

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Agency Director



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

October 30, 2013

Leo and Kay Macias  
1109 Brown Avenue  
Lafayette, CA 94596

Robert and Rusty Moody  
132 Rudgear Drive  
Walnut Creek, CA 94596-6316

David and Vinitha Watson, Trustees  
1328 Windemere Avenue  
Menlo Park, CA 94025

Subject: Notice of Responsibility, Fuel Leak Case No. RO0000036 and GeoTracker Global ID T0600101646, Vend Mart Property, 1035 7<sup>th</sup> Street, Oakland, CA 94607

Dear Ladies and Gentlemen:

In a Notice of Requirement to Reimburse dated August 2, 1993, Robert and Rusty Moody, and Leo and Kay Macias were notified that the above referenced site had been placed in the Local Oversight Program and that they had been named as a Responsible Party for the fuel leak case. Additional parties have been named as Responsible Parties for the fuel leak case in the attached updated NOR as defined under 23 C.C.R Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, P.G., C.E.G.  
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations  
Electronic Report Upload (ftp) Instructions

Attachment A – Responsible Parties Data Sheet  
Notice of Responsibility (David and Vinitha Watson only)

cc: Dilan Roe (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Case Electronic File, GeoTracker



AGENCY

Certified Mail #: 7009 2820 0001 4359 7672

October 30, 2013

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**  
**VEND MART PROPERTY**  
**1035 7TH ST**  
**Oakland, CA 94607**

**Local ID: RO0000036**  
**Related ID: 3621**  
**RWQCB ID: 01-1778**  
**Global ID: T0600101646**

Responsible Party:

**DAVID & VINITHA WATSON**  
**1328 WINDMERE AVE**  
**MENLO PARK CA 94025**

**Date First Reported: 6/21/1988**  
**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 NA 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 MARK DETTERMAN, at this office at (510)567-6876 if you have questions regarding your site.

Date: 10/30/13

ARIU LEVI, Director  
Contract Project Director

Action: Add  
Reason: NEW

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

October 30, 2013

**Site Name & Address:**

**VEND MART PROPERTY**  
**1035 7TH ST**  
**Oakland, CA 94607**

**Local ID: RO0000036**  
**Related ID: 3621**  
**RWQCB ID: 01-1778**  
**Global ID: T0600101646**

**All Responsible Parties**

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**RP has been named a Primary RP - LEO & KAY MACIAS**

UNKNOWN | No Phone Number Listed

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**RP has been named a Primary RP - ROBERT & RUSTY MOODY**

132 RUDGEAR DR | WALNUT CREEK, CA 94596 | Phone (925) 890-8440

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**RP has been named a Primary RP - DAVID & VINITHA WATSON**

1328 WINDMERE AVE | MENLO PARK, CA 94025 | No Phone Number Listed

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**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 30, 2013

### **Responsible Party Identification**

#### Existence of Unauthorized Release

On June 15, 1988, one 10,000-gallon underground storage tank was removed from the site. Concentrations up to 680 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons (TPH) as gasoline and 11 mg/kg benzene were detected in soil. These data indicate that an unauthorized release had occurred.

#### Responsible Party Identification

Leo and Kay Macias and Harold and Faye Schroeder purchased the property in November 1983 and are a responsible party because they owned the property where an unauthorized release has occurred (Definition 3), and had control over an UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).

Robert and Rusty Moody purchased the property in July 1988 and are a responsible party because they owned the property where an unauthorized release has occurred (Definition 3).

David and Vinitha Watson, trustees, purchased the property in November 2006 and are a responsible party because they owned the property where an unauthorized release has occurred (Definition 3).