



AGENCY

Certified Mail #: 7011 3500 0003 1848 4791

July 10, 2014

NOTICE OF RESPONSIBILITY

Site Name & Address:

SHELL
461 8TH STREET
OAKLAND, CA 94607

ACEH Case No.: RO0000343

Global ID: T0600101263

Responsible Party:

BROADWAY OAK PARTNERS LLC
C/O TERRY WOLF SR.
5165 BRANDIN COURT
FREMONT, CA 94538

Date First Reported: 04/16/1987

Substance: Gasoline

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 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) 341-5752.

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 Jerry Wickham at this office at (510)567-6791 if you have questions regarding your site.

Date: 7/14/14

ARIU LEVI, Director
Contract Project Director

Action: Add RP
Reason: Add RP

Attachment A: Responsible Parties Data Sheet

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

July 10, 2014

Site Name & Address

SHELL
461 8TH STREET
OAKLAND, CA 94607

ACEH Case No.: RO0000343

Global ID: T0600101263

All Responsible Parties

RP has been named a Primary RP – SHELL OIL PRODUCTS US
Perry Pineda, 20945 S. Wilmington Ave., Carson, CA 90810-1039

RP has been named a Primary RP – AFE BROADWAY 8 LLC
C/O AF Evans, 1000 Broadway, Ste. 300, Oakland, CA 94507

RP has been named a Primary RP – WELLS FARGO BANK
Mr. John Ward, Trust Real Estate, P.O. Box 693939, San Francisco, CA 94163

RP has been named a Primary RP – BROADWAY OAK PARTNERS LLC
C/O Terry Wolf, Sr., 5165 Brandin Court, Fremont, CA 94538

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.

Existence of an Unauthorized Release

In January 1979, separate phase petroleum hydrocarbons (SPH) were reported in a BART tunnel under the intersection of 7th Street and Broadway. Product lines at 461 8th Street were tested and a pressure leak was found. The product lines were replaced in January 1979. Laboratory analyses indicated that the SPH detected in the BART tunnel was Shell regular gasoline. Subsequent site investigation activities detected petroleum hydrocarbons in soil and groundwater beneath the site. Based on these results, an unauthorized release or releases appears to have occurred from the UST system.

Responsible Party Identification

Shell Oil Products US is a responsible party for the fuel leak because they were the former business owner, tank owner, and tank operator (Definition 1), were the former property owner (Definition 3), and had control of the UST at the time of an unauthorized release (Definition 4).

Wells Fargo Bank is a responsible party because they were the former owner of the property where an unauthorized release occurred (Definition 3).

AFE Broadway 8 LLC is a responsible party because they were the former owner of the property where an unauthorized release occurred (Definition 3).

Broadway Oak Partners LLC is a responsible party because they are current owner of the property where an unauthorized release occurred (Definition 3).