

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
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Alameda, CA 94502-6577
(510) 567-6700
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April 14, 2014

Mr. Nissan and Carol Saidian Trust
5733 Medallion Ct.
P.O. Box 6104
Castro Valley, CA 94552

Mr. Nissan and Carol Saidian Trust
and Leon Zektser & et al.
1310 Central Ave
Alameda, CA 94501

Mr. Nissan and Carol Saidian Trust
and Leon Zektser & et al.
5977 Skyfarm Drive
Castro Valley, CA 94552

Ms. Kelly York
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to: KYork@chevron.com)

JSR Enterprises, Inc.
c/o Joginder Sethi
1981 Camino Ramon
Danville, CA 94526

Subject: Notice of Responsibility, Fuel Leak Case No. RO0000124 (Global ID # T0600102093), Chevron #9-9708, 5910 MacArthur Boulevard, Oakland, 94605

Dear Ladies and Gentlemen:

In an earlier Notice of Responsibility (NOR), Chevron USA (Chevron) was notified that the above referenced site had been placed in the Local Oversight Program and that Chevron had been named as Responsible Parties 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.

Sincerely,

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

Enclosure: Attachment A – Responsible Parties Data Sheet

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

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

April 14, 2014

Site Name & Address:

CHEVRON #9-9708
5910 MACARTHUR BLVD
Oakland, CA 94605

Local ID: RO0000124
Related ID: 871
RWQCB ID: 01-2277
Global ID: T0600102093

All Responsible Parties

RP has been named a Primary RP - NISSAN AND CAROL SAIDIAN
NISSAN AND CAROL SAIDIAN TRUST
5733 MEDALLION CT, PO BOX 6104 | CASTRO VALLEY, CA 94552 | Phone (510) 268-0211

RP has been named a Primary RP - KELLY YORK
CHEVRON ENVIRONMENTAL MANAGEMENT CO
6101 BOLLINGER CANYON ROAD, ROOM 5323 | SAN RAMON, CA 94583--232 | No Phone Number Listed

RP has been named a Primary RP - NISSAN AND CAROL SAIDIAN TRUST AND LEON ZEKSTER & ET AL
1310 CENTRAL AVENUE | ALAMEDA, CA 94501-- | No Phone Number Listed

RP has been named a Primary RP - c/o JOGINDER SETHI
JSR ENTERPRISES, INC
1981 CAMINO RAMON | DANVILLE, CA 94526--306 | 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)

April 14, 2014

Responsible Party Identification

Existence of Unauthorized Release

Monitoring wells MW-1 to MW-3 were installed in May 1997 as a part of a baseline property transaction investigation at an existing service station at this location. Concentrations up to 140 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbon as gasoline (TPHg), 1,000 mg/kg Total Oil and Grease (TOG), 0.0270 mg/kg benzene, and 1.3 mg/kg methyl-tert-butyl ether (MTBE) were detected in soil. Concentrations up to 1,600 micrograms per liter ($\mu\text{g/l}$) TPHg, 1,200 $\mu\text{g/l}$ TPH as diesel (TPHd), 120 $\mu\text{g/l}$ benzene, and 2,100 $\mu\text{g/l}$ MTBE were detected in groundwater. These data indicate that an unauthorized release had occurred.

Responsible Party Identification

Chevron USA purchased the property in July 1985. Chevron owned and / or operated the USTs at this site. Chevron is a responsible party for site because it owned or operated the USTs used for the storage of a hazardous substance (Definition 1), 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).

JSR Enterprises, Inc purchased the property in August 1997 and is therefore a former property owner of the site. It is a responsible party for the site because he 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).

Nissan and Carol Saidian purchased the property in June 1998 and are therefore property owners of the site. They are responsible parties for the site 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).

Saidian & Zektser, LLC, c/o Nissan Saidian (including Nissan and Caro et. al, and as trustees) purchased or received the property in March 1999 and are therefore property owners of the site. They are responsible parties for the site 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).