

HEALTH CARE SERVICE AGENCY



REBECCA GEBHART, Acting Agency Director

Certified Mail #: 7009 2820 0001 4359 5272

March 11, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address:

 Union Street
 2400 Union Street
 Oakland, CA, 94607-2418

 Local ID: RO0003203
 Related ID: NA
 RWQCB ID: NA
 Global ID: T10000008515

Responsible Party:
ACEL ASSOCIATES, LLC
ATTN: STEPHEN P. AND KAREN A. NICHOLLS
137 GREENBANK AVENUE
PIEDMONT, CA 94611-4335

 Date First Reported: 12/15/2015
 Substance:

- 12034 Diesel Fuel Oil & Additives (Nos. 1-D, 2-D, 2-4)
- 128 Bunker Fuel
- 2 Fuel Oils Nos. 1, 2, 3, 4, 5, and 6
- 8 Motor Oil


 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 **ACEL ASSOCIATES, 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) 341-5752.

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 Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.


 Date: 03-11-2016

 RONALD BROWDER, Acting Director
 Contract Project Director

 Action: New
 Reason: New

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
**HEALTH CARE SERVICE
AGENCY**



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

REBECCA GEBHART, Acting Agency Director

Certified Mail #: 7011 3500 0003 1848 1400

March 11, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address:

Union Street
2400 Union Street
Oakland, CA, 94607-2418

Local ID: RO0003203
Related ID: NA
RWQCB ID: NA
Global ID: T10000008515

Responsible Party:

STEPHEN P. AND KAREN A. NICHOLLS TRUST
137 GREENBANK AVENUE
PIEDMONT, CA 94611-4335

Date First Reported: 12/15/2015
Substance:

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Please contact your caseworker Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.

 Date: 03-11-2016

RONALD BROWDER, Acting Director
Contract Project Director

Action: New
Reason: New

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
**HEALTH CARE SERVICE
AGENCY**



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

REBECCA GEBHART, Acting Agency Director

Certified Mail #: 7011 3500 0003 1848 1424

March 11, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address: Union Street 2400 Union Street Oakland, CA, 94607-2418
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Local ID:	RO0003203
Related ID:	NA
RWQCB ID:	NA
Global ID:	T10000008515

Responsible Party:

MICHAEL E. MUELLER AND STEPHEN P. NICHOLLS
2400 UNION STREET
OAKLAND, CA 94607-2418

Date First Reported:	12/15/2015
Substance:	<ul style="list-style-type: none">• 12034 Diesel Fuel Oil & Additives (Nos. 1-D, 2-D, 2-4)• 128 Bunker Fuel• 2 Fuel Oils Nos. 1, 2, 3, 4, 5, and 6• 8 Motor Oil
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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 Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.

 Date: 03-11-2016

RONALD BROWDER, Acting Director
Contract Project Director

Action:	New
Reason:	New

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
HEALTH CARE SERVICE
AGENCY



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

REBECCA GEBHART, Acting Agency Director

Certified Mail #: 7011 3500 0003 1848 1431

March 11, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address: Union Street 2400 Union Street Oakland, CA, 94607-2418

Local ID:	RO0003203
Related ID:	NA
RWQCB ID:	NA
Global ID:	T10000008515

Responsible Party:

A.A. ZATOPA
141 JACKSON STREET
CHICAGO, IL, 60606


Date First Reported:	12/15/2015
Substance:	<ul style="list-style-type: none">• 12034 Diesel Fuel Oil & Additives (Nos. 1-D, 2-D, 2-4)• 128 Bunker Fuel• 2 Fuel Oils Nos. 1, 2, 3, 4, 5, and 6• 8 Motor Oil
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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 Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.


Date: 03-11-2016
RONALD BROWDER, Acting Director
Contract Project Director

Action:	New
Reason:	New

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
**HEALTH CARE SERVICE
AGENCY**



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

REBECCA GEBHART, Acting Agency Director

Certified Mail #: 7011 3500 0003 1848 1417

March 11, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address: Union Street 2400 Union Street Oakland, CA, 94607-2418

Local ID:	RO0003203
Related ID:	NA
RWQCB ID:	NA
Global ID:	T10000008515

Responsible Party:

**MARILYN P. EBERLEIN AND W.H. POLLARD 3RD
TRUSTEES
2400 UNION STREET
OAKLAND, CA 94607-2418**


Date First Reported:	12/15/2015
Substance:	<ul style="list-style-type: none">• 12034 Diesel Fuel Oil & Additives (Nos. 1-D, 2-D, 2-4)• 128 Bunker Fuel• 2 Fuel Oils Nos. 1, 2, 3, 4, 5, and 6• 8 Motor Oil
Funding for Oversight:	LOPS - LOP State Fund
Multiple RPs?:	Yes

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Please contact your caseworker Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.

 Date: 03-11-2016
RONALD BROWDER, Acting Director
Contract Project Director

Action:	New
Reason:	New

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

March 11, 2016

Site Name & Address: Union Street 2400 Union Street, Oakland, CA, 94607-2418

Local ID:	RO0003203
Related ID:	NA
RWQCB ID:	NA
Global ID:	T10000008515

All Responsible Parties

RP has been named a Primary RP - Acel Associates, LLC
ATTN: Stephen P. and Karen A. Nicholls
137 Greenbank Avenue | Piedmont, CA 94611-4335 | No Phone Number Listed

RP has been named a Primary RP - Stephen P. and Karen A. Nicholls Trust
137 Greenbank Avenue | Piedmont, CA 94611-4335 | No Phone Number Listed

RP has been named a Primary RP - Michael E. Mueller and Stephen P. Nicholls
2400 Union Street | Oakland, CA, 94607-2418 | No Phone Number Listed

RP has been named a Primary RP - A.A. Zatopa
141 JACKSON STREET | CHICAGO, IL, 60606 | No Phone Number Listed

RP has been named a Primary RP - Marilyn P. Eberlein and W.H. Pollard 3rd Trustees
2400 Union Street | Oakland, CA, 94607-2418 | No Phone Number Listed

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

March 11, 2016

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)

March 11, 2016

Existence of Unauthorized Release

On July 11, 2013 one 560-gallon heating oil underground storage tank (UST) was removed from the site. Corrosion and multiple holes were observed on the UST during removal. Groundwater was not encountered at 10 feet below ground surface, the maximum extent of the excavation. Concentrations of up to 95 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as Diesel (TPHd), 41 mg/kg TPH as Motor Oil (TPHmo), 110 mg/kg TPH as Fuel Oil, and 100 mg/kg TPH as Heating Oil were documented in soil samples. These data indicate that an unauthorized release from the USTs has occurred at the site.

Responsible Party Identification

Ownership of the property was maintained by the individual, trustee, or the trust of Marilyn P. Eberlein and W.H. Pollard 3rd Trustees between April 20, 1970 and December 23, 1981. The individual, trustee, or the trust of Marilyn P. Eberlein and W.H. Pollard 3rd Trustees are responsible parties because they owned a UST used for the storage of a hazardous substance (Definition 1) and they owned the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (Definition 3).

A.A. Zatopa purchased the property on December 23, 1981 and held the property until June 8, 1987. A.A. Zatopa has been named as a Responsible Party for site because he/she owned a UST used for the storage of a hazardous substance (Definition 1) and he/she owned the property where an unauthorized release of a hazardous substance has occurred (Definition 3).

Michael E. Mueller and Stephen P. Nicholls purchased the property on June 8, 1987 and held the property until December 20, 1989. Michael E. Mueller and Stephen P. Nicholls have been named as a Responsible Party for site because they owned a UST used for the storage of a hazardous substance (Definition 1) and owned the property where an unauthorized release of a hazardous substance has occurred (Definition 3).

Ownership of the property was maintained by the individual, trustee, or the trust of Stephen P. and Karen A. Nicholls between December 20, 1989 and April 4, 2008. The individual, trustee, or the trust of Stephen P. and Karen A. Nicholls are Responsible Parties because they owned a UST used for the storage of a hazardous substance (Definition 1) and they owned the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (Definition 3).

Acel Associates, LLC purchased the property on April 4, 2008. Acel Associates, LLC has been named as a Responsible Party for site because they own a UST used for the storage of a hazardous substance (Definition 1) and they own the property where an unauthorized release of a hazardous substance has occurred (Definition 3).