

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Acting Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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November 5, 2009

Mr. Cory Kauffmann
Cruise America, Inc.
11 West Hampton Avenue
Mesa, AZ 85210

Subject: Fuel Leak Case No. RO0002449 and Geotracker Global ID T06019713704, Cruise America, 796 66th Avenue, Oakland, CA 94621 – Additional Responsible Party

Dear Mr. Kauffman:

In a Notice of Responsibility dated May 22, 2002, Cruise America, Inc. was notified that the above referenced site had been placed in the Local Oversight Program and that they were named as a Responsible Party for the fuel leak case due to an unauthorized release from a gasoline underground storage tank (UST) that was removed in 2002 (referred to as the second generation UST system).

Review of the case file indicates that unauthorized releases also occurred from first generation UST systems that were removed in January 1987. McGuire and Hester, a corporation, has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R. Sec. 2720 due to the unauthorized releases from the first generation UST systems. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

This case is currently under review for case closure. If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Handwritten signature of Jerry Wickham in black ink.

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachment A: Responsible Parties Data Sheet

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cc: Leroy Griffin
Oakland Fire Department
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

Robert Flory
AEI Consultants
2500 Camino Diablo, Suite 200
Walnut Creek CA 94597

Peter McIntyre
AEI Consultants
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Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

November 05, 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 05, 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).