

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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September 19, 2008

Mr. Bruce Kaye
Sears, Roebuck and Co.
3333 Beverly Road, Dept. 824
Hoffman Estates, IL 60179

Subject: Fuel Leak Case No. RO0002600 and Geotracker Global ID T0600101208, (Former)
Sears Retail Store #1058, 2633 Telegraph Avenue, Oakland, CA 94612

Dear Mr. Kaye:

In a Notice of Responsibility dated July 23, 1993, Sears, Roebuck & Co was notified that the above referenced site had been placed in the Local Oversight Program and that Sears, Roebuck & Co was named as Responsible Parties for the fuel leak case. Haagen Holly Partnership owned and Sears Lofts LLC purchased the property and have been named an additional Responsible Parties 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.

If you have any questions, please call me at (510) 777-2478.

Sincerely,

Paresh C. Khatri.
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos, ACEH
Paresh Khatri, ACEH
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

September 19, 2008

Site Name & Address:

SEARS RETAIL STORE
2633 TELEGRAPH AVE
OAKLAND, CA 94612

Local ID: RO0002600
Related ID: NA
RWQCB ID: 01-1313
Global ID: T0600101208

All Responsible Parties

RP has been named a Primary RP - BRUCE KAYE
SEARS

3333 BEVERLY RD DEP 824 | HOFFMAN ESTATES, IL 60179 | Phone No Phone Number Listed

RP has been named a Primary RP - C/O HAAGEN PPTY MGMT INC
HAAGEN HOLLYWOOD PARTNERSHIP

3500 N SEPULVEDA BLVD | MANHATTAN BEACH, CA 90266-3638 | Phone No Phone Number Listed

RP has been named a Primary RP - C/O MADISON PARK PROP
SEARS LOFTS LLC

409 13TH STREET | OAKLAND, CA 94612-2607 | 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)

September 19, 2008

Responsible Party Identification

Existence of Unauthorized Release

On April 7, 1998, five soil borings were installed at the site. Soil and groundwater samples detected diesel and bunker oil range hydrocarbons indicating that a release had occurred. In October 1998, one 10,000-gallon UST was closed in place at the site. Following UST closure activities, an additional Site Investigation verified soil and groundwater contamination at the site. Free product has been observed in groundwater monitoring well FOMW-1.

Responsible Party Identification

Sears, Roebuck and Co. operated a retail store at the subject property from the 1930's. Haagen Hollywood Partnership owned the property from circa 1989 until January 2000 when Madison Park Real Estate Investment Trust et al (now Sears Lofts, LLC.) acquired the property. Sears is a responsible party because it owned the USTs (definition 1), operated the USTs for storage of hazardous substances (definition 2), and had control over the USTs at the time of or following an unauthorized release of a hazardous substance (definition 4).

Haagen Hollywood Partnership owned the property circa 1989 to January 2000. Haagen Hollywood Partnership is a responsible party because it owns the property where an unauthorized release of a hazardous substance occurred (definition 3).

Sears Lofts, LLC purchased the property in January 2000. Sears Lofts, LLC is a responsible party because it owns the property where an unauthorized release of a hazardous substance occurred (definition 3).