

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH DEPARTMENT
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Certified Mail #: 70092820000143727598

July 15, 2011

NOTICE OF RESPONSIBILITY

Site Name & Address:

**MOBIL / GIVENS INVESTMENT COMPANY
6398 TELEGRAPH AVE
OAKLAND, CA 94609**

**Local ID: RO0002460
Related ID: 6347
RWQCB ID: 01-0702
Global ID: T0600100647**

Responsible Party:

**SHEL GIVENS
GIVENS INVESTMENT COMPANY
1730 SOLANO AVE
BERKELEY CA 94707**

**Date First Reported: 3/26/1986
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 ZWEBEN ROBERT J & ELLEN TR ETAL 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) 341-5752.

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 JAKUB, BARBARA, at this office at (510)639-1287 if you have questions regarding your site.



ARIU LEVL, Director
Contract Project Director

Date: 7/19/2011

Action: Add
Reason: New

Attachment A: Responsible Parties Data Sheet

cc: Jenniffer Jordan, SWRCB, D. Drogos (Sent via electronic mail to donna.drogos@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

July 15, 2011

Site Name & Address:

**MOBIL / GIVENS INVESTMENT COMPANY
6398 TELEGRAPH AVE
OAKLAND, CA 94609**

**Local ID: RO0002460
Related ID: 6347
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All Responsible Parties

**RP has been named a Primary RP - ROBERT & ELLEN ZWEBEN
ZWEBEN ROBERT J & ELLEN TR ETAL
1730 SOLANO AVE | BERKELEY, CA 9470-7222 | Phone No Phone Number Listed**

**RP has been named a Primary RP - SHEL GIVENS
GIVENS INVESTMENT COMPANY
1730 SOLANO AVE | BERKELEY, CA 94707 | Phone (510) 526-1052**

**RP has been named a Primary RP - DIANE WAGNER
ZWEBEN ROBERT J & ELLEN TR ETAL
1730 SOLANO AVE | BERKELEY, CA 9470-7222 | 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)

July 15, 2011

Responsible Party Identification

Existence of Unauthorized Release

Four USTs (one 10,000-gallon gasoline, 2-5,000-gallon gasoline USTs and one 550-gallon waste oil tank) were removed on May 23, 1986. Samples collected from soil reported a maximum concentration of 105 mg/kg motor fuels and 0.31 mg/kg benzene and groundwater was reported at 0.05 mg/kg motor fuel hydrocarbons. Separate phase hydrocarbons were also observed

Responsible Party Identification

Robert and Ellen Zweben, Shel Givens and Diane Wagner owned the property since June 1985 and removed the underground storage tanks in 1986. Therefore, Robert and Ellen Zweben, Shel Givens and Diane Wagner meet the definition of a responsible party for the site because they owned the property where an unauthorized release occurred, (Definition 3), they had control over an underground storage tank at the time or following an unauthorized release of a hazardous substance (Definition 4) and they owned a UST used for the storage of a hazardous substance (Definition 1).

The property was transferred to the Robert J and Ellen C Zweben Trust in December 1988. The Robert J and Ellen C Zweben Trust meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred, (Definition 3) and they had control over an underground storage tank at the time or following an unauthorized release of a hazardous substance (Definition 4).