



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

December 30, 2009

Mr. Charles Miller (*Sent via E-mail to: [chuck.miller@danskinvestments.com](mailto:chuck.miller@danskinvestments.com)*)

Moller Investment Group  
6951 Collins Drive, Suite E-11  
Moorpark, CA 93021

Drake Builders  
1616 Tremont Street  
Galveston, TX 77550

Mr. Ken Phares (*Sent via E-mail to: [kphares@ix.netcom.com](mailto:kphares@ix.netcom.com)*)

MacArthur Boulevard Associates  
10700 MacArthur Boulevard, Suite 200  
Oakland, CA 94605

Subject: Fuel Leak Case No. RO0000232 and Geotracker Global ID T0600101808, USA Petroleum, 10700 MacArthur Boulevard, Oakland, CA 94605 – Additional Responsible Party

Dear Mr. Miller, Mr. Phares, and Drake Builders:

In a Notice of Responsibility dated July 20, 1994, USA Petroleum and Drake Builders were notified that the above referenced site had been placed in the Local Oversight Program and that they were named as a Responsible Party for the fuel leak case. MacArthur Boulevard Associates purchased the property in 1998. MacArthur Boulevard Associates has been named an additional Responsible Party for the fuel leak case 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.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org).

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachment A: Responsible Parties Data Sheet

Responsible Parties  
RO0000232  
December 30, 2009  
Page 2

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA  
94612-2032 (Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))

Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Jerry Wickham, ACEH

Geotracker, File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

December 30, 2009

Site Name & Address:

**USA PETROLEUM**  
**10700 MACARTHUR BLVD**  
**Oakland, CA 94605**

**Local ID: RO0000232**  
**Related ID: 4490**  
**RWQCB ID: 01-1955**  
**Global ID: T0600101808**

**All Responsible Parties**

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**RP has been named a Primary RP - CHARLES MILLER**  
**MOLLER INVESTMENT GROUP**

6591 COLLINS DRIVE SUITE E-11 | MOORPARK, CA 93021 | Phone No Phone Number Listed

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**RP has been named a RP - KEN PHARES**  
**MACARTHUR BOULEVARD ASSOCIATES**

10700 MAC ARTHUR BLVD STE #200 | OAKLAND, CA 94605 | Phone (510) 562-9500

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**RP has been named a RP - UNKNOWN UNKNOWN**  
**DRAKE BUILDERS**

1616 TREMONT STREET | GALVESTON, TX 77550 | Phone No Phone Number Listed

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**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)

December 30, 2009

### **Responsible Party Identification**

#### Existence of Unauthorized Release

The site operated as USA Gasoline Service Station No. 57 until the station was closed in 1994. In July 1994, four underground storage tanks, dispensers, and associated piping were removed from the site. Total petroleum hydrocarbons as gasoline (TPHg) and benzene were detected in soil samples collected during the UST removal and soil excavation at concentrations up to 4,500 and 1.9 milligrams per kilogram, respectively. Subsequent site investigation, monitoring, and remediation activities conducted between 1994 and the present have further defined the extent of contamination in soil, soil vapor, and groundwater samples. The detections of fuel hydrocarbons and oxygenates in soil, soil vapor, and groundwater samples indicate that an unauthorized release from the UST system occurred at the site.

#### Responsible Party Identification

USA Petroleum was 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). USA Petroleum, which has been succeeded by Moller Investment Group, Inc., was identified as a responsible party in a Notice of Responsibility dated July 20, 1994.

Drake Builders owned the property from sometime prior to 1993 until 1998. Drake Builders is a responsible party because they owned the property where an unauthorized release occurred (Definition 3). Drake Builders was identified as a responsible party in a Notice of Responsibility dated July 20, 1994.

MacArthur Boulevard Associates purchased the property in 1998. MacArthur Boulevard Associates is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).