



Atlantic Richfield Company
(a BP affiliated company)

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4 September 2008

Re: Refute Responsible Party Status
1450 Fruitvale Avenue
Oakland, California
ACEH Case No.RO307

Dear Mr. Khatri,

I am writing in response to your letter dated 9 July 2008 regarding Alameda County Environmental Health Case No.RO307 for 1450 Fruitvale Avenue in Oakland. Your latest correspondence still indicates some confusion regarding the timeline between when Richfield Oil Company sold the Site to Mr. Curtis L. Thomas, when the Site was last used as a gasoline station, and when the station building was demolished. If I may clarify:

- The Corporation Grant Deed provided to you in BP's letter of 20 June 2008 is evidence that Atlantic Richfield Company sold the subject property to Curtis & Joyce Thomas on 2 June 1976. The sale was recorded by Alameda County on 18 June 1976.
- The historic City of Oakland Building Department records provided to you in the same letter of 20 June 2008 indicated that Curtis Thomas operated a gas station at the Site AFTER Atlantic Richfield Company sold the property to him. A Plumbing Permit Application, signed by Curtis Thomas as Owner on 29 November 1976, states that "Building to be used for Gas Station." Furthermore, "(Alt.)" being circled on the application indicated the plumbing work was for an alteration of an existing commercial building and not for a new building. A copy of this evidence was provided to you in BP's letter of 20 June 2008.
- Finally, historical aerial photographs flown by Pacific Aerial Survey of Oakland indicate that the gas station building at the Site remained visibly unaltered until at least 1983. Aerial photographs of very good resolution and coverage from 1977, 1979, and 1983 show the gas station building in the same configuration as photographs from the years prior to the property transfer in 1976.

Based on the evidence, I must respectfully disagree with your conclusion that Mr. Thomas did not operate a gas station at the Site after the property sale on 2 June 1976. By his own handwritten signature, Curtis Thomas affirmed that the building was in use as a gas station at least through 29 November 1976. Efforts to obtain additional evidence have not been fruitful.

However, we believe the evidence provided on record adequately refutes BP's status as a "Responsible Party" according to the California Code of Regulations, Title 23, Section 2720. Specifically, we believe this indicates that BP was not the last "person who owned or operated an underground storage tank immediately prior to discontinuation of its use" (23 CCR 2720.2).

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10:07 am, Sep 08, 2008

Alameda County
Environmental Health



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Should you have any further questions or comments, I may be reached at my office number listed above.

Submitted by:

A handwritten signature in black ink that reads "Paul Supple". The signature is written in a cursive, flowing style.

Paul Supple
Environmental Business Manager

cc: Tom Venus, Broadbent & Associates, Inc. (Submitted via ENFOS)