

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

December 5, 2012

Mr. Leonard Shirley
Southern Pacific Transportation Company
P.O. Box 2500
Broomfield, CO 80038

Mr. Leslie A. Bacon, et al
c/o Economy Lumber Company
750 High Street.
Oakland, CA 94601-4402

Subject: Notice of Responsibility; Fuel Leak Case No. RO0001135 and Geotracker Global ID T0600101305, 744 and 758 High Street, Oakland, CA 94601

Dear Gentlemen:

In a "Notice of Requirement to Reimburse" dated March 13, 1992, Southern Pacific Transportation Company (SPTC) was notified that the referenced site had been placed in the Local Oversight Program and that SPTC was named as a Responsible Party for the fuel leak case and in the "Notice of Responsibility" dated October 7, 2011, Leslie A. Bacon, et al, in care of Economy Lumber Company, was named as an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720. Because Union Pacific Railroad (UPRR) acquired SPTC in 1996, UPRR is named as an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720. Please see Attachment A, Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

Should you have any questions, please contact me at (510) 567-6708 or send me an electronic mail message at karel.detterman@acgov.org.

Sincerely,

A handwritten signature in cursive script that reads "Karel Detterman".

Digitally signed by Karel Detterman
DN: cn=Karel Detterman, o.ou,
email=karel.detterman@acgov.org,
c=US
Date: 2012.12.05 09:58:18 -0800

Karel Detterman, P.G.
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos (sent via E-mail to donna.drogos@acgov.org)
Karel Detterman (sent via E-mail to karel.detterman@acgov.org)

James E. Diel, Union Pacific Railroad Company, 9451 Atkinson Street, Suite 100, Roseville, CA 95747 (sent via E-mail to: jediell@up.com)

GeoTracker, Case Electronic File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

December 05, 2012

Site Name & Address: SOUTHERN PACIFIC TRANSPORTATION 744 HIGH ST Oakland, CA 94601

Local ID:	RO0001135
Related ID:	3722
RWQCB ID:	01-1413
Global ID:	T0600101305

All Responsible Parties

RP has been named a Primary RP - LEONARD SHIRLEY
SOUTHERN PACIFIC TRANS CO
PO BOX 2500 | BROOMFIELD, CO 80038 | Phone No Phone Number Listed

RP has been named a Primary RP - LESLIE A BACON, ET AL
ECONOMY LUMBER COMPANY
750 HIGH STREET | OAKLAND, CA 94601 | 510.437.1189

RP has been named a Primary RP - JAMES E DIEL
UNION PACIFIC RAILROAD COMPANY
9451 ATKINSON STREET, SUITE 100 | ROSEVILLE, CA 95747 | 916.789.5184

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)

December 05, 2012

Responsible Party Identification

Existence of Unauthorized Release

A gasoline release originating from an underground storage tank (UST) was first reported on July 15, 1986. A January 30, 1990 report entitled "Environmental Assessment Phase II Characterization Results Report" by Ecology and Environment, Inc. for Southern Pacific Transportation Company (SPTC) documented sampling of six site wells for Total Petroleum Hydrocarbon (TPH), Total Oil & Grease (TOG), and polychlorinated biphenyls (PCBs). Three groundwater samples contained TOG ranging from 2,300 to 2,800 micrograms per liter (ug/L), one well contained 1,500 ug/l TPH, and one well contained 1.0 ug/L PCBs. This data provides evidence that an unauthorized release has occurred at the site.

Responsible Party Identification

Southern Pacific Transportation Company owned the property from 1872 until 1998. SPTC is a responsible party for the site because they owned the property where an unauthorized release occurred (Definition 3).

In 1996, Union Pacific Railroad (UPRR) acquired SPTC. UPRR is an additional Responsible Party because they acquired SPTC, who owned the property where an unauthorized release occurred (Definition 3).

In 1998, the property was purchased by Leslie A. Bacon, et al, in care of Economy Lumber Company. Mr. Leslie A. Bacon, et al, has been named an additional Responsible Party because they are the current owners of a property where an unauthorized release occurred (Definition 3).