

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 #: 7002 2030 0006 9574 2041

March 29, 2011

NOTICE OF RESPONSIBILITY

Site Name & Address:

**SHELL #13-5266
1800 POWELL ST
EMERYVILLE, CA 94608**

**Local ID: RO0000254
Related ID: 814
RWQCB ID: 01-1336
Global ID: T0600101231**

Responsible Party:

**C/O NICK GOYAL
AU ENERGY LLC
41805 ALBRAE STREET, 2ND FLOOR
FREMONT CA 94538-3120**

Date First Reported: 1/1/1982

**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) 341-5650.

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.



ARIU LEVI, Director
Contract Project Director

Date: 3/31/2011

Action: Add
Reason: ADD RP

Attachment A: Responsible Parties Data Sheet

cc: Jenniffer 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

March 29, 2011

Site Name & Address:

**SHELL #13-5266
1800 POWELL ST
EMERYVILLE, CA 94608**

Local ID: RO0000254

Related ID: 814

RWQCB ID: 01-1336

Global ID: T0600101231

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 - C/O NICK GOYAL
AU ENERGY LLC**

41805 ALBRAE STREET, 2ND FLOOR | FREMONT, CA 94538-3120 | 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)

March 29, 2011

Responsible Party Identification

Existence of Unauthorized Release

During the installation of new dispensers at the Shell station in September 1982, a leak from damaged fiberglass piping connected to an underground storage tank (UST) at the site was reported. The release was reported as approximately 3,200 gallons of super unleaded gasoline. An Unauthorized Release Report was submitted on September 10, 1982. In response to the release, five tank backfill wells (S-1 through S-4, and S-11) and six groundwater monitoring wells (S-5 through S-10) were installed at the site sometime prior to August 1983. Petroleum hydrocarbons were detected during product piping and dispenser upgrade activities in 2004. Shell submitted an Unauthorized Release Report on October 15, 2004. Site investigation activities and groundwater monitoring conducted since 1983 have detected petroleum hydrocarbons in soil and groundwater, confirming that an unauthorized release has occurred at the site.

Responsible Party Identification

Shell Oil Company was identified as a responsible party for the site in a Notice of Responsibility dated January 2, 1992. Shell Oil Products US is a responsible party for the fuel leak case because they or their corporate predecessors owned and operated the USTs (Definition 1), owned property where an unauthorized release from a UST occurred (Definition 3), and had control of the USTs at the time of an unauthorized release (Definition 4).

Au Energy LLC purchased the property in March 2010 and is the current property owner. Au Energy LLC is a responsible party because they are the current owners of a property where an unauthorized release from a UST has occurred (Definition 3).