

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

ALEX BRISCOE, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6777
FAX (510) 337-9135

Certified Mail #: 7009 2820 0001 4372 5082

October 15, 2010

NOTICE OF RESPONSIBILITY

Site Name & Address:

**GAS STATION / EAST BAY SMOG CENTER & A
6501 SHATTUCK AVE
OAKLAND, CA 94609**

**Local ID: RO0003066
Related ID: NA
RWQCB ID: NA
Global ID: T10000002456**

Responsible Party:

**ATHAN MAGGANAS
BRUDER LLC
2550 APPIAN WAY #201
PINOLE CA 94564-2262**

Date First Reported: 2/19/2010

**Substance: 12034,12035,7439921,8,8006619 Multiple
Releases**

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 BRUDER 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) 341-5650.

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 ILEVA, Director
Contract Project Director

Date: 10/15/10

Action: Add
Reason: New Case

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

October 15, 2010

Site Name & Address:

**GAS STATION / EAST BAY SMOG CENTER & A
6501 SHATTUCK AVE
OAKLAND, CA 94609**

**Local ID: RO0003066
Related ID: NA
RWQCB ID: NA
Global ID: T10000002456**

All Responsible Parties

**RP has been named a Primary RP - ATHAN MAGGANAS
BRUDER LLC**

2550 APPIAN WAY #201 | PINOLE, CA 94564-2262 | Phone (510) 223-4483

**RP has been named a Primary RP - ALI REZA KHASHABI
EAST BAY SMOG CENTER & AUTO REPAIR**

4220 CLAYTON RD | CLAYTON, CA 94520 | 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)

October 15, 2010

Responsible Party Identification

Existence of Unauthorized Release

On October 1, 2009, three 2,000-gallon gasoline, two 1,000-gallon gasoline, and one 55-gallon waste oil underground storage tanks were removed from the site. Following UST removal activities, a compliance soil samples were collected from the excavations at the site. Total petroleum hydrocarbons as gasoline and diesel were detected from previous release of gasoline and diesel fuel.

Responsible Party Identification

Ali Khashabi owned the subject property from March 15, 2002 until March 13, 2009. Ali Khashabi is a responsible party because he owned the USTs (definition 1), operated the USTs for storage of hazardous substances (definition 2), owned the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (definition 3), and had control over the USTs at the time of or following an unauthorized release of a hazardous substance (definition 4).

Bruder LLC purchased the property March 13, 2009. Bruder LLC is a responsible party because it owns the property where an unauthorized release of a hazardous substance occurred (definition 3).