

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

March 26, 2018

ExxonMobil
4096 Piedmont Ave., #194
Oakland, CA 94611
Attn.: Jennifer Sedlachek
(Sent via electronic mail to:
jennifer.c.sedlachek@exxonmobil.com)

MHCB (USA) Leasing & Finance Corporation
C/o R J Dold
3200 Southwest Fwy
Houston, TX 77027

FSW Highland LLC
99 S. Hill Drive
Brisbane, CA 94005-1274
Attn.: Zack Spencer

BNY Western Trust Company
C/o R J Dold
Address Unknown

Valero
10955 Westmoor Drive, Suite 400
West Minster, CO 80021
Attn.: Roger Levin
(Sent via electronic mail to:
roger.levin@valero.com)

MHCB (USA) Leasing & Finance Corporation
c/o Ad Valorem Tax Department
Address Unknown

FWS Highland LLC
99 S. Hill Drive
Brisbane, CA 94005-1274
Attn.: Zack Spencer

Bieu Tran, Andy H Chan & Peter H. Chen
13081 Brookpark Rd.
Oakland, CA 94619-3503
(Sent via electronic mail to:
bieutran@yahoo.com)

Subject: Notice of Responsibility Add/ Remove Responsible Parties - Fuel Leak Case No. RO0002515 and Geotracker Global ID #T06019757161, Valero #3832, 3450 35th Avenue, Oakland, CA 94619

Dear Responsible Parties:

In a Notice of Responsibility dated February 25, 2003, ExxonMobil, Valero, and BNY Western Trust Company were notified that the above referenced site had been placed in the Local Oversight Program and were named as Responsible Parties for the fuel leak case. In a Notice of Responsibility dated June 23, 2016, MHCB (USA) Leasing & Finance Corporation c/o Ad Valorem Tax Department, FSW Highland LLC, and Bieu Tran & Andy H Chan et al were named as additional Responsible Parties for the fuel leak case. Peter H. Chen has been identified as the "et al" of the previously named "Bieu Tran & Andy H Chan et al" and has been named as an additional Responsible Party. Errors were made in the identification of MHCB (USA) Leasing & Finance Corporation c/o Ad Valorem Tax Department and FSW Highland LLC, and these entities are being removed from the list of Responsible Parties. They are being replaced with the corrected MHCB (USA) Leasing & Finance Corporation c/o R J Dold, and FWS Highland LLC, respectively, 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.

If you have any questions, please call me at (510) 567-6764 or send me an electronic mail message at keith.nowell@acgov.org.

Responsible Parties
RO0002515
March 26, 2018, Page 2

Sincerely,



Digitally signed by Keith Nowell
DN: cn=Keith Nowell, o=Alameda County,
ou=Department of Environmental Health,
email=keith.nowell@acgov.org, c=US
Date: 2018.03.23 13:37:48 -07'00'

Keith Nowell, PG, CHG
Hazardous Materials Specialist

cc: Dilan Roe, ACDEH, (*Sent via electronic mail to: dilan.roe@acgov.org*)
Paresh Khatri, ACDEH, (*Sent via electronic mail to: paresh.khatri@acgov.org*)
Keith Nowell, ACDEH (*Sent via electronic mail to: keith.nowell@acgov.org*)

Geotracker, File



Certified Mail #: 7011 3500 0003 1935 1672

March 16, 2018

NOTICE OF RESPONSIBILITY

Site Name & Address:

**VALERO #3832
3450 35TH AVE.
OAKLAND, CA 94619**

**Local ID: RO0002515
Related ID: NA
RWQCB ID: NA
Global ID: T06019757161**

Responsible Party:

**MHCB (USA) LEASING & FINANCE CORPORATION
C/O R J DOLD
3200 SOUTHWEST FWY
HOUSTON, TX 77027**

Date First Reported: 10/03/2002
Substance: • 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 MHCB (USA) LEASING & FINANCE CORPORATION C/O R J DOLD 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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

Date:

03-16-2018

RONALD BROWDER, Director
Contract Project Director

Action: ADD

Reason: NEW



Certified Mail #: 7011 3500 0003 1935 1696

March 16, 2018

NOTICE OF RESPONSIBILITY

Site Name & Address:

**VALERO #3832
3450 35TH AVE.
OAKLAND, CA 94619**

**Local ID: RO0002515
Related ID: NA
RWQCB ID: NA
Global ID: T06019757161**

Responsible Party:

**FSW HIGHLAND LLC
99 S. HILL DRIVE
BRISBANE, CA 94005-1274**

Date First Reported: 10/03/2002
Substance: • 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 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 previously identified FSW HIGHLAND LLC as a primary or active Responsible Party. It appears a letter transposition occurred; hence, FSW HIGHLAND LLC is being removed from the named list of Responsible Parties.

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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

Date:

03-16-2018

RONALD BROWDER, Director
Contract Project Director

Action: DELETE

Reason: UPDATE



Certified Mail #: 7011 3500 0003 1935 1689

March 16, 2018

NOTICE OF RESPONSIBILITY

Site Name & Address:

**VALERO #3832
3450 35TH AVE.
OAKLAND, CA 94619**

**Local ID: RO0002515
Related ID: NA
RWQCB ID: NA
Global ID: T06019757161**

Responsible Party:

**MHCB (USA) LEASING & FINANCE CORPORATION
C/O AD VALOREM TAX DEPARTMENT
PO BOX 690110
SAN ANTONIO, TX 78269-0110**

Date First Reported: 10/03/2002
Substance: • 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 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 previously identified MHCB (USA) LEASING & FINANCE CORPORATION C/O AD VALOREM TAX DEPARTMENT as a primary or active Responsible Party. No supporting documentation was located for this identification and MHCB (USA) LEASING & FINANCE CORPORATION C/O AD VALOREM TAX DEPARTMENT is being removed from the named list of Responsible Parties.

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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

RONALD BROWDER, Director
Contract Project Director

Date: 03-16-2018

Action: DELETE

Reason: UPDATE



Certified Mail #: 7011 3500 0003 1934 7651

March 16, 2018

NOTICE OF RESPONSIBILITY

Site Name & Address:

**VALERO #3832
3450 35TH AVE.
OAKLAND, CA 94619**

**Local ID: RO0002515
Related ID: NA
RWQCB ID: NA
Global ID: T06019757161**

Responsible Party:

**PETER H. CHEN
13081 BROOKPARK ROAD
OAKLAND, CA 94619-3503**

Date First Reported: 10/03/2002
Substance: • 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 PETER H. CHEN 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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

Date:

03-16-2018

RONALD BROWDER, Director
Contract Project Director

Action: ADD

Reason: NEW



Certified Mail #: 7011 3500 0003 1935 1665

March 16, 2018

NOTICE OF RESPONSIBILITY

Site Name & Address:

**VALERO #3832
3450 35TH AVE.
OAKLAND, CA 94619**

**Local ID: RO0002515
Related ID: NA
RWQCB ID: NA
Global ID: T06019757161**

Responsible Party:

**FWS HIGHLAND LLC
99 S. HILL DR
BRISBANE, CA 94005-1274**

Date First Reported: 10/03/2002
Substance: • 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 FWS HIGHLAND LLC 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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

 03-16-2018

Date:

Action: ADD

RONALD BROWDER, Director
Contract Project Director

Reason: NEW

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

March 26, 2018

Site Name & Address: VALERO #3832 3450 35 TH AVE. OAKLAND, CA 94619	Local ID: RO0002515 Related ID: NA RWQCB ID: NA Global ID: T06019757161
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All Responsible Parties

RP has been named a Primary RP – EXXONMOBILE
ATTN: JENNIFER SEDLACHEK
4096 PIEDMONT AVE #194 | OAKLAND, CA 94611 | (510) 547-8196

RP has been named a Primary RP – BNY WESTERN TRUST COMPANY
C/O R J DOLD
3200 SOUTHWEST FWY | HOUSTON, TX 77027 | No Phone Number Listed

RP has been named a Primary RP – MHCB (USA) LEASING & FINANCE CORPORATION
C/O R J DOLD
700 LOUISIANA ST. #3500 | HOUSTON, TX 77002 | No Phone Number Listed

RP has been named a Primary RP - VALERO
ATTN: ROGER LEVIN
10955 WESTMOOR DRIVE SUITE 400 | WEST MINSTER, CO 80021 | No Phone Number Listed

RP has been named a Primary RP - FWS HIGHLAND LLC
99 S. HILL DR | BRISBANE, CA 94005-1274 | No Phone Number Listed

RP has been named a Primary RP – BIEU T TRAN, ANDY H CHAN & PETER H. CHEN
13081 BROOKPARK ROAD | OAKLAND, CA 94619-3503 | (510) 867-1288

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

March 26, 2018

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."
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ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

March 26, 2018

Existence of Unauthorized Release

Three 12,000-gallon gasoline underground storage tanks (USTs) and approximately 1,000 feet of dispenser piping were excavated and removed from the site in June, 2002. Maximum petroleum hydrocarbon concentrations of 24 milligrams per kilogram (mg/Kg) total petroleum hydrocarbons as gasoline (TPH-g) were detected in soil samples collected beneath the dispenser piping. A grab-groundwater sample recovered from fuel tank pit excavation was reported to contain 5,600 micrograms per liter (ug/L) TPH-g, 140 ug/L benzene, and 12,000 ug/L methyl tertiary butyl ether (MTBE). These concentrations indicate an unauthorized release has occurred from the underground storage tank system at this site.

Responsible Party Identification

EXXON Corporation acquired title of the property on October 31, 1988. EXXON Corporation merged with Mobil Corporation on November 30, 1999, becoming EXXONMobil Corporation. EXXONMobil Corporation, as a successor to EXXON Corporation, meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

BNY Western Trust Company c/o R J Dold acquired title of the property on June 16, 2000. BNY Western Trust Company c/o R J Dold meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

MHCB (USA) Leasing & Finance Corporation c/o R J Dold acquired title of the property on July 16, 2003. MHCB (USA) Leasing & Finance Corporation c/o R J Dold meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

Valero acquired title of the property on January 12, 2011. Valero meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

FWS Highland LLC acquired title of the property on March 2, 2011. FWS Highland LLC meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

Bieu T Tran, Andy H Chan and Peter H Chen acquired title of the property on March 3, 2015. Bieu T Tran, Andy H Chan and Peter H Chen meet the definition of a responsible party for the site because they own the property where an unauthorized release occurred (Definition 3).