

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0378 7033
November 04, 2009

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:
CRUISE AMERICA INC / MCGUIRE HESTER
796 66TH AVE
OAKLAND, CA 94621

Local ID: RO0002449
Related ID: 3931
RWQCB ID: NA
Global ID: T0600100878

Responsible Party:

UNK2932 UNK2932
MCGUIRE AND HESTER
9009 RAILROAD AVENUE
OAKLAND CA 94603

Date First Reported: 7/12/2002
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 CRUISE AMERICA INC 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: 11/5/09

Action: Add
Reason: ADD RP

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

November 09, 2009

Site Name & Address:

CRUISE AMERICA INC / MCGUIRE HESTER
796 66TH AVE
OAKLAND, CA 94621

Local ID: RO0002449
Related ID: 3931
RWQCB ID: NA
Global ID: T0600100878

All Responsible Parties

RP has been named a Primary RP - CORY KAUFFMANN
CRUISE AMERICA INC
11 WEST HAMPTON AVE | MESA, AZ 85210 | Phone (480) 464-7395

RP has been named a RP - UNK2932 UNK2932
MCGUIRE AND HESTER
9009 RAILROAD AVENUE | OAKLAND, CA 94603 | 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)

November 09, 2009

Responsible Party Identification

Existence of Unauthorized Release

Unauthorized releases occurred from two separate underground storage tank (UST) systems that operated at the site at different times. On January 9, 1987, two gasoline USTs (1,000 and 5,000-gallons) and one diesel UST (8,000-gallons) were excavated and removed from the site. Laboratory analysis of soil samples collected beneath the fill ends of the tanks contained elevated concentrations of petroleum hydrocarbons. Standing water in the tank pits had visible hydrocarbon sheen and product odor. Subsequent soil and groundwater investigations in the area of the former diesel UST confirmed that an unauthorized release had occurred from these first generation USTs that were removed in 1987. Cruise America acquired the property from McGuire Hester in August 1988.

Site investigations conducted in July and September 2001 detected MTBE in groundwater at concentrations up to 13,000 ppb in the area of a 10,000-gallon gasoline UST in the southern portion of the site. The 10,000-gallon second generation UST was removed from the site in November 2001. MTBE and benzene were detected in soil samples collected during the tank removal at concentrations up to 53 and 13 ppm, respectively. MTBE was detected in a groundwater sample collected from the tank pit at a concentration of 42,000 ppb. These results and subsequent soil and groundwater sampling in the area of the 10,000-gallon gasoline UST confirmed that a leak had occurred from the second generation UST system.

Responsible Party Identification

McGuire and Hester, a corporation, owned the property at 796 66th Avenue from sometime prior to April 1983 until August 19, 1988. McGuire and Hester is a responsible party for the fuel leak case because they were the business owner, tank owner, and tank operator at the time of the unauthorized release from the first generation USTs (Definition 1), owned property where an unauthorized release occurred (Definition 3), and had control of the first generation USTs at the time of or following an unauthorized release (Definition 4).

Cruise America, Inc. purchased the property at 796 66th Avenue from McGuire and Hester on August 19, 1988. Cruise America, Inc. was identified as a responsible party for the fuel leak case in a Notice of Responsibility dated May 22, 2002. Cruise America, Inc. is a responsible party for the fuel leak case because they were the business owner, tank owner, and tank operator at the time of the unauthorized release from the second generation UST (Definition 1), owned property where an unauthorized release occurred (Definition 3), and had control of the second generation UST at the time of or following an unauthorized release (Definition 4).