

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 3985

January 20, 2009

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

NOTICE OF RESPONSIBILITY

Site Name & Address:

WESTERN STUCCO
5115 E 8TH ST
Oakland, CA 94601

Local ID: RO0000319
Related ID: 3688
RWQCB ID: 01-2242
Global ID: T0600102059

Responsible Party:

NA NA
WESTERN STUCCO
PO BOX 1166
WEST SACRAMENTO CA 95691-1166

Date First Reported: 6/5/1997

Substance: 8006619 Gasoline-Automotive (motor gasoline and additives), leaded & unleaded

Funding for Oversight: LOPS - LOP State Fund

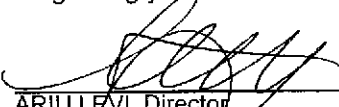
Multiple RPs?: Yes

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 ALVARO L & HILDA AVENDANO TRUST 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 WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site.


ARIU LEVI, Director
Contract Project Director

Date: JAN 23, 09

Action: Add
Reason: ADD RP

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 20, 2009

Site Name & Address:

WESTERN STUCCO
5115 E 8TH ST
Oakland, CA 94601

Local ID: RO0000319

Related ID: 3688

RWQCB ID: 01-2242

Global ID: T0600102059

All Responsible Parties

RP has been named a Primary RP - ALVARO L & HILDA AVENDANO

ALVARO L & HILDA AVENDANO TRUST

3228 HYDE ST | OAKLAND, CA 94601-2611 | Phone (510) 325-3606

RP has been named a RP - LEWIS WINCHELL

PO BOX 1166 | WEST SACRAMENTO, CA 95691 | Phone (916) 372-7442

RP has been named a RP - NA NA

SACRAMENTO STUCCO CO

860 RISKE LANE | WEST SACRAMENTO, CA 95691-2803 | Phone (916) 372-7442

RP has been named a RP - NA NA

WESTERN STUCCO

PO BOX 1166 | WEST SACRAMENTO, CA 95691-1166 | Phone (916) 372-7442

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)

January 20, 2009

Responsible Party Identification

Existence of Unauthorized Release

Two 8,000-gallon steel underground storage tanks (USTs) were removed on March 26, 1991. One UST stored diesel fuel and the other UST stored gasoline. Four holes with a maximum diameter of ½-inch were observed in the gasoline UST during removal. Analytical results from two soil samples collected from the diesel UST excavation detected total petroleum hydrocarbons (TPH) as gasoline at 120 milligrams per kilogram (mg/kg) and TPH as diesel at concentrations of 100 and 21 mg/kg, respectively. A groundwater sample collected from the diesel UST excavation contained TPH as gasoline at a concentration of 1,500 µg/L and TPH as diesel at a concentration of 34,000 µg/L. A groundwater sample collected from the gasoline UST excavation contained TPH as gasoline at a concentration of 800 µg/L and TPH as diesel at a concentration of 13,000 µg/L. An Underground Storage Tank Unauthorized Release Form was submitted for the site by EBA Wastechologies on August 29, 1997.

Responsible Party Identification

Western Stucco Products is a responsible party for the fuel leak because they were the business owner, tank owner, and tank operator at the time of the unauthorized release (Definition 1) and had control of the UST at the time of or following an unauthorized release (Definition 4).

Lewis A. Winchell owned the property from August 1987 until November 1997. Lewis A. Winchell was named a responsible party for the fuel leak in a Notice of Responsibility dated June 5, 1997 because he was the property owner at the time of an unauthorized release (Definition 3).

Sacramento Stucco Company owned the property from November 1997 to November 2002. Sacramento Stucco Company is a responsible party for the fuel leak because they were owners of a property where an unauthorized release occurred (Definition 3).

The Alvaro and Hilda Avendano Trust purchased the property in November 2002. The Alvaro and Hilda Avendano Trust is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).

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WESTERN STUCCO	
P O BOX 1166	
WEST SACRAMENTO, CA 95691-	
1166	
PS Form 3800, August 2006 See Reverse for Instructions	

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 3961

January 20, 2009

ENVIRONMENTAL HEALTH SERVICES

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

NOTICE OF RESPONSIBILITY

Site Name & Address:

WESTERN STUCCO
5115 E 8TH ST
Oakland, CA 94601

Local ID: **RO0000319**
Related ID: **3688**
RWQCB ID: **01-2242**
Global ID: **T0600102059**

Responsible Party:

ALVARO L & HILDA AVENDANO
ALVARO L & HILDA AVENDANO TRUST
3228 HYDE ST
OAKLAND CA 94601-2611

Date First Reported: 6/5/1997

Substance: 8006619 Gasoline-Automotive (motor gasoline and additives), leaded & unleaded

Funding for Oversight: LOPS - LOP State Fund

Multiple RPs?: Yes

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Please contact your caseworker WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site.


ARTO LEPP, Director
Contract Project Director

Date: JAN 23/09

Action: Add
Reason: ADD RP

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 20, 2009

Site Name & Address:
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5115 E 8TH ST
Oakland, CA 94601

Local ID: RO0000319
Related ID: 3688
RWQCB ID: 01-2242
Global ID: T0600102059

All Responsible Parties

RP has been named a Primary RP - ALVARO L & HILDA AVENDANO
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3228 HYDE ST | OAKLAND, CA 94601-2611 | Phone (510) 325-3606

RP has been named a RP - LEWIS WINCHELL

PO BOX 1166 | WEST SACRAMENTO, CA 95691 | Phone (916) 372-7442

RP has been named a RP - NA NA
SACRAMENTO STUCCO CO
860 RISKE LANE | WEST SACRAMENTO, CA 95691-2803 | Phone (916) 372-7442

RP has been named a RP - NA NA
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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:

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ACEH has named the responsible parties for this site as detailed below.

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

January 20, 2009

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Existence of Unauthorized Release

Two 8,000-gallon steel underground storage tanks (USTs) were removed on March 26, 1991. One UST stored diesel fuel and the other UST stored gasoline. Four holes with a maximum diameter of ½-inch were observed in the gasoline UST during removal. Analytical results from two soil samples collected from the diesel UST excavation detected total petroleum hydrocarbons (TPH) as gasoline at 120 milligrams per kilogram (mg/kg) and TPH as diesel at concentrations of 100 and 21 mg/kg, respectively. A groundwater sample collected from the diesel UST excavation contained TPH as gasoline at a concentration of 1,500 µg/L and TPH as diesel at a concentration of 34,000 µg/L. A groundwater sample collected from the gasoline UST excavation contained TPH as gasoline at a concentration of 800 µg/L and TPH as diesel at a concentration of 13,000 µg/L. An Underground Storage Tank Unauthorized Release Form was submitted for the site by EBA Wastechologies on August 29, 1997.

Responsible Party Identification

Western Stucco Products is a responsible party for the fuel leak because they were the business owner, tank owner, and tank operator at the time of the unauthorized release (Definition 1) and had control of the UST at the time of or following an unauthorized release (Definition 4).

Lewis A. Winchell owned the property from August 1987 until November 1997. Lewis A. Winchell was named a responsible party for the fuel leak in a Notice of Responsibility dated June 5, 1997 because he was the property owner at the time of an unauthorized release (Definition 3).

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The Alvaro and Hilda Avendano Trust purchased the property in November 2002. The Alvaro and Hilda Avendano Trust is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).

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ALVARO L & HILDA AVENDANO	
ALVARO L & HILDA AVENDANO	
TRUST	
3228 HYDE STREET	
OAKLAND, CA 94601-2611	
PS Form 3800, August 2006	
See Reverse for Instructions	

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 3978

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ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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Contract Project Director

Date: Jan 23, 09

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Reason: ADD RP

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860 RISKE LANE	
WEST SACRAMENTO, CA 95691-	
2803	
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**Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
Attn: Jerry, RO#319**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**NA NA
WESTERN STUCCO
P O BOX 1166
WEST SACRAMENTO, CA 95691-
1166**

2. Article Number
(Transfer from service label)

7006 3450 0000 0503 3985

COMPLETE THIS SECTION ON DELIVERY

A. Signature *x y cole* Agent
 Addressee

B. Received by (Printed Name) *y cole* C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes