

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7002 2030 0006 9574 2362

September 19, 2008

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

NOTICE OF RESPONSIBILITY

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**

Responsible Party:

**C/O HAAGEN PPTY MGMT INC
HAAGEN HOLLYWOOD PARTNERSHIP
3500 N SEPULVEDA BLVD
MANHATTAN BEACH CA 90266-3638**

Date First Reported: 4/21/1998

**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 SEARS 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) 341-5650.

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 KHATRI, PARESH, at this office at (510)777-2478 if you have questions regarding your site.



ARIU LEVI, Director
Contract Project Director

Date: 9/30/08

Action: Add
Reason: ADD RP

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).

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C/O HAAGEN PPTY MGMT INC	
HAAGEN HOLLYWOOD PARTNERSHIP	
3500 N SEPULVEDA BOULEVARD	
MANHATTAN BEACH, CA 90266-3638	
PS Form 3800, June 2002	
See Reverse for Instructions	

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C/O MADISON PARK PROP
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ARIU LEVI, Director
Contract Project Director

Date: 10.1.08

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Reason: ADD RP

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LUFT LOCAL OVERSIGHT PROGRAM

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PS Form 3800, June 2002 See Reverse for Instructions											

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