

## Jurek, Anne, Env. Health

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**From:** Sharon Birch <sharonkbirch43@gmail.com>  
**Sent:** Thursday, May 04, 2017 12:56 PM  
**To:** Jurek, Anne, Env. Health; Khatri, Paresh, Env. Health  
**Subject:** Fuel Leak Case No. RO0003231; 3820 Penniman Avenue, Oakland, CA 94619

Dear Alameda County:

Please see attached information.

Best Regards,

Sharon Birch



California State Resources Board

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**Sharon Birch**

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Oakland, CA 94611  
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Cover Letter:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website.

I recently received a letter from Anne Jurek dated April 26, 2017. As I am not a responsible party for this situation (see previously sent petition below), I do not have access to the property and cannot provide a technical report on the status of the property or the fuel leak.

Sharon Birch

January 17, 2017

Dear Alameda County Environmental Health Department::

This is a petition to review a recent Notice of Responsibility, dated October 6, 2016, issued to me by the Alameda County Department of Environmental Health for Case # R00003231 regarding 3820 Penniman Avenue, Oakland, CA 94619-1759. I have also received a letter dated December 30, 2016 regarding Work Plan Approval.

- 1) My contact information is at the top of this letter.
- 2) Please see letters sent in reference to this subject at the following website:
  - a. NOR

[https://geotracker.waterboards.ca.gov/regulators/deliverable\\_documents/7671635508/NOR\\_L\\_2016-10-06.pdf](https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/7671635508/NOR_L_2016-10-06.pdf)

b. Directive

[https://geotracker.waterboards.ca.gov/regulators/deliverable\\_documents/6247726917/DIR\\_L\\_2016-10-07.pdf](https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/6247726917/DIR_L_2016-10-07.pdf)

3) The letter from Alameda County was dated October 6, 2016, followed by another letter on December 30, 2016 regarding Work Plan Approval.

- 4) The reasons I believe that the Notice was inaccurate are as follows:

I co-owned this property with my ex- husband, Jon R. McCurdy, from 1981 through 1986; in 1986, I became sole owner of the property as a result of a divorce settlement. I did not purchase the property in 1986, as the Notice stated

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At no time was I aware of any underground storage tank on the property or of any use of the property as a gas station or other enterprise involving gasoline, oil, or similar substances.

My ex-husband negotiated the purchase of the property as a source of rental income from a glass company using the property as its place of business.

When the glass company went out of business in 1989, I had no source of income to pay the mortgage on the property and sold it to Sar P. Kwan and Kuen C. Lau.

I spoke with Ms. Anne Jurek at the Alameda County Department of Environmental Health. She stated that the Department believed that the tank was installed sometime between 1935 and 1970, long before we had ownership of the property.

Ms. Jurek also said that the Department was listing all property owners they could locate, even if these owners had no knowledge of or responsibility for the tank being on the property.

It seems appropriate to me that the Department should locate the property owners from 1935 to 1970 or their estate who actually installed the tank and are responsible for any harm done, particularly as it seems that subsequent owners were not properly informed of the existence of the tank.

5) I am aggrieved because I have no responsibility, I never used the USTs, and the current property owner is the owner and responsible. This owner is:

Sar P. Kwan and Kuen C. Lau  
3701 Lakeshore Avenue  
Oakland, CA 94610

Previous property owners are:

John A. & L. McDonald  
3820 Penniman Avenue, Oakland, CA 94619

James & Yvonne Littlepage  
378 Grand Avenue, Oakland, CA 94619

Jon R. McCurdy  
3209 Estaban Way  
Palm Springs, CA 92262

Myself

6) The action I want the Water Board to take is to eliminate me from the list of responsible parties.

7) Sharon Birch was sold the property and had no knowledge of the USTs and never operated the USTs and the current property owner is the current owner of

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the USTs and is responsible. Neither the real estate agent nor the previous property owner disclosed this material fact when my ex-husband and I purchased the property. Additionally, our renter operated a business which did not use the USTs. State Health and Safety Code 25296.10 cites "Each owner, operator, or other responsible party shall take corrective action in response to an unauthorized release in compliance with this chapter and the regulations adopted pursuant to Section 25299.3." Sharon Birch did not operate the USTs; I am only one in the line of property ownership.

8) Copies of this petition have been sent to Anne Jurek at the Alameda County Department of Environmental Health and to each of the possible dischargers: the previous owners, James and Yvonne Littlepage, and the current owners, Sar P. Kwan and Kuen C. Lau. I am also e-mailing Paresh Khatri, James Yoo, and Craig Pelletier, who were listed on the latest letter I received from the Alameda County Health Care Services Agency.

9) My issues were not presented to Alameda County Department of Environmental Health before it acted, as my first knowledge of this situation was the letter from the County. Upon receipt of the letter, I called Anne Jurek at the County. I raised these objections to her, but she said she could not act in this matter and that responsibility for the UST's had not been definitively assigned to any party in the letter or to any other party. She said this would likely be determined as the case moved forward.

Due to the above reasons, I believe that I should not be a subject of this action and should be relieved of any responsibility for the presence of or environmental hazards of this tank.

Petition instructions requested that other parties involved in this action be named. The only parties I am aware of are those mentioned in the letter from the Department. They are as follows:

John A. & L. McDonald  
3820 Penniman Avenue, Oakland, CA 94619

James & Yvonne Littlepage  
378 Grand Avenue, Oakland, CA 94619

Jon R. McCurdy  
3209 Estaban Way  
Palm Springs, CA 92262

Sar P. Kwan & Kuen C. Lau  
3701 Lakeshore Avenue  
Oakland, CA 94610

Please let me know if you need any additional information to process this petition.

Yours truly,

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Sharon Birch