

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

REBECCA GEBHART, Acting Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

June 23, 2016

ExxonMobil  
4096 Piedmont Ave., #194  
Oakland, CA 94611  
Attn.: Jennifer Sedlachek  
(Sent via electronic mail to:  
[jennifer.c.sedlachek@exxonmobil.com](mailto:jennifer.c.sedlachek@exxonmobil.com))

Valero  
10955 Westmoor Drive, Suite 400  
West Minster, CO 80021  
Attn.: Roger Levin  
(Sent via electronic mail to:  
[roger.levin@valero.com](mailto:roger.levin@valero.com))

BNY Western Trust Company  
3200 Southwest Fwy  
Houston, TX 77027  
Attn.: R J Dold

MHCB (USA) Leasing & Finance Corporation  
c/o Ad Valorem Tax Department  
PO Box 690110  
San Antonio, TX 78269-0110

FSW Highland LLC  
99 S. Hill Drive  
Brisbane, CA 94005-1274

Bieu Tran & Andy H Chan et al  
3755 38<sup>th</sup> Ave.  
Oakland, CA 94619-2063

Subject: Notice of Responsibility Update - Fuel Leak Case No. RO0002515 and Geotracker Global ID #T06019757161, Valero #3832, 3450 35<sup>th</sup> Avenue, Oakland, CA 94619

Dear Responsible Parties:

In a Notice of Responsibility dated February 25, 2003, ExxonMobil, Valero, and BNY Western Trust Company were notified that the above referenced site had been placed in the Local Oversight Program and were named as Responsible Parties for the fuel leak case. MHCB (USA) Leasing & Finance Corporation, FSW Highland LLC, and Bieu Tran & Andy H Chan et al have been named as additional Responsible Parties for the fuel leak case as defined under 23 C.C.R. Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

If you have any questions, please call me at (510) 567-6764 or send me an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

Sincerely,

Digitally signed by Keith Nowell  
DN: cn=Keith Nowell, o, ou,  
email=keith.nowell@acgov.org, c=US  
Date: 2016.06.21 16:47:34 -07'00'

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Dilan Roe, ACEH, (Sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Keith Nowell, ACEH, (Sent via electronic mail [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))  
Geotracker, Electronic File



AGENCY

REBECCA GEBHART, Acting Director

Certified Mail #: 7009 2820 0001 4359 5401

June 23, 2016

**NOTICE OF RESPONSIBILITY**

<b>Site Name &amp; Address:</b> VALERO #3832 3450 35 <sup>TH</sup> AVE. OAKLAND, CA 94619
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<b>Local ID:</b>	RO0002515
<b>Related ID:</b>	NA
<b>RWQCB ID:</b>	NA
<b>Global ID:</b>	T06019757161

**Responsible Party:**

MHCB (USA) LEASING & FINANCE CORPORATION  
C/O AD VALOREM TAX DEPARTMENT  
PO BOX 690110  
SAN ANTONIO, TX 78269-0110

<b>Date First Reported:</b>	10/03/2002
<b>Substance:</b>	• Gasoline-Automotive (motor gasoline and additives), leaded & unleaded
<b>Funding for Oversight:</b>	LOPS - LOP State Fund
<b>Multiple RPs?:</b>	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 MHCB (USA) LEASING & FINANCE CORPORATION 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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

 Date: 06-21-2016  
RONALD BROWDER, Acting Director  
Contract Project Director

<b>Action:</b>	Update
<b>Reason:</b>	ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File



AGENCY

REBECCA GEBHART, Acting Director

Certified Mail #: 7009 2820 0001 4359 5388

June 23, 2016

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**VALERO #3832  
3450 35<sup>TH</sup> AVE.  
OAKLAND, CA 94619**

**Local ID: RO0002515  
Related ID: NA  
RWQCB ID: NA  
Global ID: T06019757161**

**Responsible Party:**

**FSW HIGHLAND LLC  
99 S. HILL DR  
BRISBANE, CA 94005-1274**

**Date First Reported: 10/03/2002**  
**Substance:** • 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 FSW HIGHLAND LLC 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.

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Date:

06-23-2016

RONALD BROWDER, Acting Director  
Contract Project Director

Action: Update  
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File



AGENCY

REBECCA GEBHART, Acting Director

Certified Mail #: 7009 2820 0001 4359 5395

June 23, 2016

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

VALERO #3832  
3450 35<sup>TH</sup> AVE.  
OAKLAND, CA 94619

Local ID: RO0002515  
Related ID: NA  
RWQCB ID: NA  
Global ID: T06019757161

**Responsible Party:**

TRAN BIEU T & CHAN ANDY H ET AL  
3755 38<sup>TH</sup> AVE  
OAKLAND, CA 94619-2063

Date First Reported: 10/03/2002  
Substance: • 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 TRAN BIEU T & CHAN ANDY H ETAL 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.

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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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

 Date: 06-21-2016  
RONALD BROWDER, Acting Director  
Contract Project Director

Action: Update  
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

June 23, 2016

**Site Name & Address:**

VALERO #3832  
3450 35<sup>TH</sup> AVE.  
OAKLAND, CA 94619

Local ID: RO0002515  
Related ID: NA  
RWQCB ID: NA  
Global ID: T06019757161

**All Responsible Parties**

RP has been named a Primary RP – EXXONMOBILE  
ATTN: JENNIFER SEDLACHEK  
4096 PIEDMONT AVE #194 | OAKLAND, CA 94611 | 510) 547-8196

RP has been named a Primary RP – BNY WESTERN TRUST COMPANY  
ATTN.: R J DODD  
3200 SOUTHWEST FWY | HOUSTON, TX 77027 | No Phone Number Listed

RP has been named a Primary RP – MHC B (USA) LEASING & FINANCE CORPORATION  
C/O AD VALOREM TAX DEPARTMENT  
PO BOX 690110 | SAN ANTONIO, TX 78269-0110 | No Phone Number Listed

RP has been named a Primary RP - VALERO  
ATTN: ROGER LEVIN  
10955 WESTMOOR DRIVE SUITE 400 | WEST MINSTER, CO 80021 | No Phone Number Listed

RP has been named a Primary RP - FSW HIGHLAND LLC  
99 S. HILL DR | BRISBANE, CA 94005-1274 | No Phone Number Listed

RP has been named a Primary RP - TRAN BIEU T & CHAN ANDY H ETAL  
3755 38<sup>TH</sup> AVE | OAKLAND, CA 94619-2063 | No Phone Number Listed

## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

June 23, 2016

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### **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."
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## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

June 23, 2016

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### Existence of Unauthorized Release

Three 12,000-gallon gasoline underground storage tanks (USTs) and approximately 1,000 feet of dispenser piping were excavated and removed from the site in June, 2002. Maximum petroleum hydrocarbon concentrations of 24 milligrams per kilogram (mg/Kg) total petroleum hydrocarbons as gasoline (TPH-g) were detected in soil samples collected beneath the dispenser piping. A grab-groundwater sample recovered from fuel tank pit excavation was reported to contain 5,600 micrograms per liter (ug/L) TPH-g, 140 ug/L benzene, and 12,000 ug/L methyl tertiary butyl ether (MTBE). These concentrations indicate an unauthorized release has occurred from the underground storage tank system at this site.

### Responsible Party Identification

EXXON Corporation acquired title of the property on October 31, 1988. EXXON Corporation merged with Mobil Corporation on November 30, 1999, becoming EXXON Mobil Corporation. EXXON Mobil Corporation, as a successor to EXXON Corporation, meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

BNY Western Trust Company acquired title of the property on June 16, 2000. BNY Western Trust Company meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

MHCB (USA) Leasing & Finance Corporation acquired title of the property on July 16, 2003. MHCB (USA) Leasing & Finance Corporation meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

Valero acquired title of the property on January 12, 2011. Valero meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

FWS Highland LLC acquired title of the property on March 2, 2011. FWS Highland LLC meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

Tran Bieu T & Chan Andy H ETAL acquired title of the property on March 3, 2015. Tran Bieu T & Chan Andy H ETAL meets the definition of a responsible party for the site because it owns the property where an unauthorized release occurred (Definition 3).