

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 70022030000685741990

January 18, 2011

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:

**SHELL #13-5784
3790 HOPYARD RD
Pleasanton, CA 94566**

**Local ID: RO0000363
Related ID: 1673
RWQCB ID: 01-1362
Global ID: T0600101257**

Responsible Party:

**C/O RENE ANABI
ANABI REAL ESTATE DEVELOPMENT LL
1041 NORTH BENSON AVENUE
UPLAND CA 91786-2157**

Date First Reported: 9/18/1986

**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: 1/18/2011

Action: Add
Reason: ADD RP

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 18, 2011

Site Name & Address:

**SHELL #13-5784
3790 HOPYARD RD
Pleasanton, CA 94566**

Local ID: RO0000363

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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 RENE ANABI
ANABI REAL ESTATE DEVELOPMENT LLC**

1041 NORTH BENSON AVENUE | UPLAND, CA 91786-2157 | 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)

January 18, 2011

Responsible Party Identification

Existence of Unauthorized Release

During a site investigation conducted in October 1987, fuel hydrocarbons were detected in soil and groundwater samples collected from soil borings and monitoring wells. Subsequent site investigations and monitoring since 1987 have confirmed that Based on the detections of fuel hydrocarbons, an Underground Storage Tank Unauthorized Release Report was submitted on September 24, 2008.

Responsible Party Identification

Shell Oil Products is a responsible party for the fuel leak because they were 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).

Anabi Real Estate Development LLC purchased the property in July 2010. Anabi Real Estate Development LLC is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).