

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

March 7, 2018

Mr. Jeff Kerry
Kerry & Associates
151 Callan Avenue, Suite 300
San Leandro, CA 94577
(Sent via electronic mail to:
djkerry1@aol.com)

Mr. Jeffery Kerry
Jeffery & Dolores Kerry Trust
& James Donnelley et. al.
19655 North Ripon Road
Ripon, CA 95366

Lucia and Morris Donnelly
Address Unknown

Morris Donnelley, and
Dolores and Jeffrey Kerry
1121 Brookvale Drive
San Leandro, CA 94577

Donnelly Trust, c/o Gerald Donnelly, Trustee,
and Dolores & Jeffrey Kerry
38822 Farwell Drive, Apt. 18E
Fremont, CA 94536

Subject: Notice of Responsibility Revision; Fuel Leak Case No. RO00000208; and Global ID #T0600101043, Palace Garage 14336 Washington Avenue, San Leandro, CA 94578

Dear Responsible Parties:

In a Notice of Requirement to Reimburse (NOR) dated April 21 1993, J. and Dolores Kerry and Lucia and Morris Donnelly 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. In a NOR dated October 9, 2017 additional parties were named as Responsible Parties (RPs) for the fuel leak case in the attached updated NOR as defined under 23 C.C.R Sec. 2720. This revision update is issued to correct a mis-categorization of one RP contained in the October 9, 2017 NOR. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations and Electronic Report Upload (ftp) Instructions
Attachment A – Responsible Parties Data Sheet-Notice of Responsibility (NOR)

cc: Brian Busch, Closure Solutions, Inc., 4600 Northgate Blvd, Suite 230, Sacramento, CA 95834
(Sent via electronic mail to: brian.busch@innovex.net)

Arturo Robles, 6 Ramon Court, Danville, CA 94526; (Sent via electronic mail to: pill97@comcast.net)
James McBride, 1290 B Street, Suite 318, Hayward, CA 94541

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)
Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@acgov.org)
Electronic File; GeoTracker



Certified Mail #: 7014 3500 0003 1934 8856

March 7, 2018

NOTICE OF RESPONSIBILITY

Site Name & Address:
PALACE GARAGE
14336 WASHINGTON AVENUE
SAN LEANDRO, CA 94578

Local ID: RO0000208
Related ID: NA
RWQCB ID: NA
Global ID: T0600101043

Responsible Party:

**DONNELLY TRUST, C/O GERALD DONNELLY,
TRUSTEE, AND DOLORES & JEFFREY KERRY
38822 FARWELL DRIVE, APT. 18E
FREMONT, CA 94536**

Date First Reported: 2/1/1991
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 DONNELLY TRUST, C/O GERALD DONNELLY, AND DOLORES & JEFFREY KERRY ET.AL. 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: 03-08-2018
RONALD BROWDER, Director
Contract Project Director

Action: Update
Reason: Update

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 DEPARTMENT OF ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

March 7, 2018

Site Name & Address:

PALACE GARAGE
14336 WASHINGTON AVENUE
SAN LEANDRO, CA 94578

Local ID: RO0000208
Related ID: NA
RWQCB ID: NA
Global ID: T0600101043

All Responsible Parties

RP has been named a Primary RP – LUCIA AND MORRIS DONNELLY, AND DOLORES AND J.W. KERRY

463 ELSIE AVENUE | SAN LEANDRO, CA 94577 | No Phone Number Listed

RP has been named a Primary RP – MORRIS DONNELLY TRUST AND DOLORES AND JEFFREY KERRY, ET.AL.

1121 BROOKVALE DRIVE | SAN LEANDRO, CA 94577 | No Phone Number Listed

RP has been named a Primary RP – DOLORES AND JEFFREY KERRY TRUST, AND JAMES DONNELLY, ET.AL.

19655 NORTH RIPON ROAD | RIPON, CA 95366 | No Phone Number Listed

RP has been named a Primary RP – DONNELLY TRUST C/O GERALD DONNELLY TRUSTEE, AND DOLORES & JEFFRY ET.AL.

38822 FARWELL DRIVE, APT 18E | FREMONT, CA 94536 | No Phone Number Listed

Responsible Party Identification Background

Alameda County Department of Environmental Health (ACDEH) names a "Responsible Party," as defined under 23 C.C.R. Sec. 2720. Section 2720 defines a responsible party four 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 7, 2018

Existence of Unauthorized Release

On February 11, 1991, one 550-gallon underground storage tank (UST) was removed from the site. Four visible holes were observed near the tip of the UST during removal, including a ¼-inch and one ½-inch hole. A soil sample collected from beneath the tank detected a concentration of 19 milligrams per kilogram mg/kg Total Petroleum Hydrocarbons as gasoline (TPHg) and concentrations of benzene, toluene, ethylbenzene, and total xylenes (BTEX). A soil sample collected from the stockpile detected a concentration of 1,900 mg/kg TPHg, 1.2 mg/kg benzene, 14.0 mg/kg toluene, 11.0 mg/kg ethylbenzene, and 67.0 mg/kg total xylenes. These data indicate that an unauthorized release has occurred at the site.

Responsible Party Identification

Lucia and Morris Donnelly, and Dolores and J.W. Kerry purchased or received the property on September 13, 1984, and are Responsible Parties for site because they owned a UST used for the storage of a hazardous substance (Definition 1), owned the property where an unauthorized release of a hazardous substance occurred (Definition 3), and they had control over a UST at the time of or following an unauthorized release of a hazardous substance (Definition 4). Morris Donnelly and Dolores and Jeffrey Kerry, maintained the property under differing name configurations between May 31, 2005 and October 25, 2006.

The Morris Donnelly Trust and Dolores and Jeffrey Kerry, et.al. received or purchased the property on October 25, 2006. Ownership of the property was maintained by the trust until November 19, 2010. The Morris Donnelly Trust and Dolores and Jeffrey Kerry, et.al. are Responsible Parties because owned the property where an unauthorized release of a hazardous substance occurred (Definition 3).

The Dolores and Jeffrey Kerry Trust, and James Donnelly et.al. received or purchased the property November 19, 2010. They are Responsible Parties because owned the property where an unauthorized release of a hazardous substance occurred (Definition 3).

The Donnelly Trust, c/o Gerald Donnelly, Trustee, and Dolores & Jeffrey Kerry, et.al received or purchased the property on March 21, 2011. They are Responsible Parties because owned the property where an unauthorized release of a hazardous substance occurred (Definition 3).