

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 0441

December 30, 2009

ENVIRONMENTAL HEALTH SERVICES

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

NOTICE OF RESPONSIBILITY

Site Name & Address:

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

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

Responsible Party:

**KEN PHARES
MACARTHUR BOULEVARD ASSOCIATES
10700 MAC ARTHUR BLVD STE #200
OAKLAND CA 94605**

Date First Reported: 8/31/1994

**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 MOLLER INVESTMENT GROUP 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) 341-5650.

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.


ARTU LEVNI, Director
Contract Project Director

Date: 12/31/09

Action: Add
Reason: ADD RP

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
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All Responsible Parties

**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

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

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

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

1616 TREMONT STREET | GALVESTON, TX 77550 | 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)

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).