



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

August 28, 2014

Catellus Development Corporation  
n/k/a PAC Operating Limited Partnership  
4545 Airport Way  
Denver, CO 80239  
Attn: General Counsel

Prologis Logistics Services, Inc.  
4545 Airport Way  
Denver, CO 80239  
Attn: General Counsel

East Bay Bridge Retail LLC  
c/o Darlene Houge  
1626 East Jefferson St  
Rockville, MD 20852

Subject: Fuel Leak Case No. RO0003092, M&N Warehouse, 1555 40<sup>th</sup> Street (aka 1549 40<sup>th</sup> St.), Oakland, CA 94608; Add/Remove Responsible Parties

Dear Responsible Parties:

In a Notice of Responsibility dated June 30, 2014, M & N Trucking, Burlington Northern and Santa Fe Railway Company (BNSF), Catellus Development Corporation, and East Bay Bridge Retail LLC 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.

The former business known as the Catellus Development Corporation merged into Catellus Operating Limited Partnership on December 1, 2003 and became a subsidiary of ProLogis Logistics Services Inc. (ProLogis) on September 15, 2005. ProLogis has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720.

The Catellus Operating Limited Partnership changed its name to PAC Operating Limited Partnership. The PAC Operating Limited Partnership has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720.

Although M & N Trucking (M&N) leased the land from the Santa Fe Pacific Realty Corporation, there is no documentation that indicates M&N owned or operated the USTs. Hence, M&N has been removed as a Responsible Party.

Burlington Northern and Santa Fe Railway Company (BNSF) was named as Responsible Party, as through a series of mergers, they owned the property where an unauthorized release occurred. However, there is no documentation that BNSF was the tank owner or operator. Therefore, BNSF has been removed as a Responsible Party.

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.

Responsible Parties  
August 28, 2014  
Page 2

Sincerely,

A handwritten signature in blue ink that reads "Keith Nowell". The signature is written in a cursive style with a large initial 'K'.

Keith Nowell  
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: M & N Trucking, 1555 40<sup>th</sup> Street, Oakland, CA 94608  
Burlington Northern and Santa Fe Railway Company, 2650 Lou Menk Drive, Fort Worth, TX 76131  
Dilan Roe, ACEH  
Keith Nowell, ACEH  
e-File, GeoTracker

ALAMEDA COUNTY  
HEALTH CARE SERVICES



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

AGENCY

ALEX BRISCOE, Agency Director

Certified Mail #:

August 28, 2014

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**M & N WAREHOUSE**  
**1549 40TH ST**  
**OAKLAND, CA 94608**

**Local ID: RO0003092**  
**Related ID: NA**  
**RWQCB ID: NA**  
**Global ID: T10000004327**

Responsible Party:

**PROLOGIS LOGISTICS SERVICES, INC.**  
**c/o GENERAL COUNSEL**  
**4545 AIRPORT WAY**  
**DENVER CO 80239**

**Date First Reported: 4/8/1996**  
**Substance: 106423,108883,12031,12032,12034,71432,7439921,8002059,8006619 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 PROLOGIS LOGISTICS SERVICES, INC. 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 NOWELL, KEITH, at this office at (510) 567-6764 if you have questions regarding your site.

Date: 8/28/14

ARIU LEVI, Director  
Contract Project Director

Action: Update  
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

August 28, 2014

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**M & N WAREHOUSE  
1549 40TH ST  
OAKLAND, CA 94608**

**Local ID: RO0003092  
Related ID: NA  
RWQCB ID: NA  
Global ID: T10000004327**

**All Responsible Parties**

---

**RP has been named a Primary RP - CATELLUS DEVELOPMENT CORPORATION N/K/A PAC OPERATING LIMITED PARTNERSHIP  
c/o GENERAL COUNSEL  
4545 AIRPORT WAY | DENVER, CO 80239 | No Phone Number Listed**

---

**RP has been named a Primary RP - PROLOGIS LOGISTICS SERVICES, INC.  
c/o GENERAL COUNSEL  
4545 AIRPORT WAY | DENVER, CO 80239 | Phone (303) 567-5000**

---

**RP has been named a Primary RP - EAST BAY BRIDGE RETAIL LLC  
c/o DARLENE HOUGE  
1626 EAST JEFFERSON ST | ROCKVILLE, MD 20852 | Phone (310) 998-8345**

---

**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."

## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

August 28, 2014

### **Existence of Unauthorized Release - M & N Warehouse**

M & N Trucking (M&N) operated a material transfer and storage facility at the site by the late 1980s. An oily substance was identified in soil during geotechnical investigation for site redevelopment. During the excavation of the oil-impacted soil two 12,000-gallon underground storage tanks (USTs) were encountered. The USTs were removed in August 1993. Holes were observed in both the USTs. Soil beneath the tanks was documented to contain total petroleum hydrocarbons as gasoline (TPHg), diesel (TPHd), and oil (TPHo) at concentrations up to 31 milligrams per kilogram (mg/kg), 330 mg/kg, and 540 mg/kg, respectively. Total oil and grease (TOG) concentrations were reported at up to 2,200 mg/kg in soil beneath the tanks. These concentrations indicate an unauthorized release has occurred from the underground storage tank systems at this site.

Catellus Development Corporation (Catellus) was the owner of the property at the time the leaks were discovered. Catellus merged into Catellus Operating Limited Partnership on December 1, 2003 and changed its name to PAC Operating Limited Partnership. Catellus Development Corporation, n/k/a PAC Operating Limited Partnership, meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred (Definition 3).

Catellus merged with ProLogis Logistics Services, Inc. (ProLogis) in 2005. Property ownership was transferred to ProLogis in January 2011. ProLogis Logistics Services, Inc. meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred (Definition 3).

Property ownership was transferred to East Bay Bridge Retail LLC on March 3, 2011. East Bay Bridge Retail LLC meets the definition of a responsible party for the site because they own the property where an unauthorized release occurred (Definition 3).



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August 28, 2014

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Attn: General Counsel

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The Catellus Operating Limited Partnership changed its name to PAC Operating Limited Partnership. The PAC Operating Limited Partnership has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720.

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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.

Responsible Parties  
August 28, 2014  
Page 2

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Keith Nowell  
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

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Dilan Roe, ACEH  
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AGENCY

ALEX BRISCOE, Agency Director

Certified Mail #:

August 28, 2014

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**M & N WAREHOUSE**  
**1549 40TH ST**  
**OAKLAND, CA 94608**

**Local ID: RO0003092**  
**Related ID: NA**  
**RWQCB ID: NA**  
**Global ID: T10000004327**

Responsible Party:

**EAST BAY BRIDGE RETAIL LLC**  
**c/o DARLENE HOUGE**  
**1626 EAST JEFFERSON ST**  
**ROCKVILLE MD 20852**

**Date First Reported: 4/8/1996**  
**Substance: 106423,108883,12031,12032,12034,71432,7439921,8002059,8006619 Multiple Releases**  
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Please contact your caseworker NOWELL, KEITH, at this office at (510) 567-6764 if you have questions regarding your site.

Date:

8/20/14

ARIU LEVI, Director  
Contract Project Director

Action: Update  
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File



ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

August 28, 2014

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**Local ID: RO0003092  
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**All Responsible Parties**

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c/o GENERAL COUNSEL  
4545 AIRPORT WAY | DENVER, CO 80239 | No Phone Number Listed**

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c/o GENERAL COUNSEL  
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## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

August 28, 2014

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August 28, 2014

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Responsible Parties  
August 28, 2014  
Page 2

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Keith Nowell  
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: M & N Trucking, 1555 40<sup>th</sup> Street, Oakland, CA 94608  
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**AGENCY**

ALEX BRISCOE, Agency Director

Certified Mail #:

August 28, 2014

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**M & N WAREHOUSE  
1549 40TH ST  
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**Local ID: RO0003092  
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Global ID: T10000004327**

**Responsible Party:**

**CATELLUS DEVELOPMENT CORPORATION  
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Date: 8/28/14

ARIU LEVI, Director  
Contract Project Director

Action: Update  
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

August 28, 2014

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