

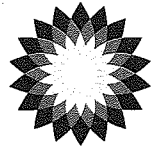


Douglas S. Reinhart

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Via Email and Certified Mail

June 20, 2008

Mr. Paresh Khatri
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502-6577

**RE: Refute Responsible Party Status for 1450 Fruitvale Avenue, Oakland, California
94601 ACEH Fuel Leak Case No. RO0000307/Geotracker Global –
ID No. T06019734265**

Dear Mr. Khatri,

In response to your letter dated May 22, 2008, Atlantic Richfield Company (a BP affiliated company) respectfully refutes your assertion that Atlantic Richfield Company meets the definition of a responsible party for the unauthorized release at 1450 Fruitvale Avenue, Oakland, Alameda County, California (Site). Your agency refers to this Site as ACEH Fuel Leak Case No. RO0000307 / Geotracker Global ID No. T06019734265. Since 1998 and as late as March 2005, environmental compliance work to address the unauthorized release at the Site was being performed by others, most recently for Fruitvale-Farnum Associates, LLC.

The records show that Atlantic Richfield Company sold the property to Curtis and Joyce Thomas on June 2, 1976, as evidenced by the Corporation Grant Deed recorded by Alameda County on June 18, 1976 and provided as an attachment to this letter. Documents within your files state that a gasoline station was present at the Site until at least 1983 (Glenfos Inc., 27 July 1998, *Limited Phase I and Phase II Environmental Site Assessment*; AEI Consultants, Inc., 11 October 1999, *Phase II Subsurface Investigation*). The latter document states that "...the property was developed as a gas station in 1950 by Richfield Oil Company (Currently known as ARCO) and operated until at least 1983." Further on it states "The gas station was demolished and the existing warehouse was constructed after 1983." This documentation conflicts with the third sentence of your May 22 letter in which you state that the station was demolished in 1976.

Furthermore, records from the City of Oakland Building Department indicate that Curtis Thomas operated a gas station at the Site after Atlantic Richfield Company sold the property to him. A Plumbing Permit Application dated November 29, 1976 and signed by Curtis Thomas as Owner states "Building to be used for Gas Station." A copy of this plumbing permit application is provided as an attachment to this letter.

Mr. Paresh Khatri
June 20, 2008
Page 2

Based on these facts, Atlantic Richfield Company does not meet the definition of "Responsible Party" under Title 23, Section 2720 of the California Code of Regulations, as quoted in your May 22 letter. Specifically, the underground storage tanks at the Site appear to have been operated by at least one other person (Curtis Thomas) after Atlantic Richfield Company and before discontinuation of their use.

Atlantic Richfield Company believes that its information and documentation refutes responsible party status for the Site at 1450 Fruitvale Avenue in Oakland, Alameda County, California. For that reason, Atlantic Richfield Company does not intend to address the other Technical Comments contained in your May 22 letter or submit a site characterization work plan. Should you have further questions or comments, please do not hesitate to contact me or Mr. Paul Supple, Environmental Business Manager, at 925-275-3801.

Sincerely,



Douglas S. Reinhart
Attorney for Atlantic Richfield Company

DSR:sr

Attachments: Corporation Grant Deed dated June 2, 1976 (1 p.)
City of Oakland Plumbing Permit Application dated November 29, 1976 (2 pp.)

cc: Mr. Paul Supple, Atlantic Richfield Company, PO Box 1257, San Ramon, CA 94583
Mr. Tom Venus, Broadbent & Associates, Inc., 1324 Mangrove Ave, #212, Chico, CA 95926
Electronic copy uploaded to ENFOS

RECORDING REQUESTED BY*

TITLE INSURANCE & TRUST COMPANY

AND WHEN RECORDED MAIL TO

Name CURTIS L. THOMAS
Street Address C/O ROCKLEY REALTOR
City & State 7614 Mac Arther
Oakland, California

Name
Street Address SAME AS ABOVE
City & State

76- 95838

RE: 4409 IM-321

RECORDED at REQUEST OF
Title Insurance & Trust Co.
At 10:30 A.M.

JUN 18 1976

OFFICIAL RECORDS OF
ALAMEDA COUNTY, CALIFORNIA
RENE C. DAVIDSON
COUNTY RECORDER



SPACE ABOVE THIS LINE FOR RECORDER'S USE

Corporation Grant Deed

TO 1971 CALIF. 112 721

THIS FORM FURNISHED BY TICOH TITLE INSURERS

A.P.N. 33-2121-22

The undersigned grantor(s) declare(s):

- Documentary transfer tax is \$ 16.50
- () computed on full value of property conveyed, or
- () computed on full value less value of liens and encumbrances remaining at time of sale.
- () Unincorporated area: () City of OAKLAND, and

City of Oakland tax \$ 25.00
1/2 of 1% of Full value conveyed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ATLANTIC RICHFIELD CORPORATION (formerly The Atlantic Refining Company, successor by merger to Richfield Oil Corporation)

a corporation organized under the laws of the State of Pennsylvania hereby GRANTS to CURTIS L. THOMAS and JOYCE THOMAS, husband and wife, as Joint Tenants

the following described real property in the City of Oakland
County of Alameda, State of California:

Lots 13 and 14 and the Northwestern 11 feet of Lot 15 of the Welherbee-Parnam Tract, according to the map thereof, filed October 9, 1905, in the Office of the County Recorder, Alameda County, California in Map Book 20, Page 78.

EXCEPTING AND RESERVING unto the Grantor, its successors and assigns, all minerals, and all oil, gas and other hydrocarbon substances in and under said land below a depth of five hundred feet, without the right of surface entry.

SUBJECT TO taxes not yet delinquent, easements, encroachments, conditions and any covenants and/or limitations which are of record affecting marketability or which would be visible to a prudent real estate buyer after a thorough inspection of the property at date hereof.

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its Assistant Vice President and Assistant Secretary thereunto duly authorized.

Dated: June 2, 1976

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

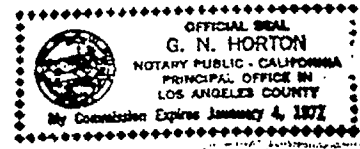
On June 2, 1976 before me, the undersigned, a Notary Public in and for said State, personally appeared John W. Bond known

to me to be the Assistant Vice President, and Helen Sonnenberg known to me to be Assistant Secretary of the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that each Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature G. N. Horton
G. N. HORTON

ATLANTIC RICHFIELD COMPANY
By John W. Bond Assistant Vice President
By Helen Sonnenberg Assistant Secretary



CITY HALL—TELEPHONE 273-3291

PLUMBING INSPECTION

CITY OF OAKLAND
 Plumbing Permit Application
 Date: 12/17/76 By: [Signature]
 Building Dept and Zoning Clearance
 Building Permit No. 950
 Post Dates: 12-1-76, 12-7-76
 Total All Fees (Cash) (ht.): \$ 320.64
 Plumbing Permit No. 32064
 Add to Plumbing Permit No.
 Gas Appliance Permit No.

Whenever it shall be necessary to make any additional inspection due to the failure or neglect of applicant to give the correct address or location of the work specified in the permit when applying therefor, a fee of \$3.00 shall be charged and collected by the Plumbing Inspector for making such additional inspection.

FIXTURES (Replace)		HEATING-VENTILATION		SEWERS		FEES	
No.	Fee	No.	Fee	No.	Fee	No.	Fee
		Central Furnace		New Connection			
		Wall Heater		Repair—Est.—Replace			
		Unit Heater		Abandonment (Plug)			
		Floor Furnace		Septic Tank			
		Registers		Storm			
		Convectors		Permit Fee			
		Panels—Cells		Total Sewer Fees			
		Fans-Blowers		MISC. ITEMS			
		Boilers					
		Control Change					
		Booster Water Heater					
		Hoods					
		Flues					
		Vents (Kitchen—th)					
		Range					
		Water Heater					
		Circulating Heater					
		Permit Fee					
		Total Heating Fees					
		Total Plumbing Fees					

By: [Signature] Date: 12/17/76
 INSPECTOR: [Signature] DATE: 12/17/76
 TYPE: Rough Heating-Ventilation, Final Heating-Ventilation, Rough Plumbing, Sewer-Septic Tank, O.K. Engineering Dept., Gas Line Test O.K., Temp. Gas O.K., Gas O.K. sent to (Bldg. Dept.), Gas Appliance
 Final Plumbing

Address of Job: 1450 Fintwood
 [Residence (New) / (Alt.)] Commercial (New) (Alt.) Building to be used for: [Signature]
 Owner of Bldg.: [Signature] Address: 210 [Signature]
 Contractor: [Signature] Address: [Signature]
 Phone No. of Applicant: 261-5939

(1) (We) hereby agree to save, indemnify, and keep harmless the City of Oakland against all liabilities, judgments, costs, and expenses which may in any way accrue against the said City in consequence of the granting of this permit or from the use or occupancy of any sidewalk, streets, or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and the ordinances and/or rules of any governmental agency involved.

Signature of Applicant only: [Signature]
 NOTICE: No permit can be issued unless Application contains ALL of the required information. Please leave carbons attached to application.

339-1 REV. 7-70

INSPECTOR: Draw sketch of building. Show sewer location and distance from some given point. Show septic tank and drain tile location.

5. TO BE COMPLETED ONLY WHEN MAKING APPLICATION FOR A SPECIAL HOME OWNER'S PERMIT

As under Sections 1.10 (c), 8-16.3 and 8-16.8 of the Oakland Code to

Install

Work described is to be done by Dunkin
 or 10.11.11 who is my

(relationship) and resides with me. I certify that all said work will be performed in strict compliance with the requirements of the Oakland Municipal Code pertaining thereto, and with the rules and regulations thereunder promulgated. All work to be done by the above named person. No other to be allowed to perform any work.

I further certify that in the performance of said work for which such permit is issued, I will not employ any person or persons in any manner so as to become subject to the provisions of the Labor Code of the State of California relating to Workmen's Compensation Insurance.

[Signature] being duly sworn, deposes and says that (he) (she) is the person who is making the foregoing application and that the statements therein are true and correct.

Signed (Owner) [Signature]
 State of California,
 County of Alameda,
 City of Oakland

Signed (Tenant)

Subscribed and sworn to before me this 29 day of 11.01.11.

Signed By Dunkin (Official)

NOTE: The making of any false statement in the foregoing application or the violation of any of the provisions of the Oakland Municipal Code pertaining to such application for the permit for work is a misdemeanor. Any person convicted of such misdemeanor shall be punishable by a fine of not more than \$500.00 or by imprisonment in the City Prison for a period of not more than six months, or by both such fine and imprisonment.

Remarks:

No.	Description of Work	Permit In	Permit To Come	Dates Checked
	Plot Plan (O.K.) (Change)			
	Vault Toilet (O.K.) (Change)			
	Plumbing Fixtures			
	Sewer-Septic Tank			
	Heating (Cent. H.) (Wall H.) (F.F.) (U.H.)			
	Flues			
	Vents (Kitchen) (Bath)			
	Gas Appliances (H.W.H.) (R.) (Cir. H.)			

Date

BY

Applicant Notified Regarding (Permits) (Changes)