. Nguyen purchased the property in June 2004. Toan V. Nguyen is a responsible party because he owns the property where an unauthorized release of a hazardous substance occurred (definition 3).