

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH DEPARTMENT
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Certified Mail #: 7011 3500 0003 1848 1011

July 26, 2012

NOTICE OF RESPONSIBILITY

Site Name & Address:

**SHELL #13-5694
540 HEGENBERGER RD
Oakland, CA 94621**

**Local ID: RO0000223
Related ID: 3646
RWQCB ID: 01-2308
Global ID: T0600102123**

Responsible Party:

**VICTORIA DU
HORIZON ENERGY LTD
540 HEGENBERGER ROAD
OAKLAND CA 94621-1320**

**Date First Reported: 8/21/1996
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 SHELL OIL PRODUCTS US 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 WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site.


ARIU LEVI, Director
Contract Project Director

Date: 7/26/12

Action: Add
Reason: ADD RP

Attachment A: Responsible Parties Data Sheet

cc: Jennifer Jorden, SWRCB, D. Drogos (Sent via electronic mail to donna.drogos@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

July 26, 2012

Site Name & Address:

**SHELL #13-5694
540 HEGENBERGER RD
Oakland, CA 94621**

**Local ID: RO0000223
Related ID: 3646
RWQCB ID: 01-2308
Global ID: T0600102123**

All Responsible Parties

**RP has been named a Primary RP - DENIS BROWN
SHELL OIL PRODUCTS US
20945 S WILMINGTON AVE | CARSON, CA 90810-1039 | Phone (707) 865-0251**

**RP has been named a Primary RP - VICTORIA DU
HORIZON ENERGY LTD
540 HEGENBERGER ROAD | OAKLAND, CA 94621-1320 | Phone 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."

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

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

July 26, 2012

Responsible Party Identification

Existence of Unauthorized Release

On August 8, 1996, one soil sample was collected beneath piping at Dispenser 1 during a piping repair. The soil sample contained 3,400 parts per million (ppm) of total petroleum hydrocarbons as gasoline (TPHg) and 17 ppm of benzene. In January and February 1998, secondary containment was added to the existing dispensers and submersible turbine pumps. Soil samples collected beneath the dispensers during the upgrade contained up to 340 ppm of TPHg and 3.7 ppm of benzene. Subsequent site investigation and groundwater monitoring have confirmed the presence of petroleum hydrocarbons in soil and groundwater beneath the site. Based on the site characterization data, an unauthorized release or releases occurred from the UST system.

Responsible Party Identification

Shell Oil 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), were the property owner at the time of the unauthorized release (Definition 3), and had control of the UST at the time of or following an unauthorized release (Definition 4).

Horizon Energy Ltd. purchased the property in June 2011. Horizon Energy Ltd. is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).