



AGENCY

ALEX BRISCOE, Agency Director

Certified Mail #: 7009 2820 0001 4359 6255

November 21, 2014

NOTICE OF RESPONSIBILITY

Site Name & Address: EMBL LLC TANK 1501 MARTIN LUTHER KING JR WAY OAKLAND, CA 94612
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Local ID:	RO0003148
Related ID:	N/A
RWQCB ID:	N/A
Global ID:	T10000006271

Responsible Party:

**EMBL LLC &
EDWARD K. & ROSHANNE H. HEMMAT
TRUST ET AL.**

**2420 SAN PABLO AVE
OAKLAND CA 94612**


Date First Reported:	8/1/2014
Substance:	8006619 Gasoline-Automotive (motor gasoline and additives), leaded & unleaded
Funding for Oversight:	LOPS - LOP State Fund
Multiple RPs?:	No

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 EMBL LLC & EDWARD K. & ROSHANNE H. HEMMAT TRUST ET AL. 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 MATTHEW SOBY at this office at (510) 567-6725 if you have questions regarding your site.


Date: 11/21/14
ARIU LEVI, Director
Contract Project Director

Action: Add
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

November 21, 2014

<p><u>Site Name & Address:</u> EMBL LLC TANK 1501 MARTIN LUTHER KING JR WAY OAKLAND, CA 94612</p>
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Local ID:	RO0003148
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All Responsible Parties

RP has been named a Primary RP – EMBL LLC & EDWARD K. & ROSHANNE H. HEMMAT TRUST ET AL.

2420 SAN PABLO AVE | OAKLAND, CA 94612 | 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."

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

November 21, 2014

Responsible Party Identification

Existence of Unauthorized Release

On December 3, 2013, one 1,000-gallon underground storage tank (UST) and related product piping was removed from the site. The UST historically contained gasoline. A December 26, 2013 UST removal report entitled "Soil Sampling Beneath Removed UST at the Property Located at 1501 Martin Luther King Jr. Way, Oakland, CA December 26, 2013" by Enviro Soil Tech Consultants, and the Underground Storage Tank Closure/Removal Field Inspection Report noted that the tank was rusted, and a hole was observed at the bottom of the tank. During tank excavation, concentrations up to 906 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as gasoline (TPH-gro), 15.1 mg/kg toluene, 27.2 mg/kg ethylbenzene, 222 mg/kg total xylenes, 20.1 mg/kg naphthalene, and 0.560 mg/kg methyl ethyl ketone (MEK) were detected in soil taken from beneath the UST at a depth of eight (8) feet below ground surface. These data indicate that an unauthorized release had occurred at this site.

Responsible Party Identification

EMBL LLC & Edward K. & Roshanne H. Hemmat Trust et al. purchased the property, or acquired the title, on October 9, 2013 and is a responsible party because it currently owns the property where an unauthorized release has occurred (Definition 3).