

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 0434

January 07, 2010

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:

LEMOINE COLD STORAGE
630 29TH AVE
Oakland, CA 94601

Local ID: RO0000334
Related ID: 6070
RWQCB ID: 01-2298
Global ID: T0600102114

Responsible Party:

MICHEAL MARIA & PETE ALDERS

1714 SAN JOSE AVE
ALAMEDA CA 94501-4048

Date First Reported: 12/4/1996

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 NA 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 WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site.



ARIU LEVL, Director
Contract Project Director

Date: 1/8/10

Action: Add
Reason: Add RP

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 12, 2010

Site Name & Address:

LEMOINE COLD STORAGE
630 29TH AVE
Oakland, CA 94601

Local ID: RO0000334
Related ID: 6070
RWQCB ID: 01-2298
Global ID: T0600102114

All Responsible Parties

RP has been named a Primary RP - MICHAEL MARIA & PETE ALDERS

1714 SAN JOSE AVE | ALAMEDA, CA 94501-4048 | Phone No Phone Number Listed

RP has been named a Primary RP - CHUCK & NORMA M LEMOINE
LEMOINE COLD STORAGE

1367 52ND AVE | OAKLAND, CA 94601 | Phone No Phone Number Listed

RP has been named a Primary RP - DONNA PROFFITT

BANK OF AMERICA ENV SERVICES

4820 IRVINE BLVD | IRVINE, CA 92620 | Phone (714) 734-2068

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)

January 12, 2010

Responsible Party Identification

Existence of Unauthorized Release

In November 1996, a 1,000-gallon UST and associated piping were removed from the site. During the UST removal, stained soils and a petroleum hydrocarbon sheen on groundwater were observed. Seven soil samples (S-1 through S-7) were collected during the UST removal. Total petroleum hydrocarbons as gasoline (TPH-g) and benzene were detected in soil at concentrations up to 4,300 and 16 ppm, respectively. Based on the observations during the tank removal and the detections of fuel hydrocarbons and oxygenates in soil samples collected adjacent to the tank, an unauthorized release from the UST system occurred at the site. Subsequent investigation encountered petroleum hydrocarbons in soil and groundwater over a wide area downgradient from the UST.

Responsible Party Identification

Chuck and Norma LeMoine owned the property from 1981 until 1995. Chuck and Norma LeMoine were identified as responsible parties in a Notice of Responsibility dated February 26, 1997 because they owned the property where an unauthorized release occurred (Definition 3), were the business owner, tank owner, and tank operator at the time of the unauthorized release (Definition 1), and had control of the UST at the time of or following an unauthorized release (Definition 4).

Bank of America Properties owned the property from 1995 until 1997. Bank of America Properties were identified as a responsible party in a Notice of Responsibility dated February 26, 1997 because they owned the property where an unauthorized release occurred (Definition 3) and had control of the UST at the time of or following an unauthorized release (Definition 4).

Michael, Maria, & Peter Alders purchased the property in 1997. Michael, Maria, & Peter Alders are responsible parties because they are the current owner of the property where an unauthorized release occurred (Definition 3).