

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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April 28, 2008

Victor Irvy
4102 Lust Street
Oakland, CA 94608

Subject: Fuel Leak Case No. RO0002568, Pacific Pipe Company, 1685 24th Street, Oakland, CA
94607 – Additional Responsible Party

Dear Mr. Irvy:

In a Notice of Responsibility dated July 4, 2003, Victor Irvy was notified that the above referenced site had been placed in the Local Oversight Program and that the Victor Irvy was named as Responsible Party for the fuel leak case. Jaber Herbert (Capital Stone Group) purchased the property and has been named an additional Responsible Party 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) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos, ACEH
Paresh Khatri, ACEH
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

April 28, 2008

Site Name & Address:
PACIFIC PIPE COMPANY
1685 24TH ST
OAKLAND, CA 94607

Local ID: RO0002568
Related ID: NA
RWQCB ID: NA
Global ID: T06019758726

All Responsible Parties

RP has been named a Primary RP - VICTOR IVRY
PACIFIC PIPE CO
29 BROOKSIDE RD | ORINDA, CA 94563 | Phone No Phone Number Listed

RP has been named a RP - JABARI HERBERT
CAPITAL STONE GROUP
1485 8TH STREET | OAKLAND, CA 94607 | 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)

April 28, 2008

Responsible Party Identification

Existence of Unauthorized Release

Three 1000-gallon, two 8000-gallon, and two 7500-gallon underground fuel storage tanks (UST) were removed from the site in April 1987. In August 2002, analyses of shallow groundwater samples from six borings drilled in the vicinity of the tanks had reported concentrations of gasoline constituents and diesel range hydrocarbons. In June 2004, analyses of shallow groundwater samples from eight borings, three drilled at the locations of former USTs and five drilled in close proximity of suspected UST locations, had reported concentrations of gasoline constituents and diesel range hydrocarbons.

Responsible Party Identification

Pacific Pipe Company owned the property from circa 1940 till May 15, 2006. Pacific Pipe Company is a responsible party because it owned the USTs (definition 1), formerly owned the property where an unauthorized release occurred (definition 3), and had control over the USTs at the time of or following the unauthorized release (definition 4).

Capitol Stone Group, LLC, purchased the property on May 15, 2006. Capitol Stone Group, LLC is a responsible party because it owns the property where an unauthorized release occurred (definition 3).