

Khatri, Paresh, Env. Health

From: Tom Venus [tvenus@broadbentinc.com]
Sent: Monday, July 28, 2008 9:52 AM
To: Khatri, Paresh, Env. Health
Cc: 'Supple, Paul V'; reinhads@bp.com; 'Rob Miller'
Subject: ACEH Case #RO307 - 1450 Fruitvale Ave Oakland

Hello Paresh,

On behalf of BP I am writing in response to your letter dated 7/9/2008 regarding ACEH Case #RO307 for 1450 Fruitvale Ave, Oakland. Your latest correspondence still indicates some confusion regarding the timeline between when Richfield Oil Company sold the Site to Mr. Curtis Thomas, when the Site was last used as a gasoline station, and when the station building was demolished. If I may clarify:

- The Corporation Grant Deed provided to you in BP's letter of 6/20/2008 is evidence that Atlantic Richfield Company sold the subject property to Curtis and Joyce Thomas on 6/2/1976. The sale was recorded by Alameda County on 6/18/1976.
- The historic City of Oakland Building Department records provided to you in the same letter of 6/20/2008 indicated that Curtis Thomas operated a gas station at the Site AFTER Atlantic Richfield Company sold the property to him. A Plumbing Permit Application, signed by Curtis Thomas as Owner on 11/29/1976, states that "Building to be used for Gas Station." Furthermore, with "(Alt.)" being circled the application indicated the plumbing work was for an alteration of an existing commercial building and not for a new building. A copy of this evidence was provided to you in BP's letter dated 6/20/2008.
- Finally, historical aerial photographs flown by Pacific Aerial Survey of Oakland indicate that the gas station building at the Site remained visibly unaltered until at least 1983. Aerial photographs of very good resolution and coverage from 1977, 1979, and 1983 show the gas station building in the same configuration as photographs from years prior to the property transfer in 1976.

Based on the evidence, I must respectfully disagree with your conclusion that Mr. Thomas did not operate a gas station at the Site after the property sale on 6/2/1976. By his own handwritten signature, Curtis Thomas affirmed that the building was in use as a gas station at least through 11/29/1976. We believe that the evidence provided on record adequately refutes BP's status as a "Responsible Party" according to the California Code of Regulations, Title 23, Section 2720. Specifically, we believe this evidence indicates that BP was not the last "person who owned or operated an underground storage tank immediately prior to discontinuation of its use" (23 CCR 2720.2).

Your letter of 7/9/2008 respectfully requests that BP submit more substantive and convincing documentation refuting their responsible party status by 8/8/2008. If the evidence and explanations presented so far are still insufficient in your eyes, then BP must respectfully request additional time to conduct further research into records or conduct interviews. Therefore, on behalf of BP, I respectfully request one additional month of time to conduct said research. By approving this request for extension, the due date for provision of documentation to affirm or refute RP status would defer from 8/8/2008 to 9/8/2008. The requested submittal of a Soil and Water Investigation Work Plan, presently requested as due by 8/25/2008, would also be deferred.

The favor of a written reply in the affirmative to this extension request would be appreciated. Should you have any further questions or comments, I may be reached at my office number listed below.

With regards,

Tom Venus, PE
Senior Engineer



Broadbent & Associates, Inc.
1324 Mangrove Ave., Ste. 212
Chico, California 95926
(530) 566-1400 phone

(530) 566-1401 fax
(530) 588-5887 mobile
tvenus@broadbentinc.com

Khatri, Paresh, Env. Health

From: Khatri, Paresh, Env. Health
Sent: Monday, July 28, 2008 2:00 PM
To: 'Tom Venus'
Cc: 'Supple, Paul V'; reinhads@bp.com; 'Rob Miller'; Drogos, Donna, Env. Health
Subject: RE: ACEH Case #RO307 - 1450 Fruitvale Ave Oakland

Hello Tom,

Your request for an additional month to respond to our July 9, 2008 correspondence is acceptable. However, clarification regarding ACEH's conclusions stated in our correspondence appears necessary. You state in your e-mail that I concluded that "Mr. Thomas did not operate a gas station at the Site after the property sale on 6/2/1976." For clarification, ACEH stated "[i]t cannot be definitively determined that Mr. Thomas operated a gasoline dispensing facility from June 1976 to 1983, since reports in our case file contain conflicting information from the date of sale of the property until the site was redeveloped and it cannot be determine whether Mr. Thomas operated a gasoline station." For that reason, we are requesting substantive and convincing documentation from BP America.

Please contact me should you have any questions or comments regarding this e-mail correspondence.

Respectfully,

Paresh C. Khatri
Hazardous Materials Specialist
Alameda County Environmental Health
Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

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