

## **Khatri, Paresh, Env. Health**

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**From:** Khatri, Paresh, Env. Health  
**Sent:** Wednesday, August 12, 2009 11:19 AM  
**To:** 'Faye Beverett'  
**Cc:** Drogos, Donna, Env. Health  
**Subject:** RO0000378; Wareham Property Development, 2855 Mandela Parkway, Oakland

Dear Ms. Beverett,

This reply e-mail is being sent to you to clarify why you are still receiving correspondences for the subject site, which you sold in 2006.

As you may be aware, the subject site is a contaminated property with cleanup overseen by Alameda County Environmental Health (ACEH). You were named Responsible Party for the subject site because you were the owner of the contaminated property. Title 23, California Code of Regulations, Article 11, Section 2720 defines a Responsible Party as any one of the following:

- a) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance;
- b) 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;
- c) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; or
- d) 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.

Although you sold the property in 2006, under the law, you still meet the Responsible Party definition, as the owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (definition "c"). Please note that joint and several liability is imposed to Responsible Parties for cleaning up contamination caused by the release(s) of hazardous substances and selling the property does not relieve you of your Responsible Party obligations. Although agreements can be made to apportion liability between responsible parties, those agreements are solely between the Responsible Parties and are not recognized under Title 23 or by ACEH.

Therefore, ACEH will continue to send correspondences to all Responsible Parties for the site. Please contact me should you have any questions regarding this e-mail correspondence.

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Local Oversight Program  
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<http://www.acgov.org/aceh/lop/lop.htm>

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**From:** Faye Beverett [mailto:fayeb@bardconsulting.com]  
**Sent:** Tuesday, August 11, 2009 10:20 AM  
**To:** Khatri, Paresh, Env. Health  
**Cc:** Greg Johnson  
**Subject:** 2855 Mandela Parkway

Dear Paresh

I received a letter dated July 28, 2009 from you regarding changes to groundwater monitoring requirements at 2855 Mandela Parkway, Oakland, CA. Fuel Leak Case No. RO0000378.

We no longer own this property, we sold it in 2006. Would you please explain why we are still on your records?

Thanks.  
Faye

I get up every morning determined both to change the world and to have one hell of a good time. Sometimes this makes planning the day difficult. -E.B. White, writer (1899-1985)

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