

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY

ALEX BRISCOE, Agency Director



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

July 31, 2015

Bishop Robert Jackson  
Acts Community Development  
1034 66<sup>th</sup> Avenue  
Oakland, CA 94621

Daniel Ustin  
P.O. Box 591  
Gordon Vall, ID 83622

Man F. and Siumei L. Chu  
2985 California St.  
Oakland, CA 94602

Danilo Mayorga  
5305 E. 12 Street  
Oakland, CA 94601

Danilo Mayorga Trust  
5305 E. 12 Street  
Oakland, CA 94601

Subject: LOP Case No. RO0002905 and Geotracker Global ID SL0600129548, ACTS Community Development, 1001 77<sup>th</sup> Avenue, Oakland, CA 94621

Dear Responsible Parties:

In a Notice of Responsibility dated March 23, 2006, Daniel Ustin, ACTS Community Development (Attn. Robert Jackson), and Man F. and Siumei L. Chu 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. Danilo Mayorga and Danilo Mayorga Trust 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,

A handwritten signature in cursive script that reads "Keith Nowell".

Digitally signed by Keith Nowell  
DN: cn=Keith Nowell, o=Alameda County,  
ou=Department of Environmental Health,  
email=keith.nowell@acgov.org, c=US  
Date: 2015.07.31 13:18:24 -07'00'

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

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



AGENCY  
ALEX BRISCOE, Agency Director

Certified Mail #: 7009 2820 0001 4359 5319

July 31, 2015

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**ACTS COMMUNITY DEVELOPMENT  
1001 77TH AVE.  
OAKLAND, CA 94621**

**Local ID: RO0002905  
Related ID: NA  
RWQCB ID: NA  
Global ID: SL0600129548**

**Responsible Party:**

**DANILO MAYORGA  
5305 E. 12<sup>TH</sup> STREET  
OAKLAND, CA 94601-5622**

**Date First Reported: 1/31/2006**  
**Substance:**

- Gasoline-Automotive (motor gasoline and additives), leaded & unleaded
- Diesel fuel oil & additives (Nos. 1-D, 2-D, 2-4)
- Waste Oil/Used Oil
- Trichloroethene


**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 DANILO MAYORGA TRUST 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: 07-31-2015  
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  
ALEX BRISCOE, Agency Director

Certified Mail #: 7009 2820 0001 4359 5302

July 31, 2015

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**ACTS COMMUNITY DEVELOPMENT  
1001 77TH AVE.  
OAKLAND, CA 94621**

**Local ID: R00002905  
Related ID: NA  
RWQCB ID: NA  
Global ID: SL0600129548**

**Responsible Party:**

**DANILO MAYORGA TRUST  
5305 E. 12<sup>TH</sup> STREET  
OAKLAND, CA 94601-5622**

**Date First Reported: 1/31/2006**  
**Substance:**

- Gasoline-Automotive (motor gasoline and additives), leaded & unleaded
- Diesel fuel oil & additives (Nos. 1-D, 2-D, 2-4)
- Waste Oil/Used Oil
- Trichloroethene


**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 DANILO MAYORGA TRUST 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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Please contact your caseworker KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

  
Date: 07-31-2015  
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

July 31, 2015

**Site Name & Address:**

**ACTS COMMUNITY DEVELOPMENT  
1001 77TH AVE.  
OAKLAND, CA 94621**

**Local ID: RO0002905  
Related ID: NA  
RWQCB ID: NA  
Global ID: SL0600129548**

**All Responsible Parties**

**RP has been named a Primary RP - ACTS COMMUNITY DEVELOPMENT  
ATTN: ROBERT JACKSON  
1034 66TH AVE. | OAKLAND, CA 94621 | 510 / 568 - 4317**

**RP has been named a Primary RP - DANIEL USTIN  
PPO BOX 591 | GARDEN VALL, ID 83622 | No Phone Number Listed**

**RP has been named a Primary RP - MAN F. & SIUMEI L. CHU  
2985 CALIFORNIA STREET | OAKLAND, CA 94602 | No Phone Number Listed**

**RP has been named a Primary RP - DANILO MAYORGA  
5305 E. 12<sup>TH</sup> STREET | OAKLAND, CA 94601 | No Phone Number Listed**

**RP has been named a Primary RP - DANILO MAYORGA TRUST  
5305 E. 12<sup>TH</sup> STREET | OAKLAND, CA 94601 | No Phone Number Listed**

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

July 31, 2015

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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)

July 31, 2015

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### **Existence of Unauthorized Release**

A gasoline service station operated on the property from at least 1950 through the 1970s. A Phase II soil and groundwater investigation was performed in September, 2006 as part of a potential property transfer. Maximum petroleum hydrocarbon concentrations of 5.4 milligrams per kilogram (mg/Kg) total petroleum hydrocarbons as diesel (TPH-d) and 16 mg/Kg total petroleum hydrocarbons as motor oil (TPH-mo) were detected in soil samples collected from the two borings. Grab groundwater concentrations included up to 4,200 micrograms per liter (ug/L) total petroleum hydrocarbons as gasoline (TPH-g), 1,800 ug/L TPH-d, and 5.7 ug/L MTBE. These concentrations indicate an unauthorized release has occurred from the underground storage tank system at this site.

### **Responsible Party Identification**

Man and Siumei Chu acquired title of the property in March 1992. Man and Siumei Chu meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred (Definition 3).

Daniel Ustin acquired title of the property in December, December, 1997. Daniel Ustin meets the definition of a responsible party for the site because he owned the property where an unauthorized release occurred (Definition 3).

Acts Full Gospel Church, doing business as Acts Community Development, acquired title of the property in September 1998. Acts Full Gospel Church meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

Danilo Mayorga acquired title of the property in April, 2008. Danilo Mayorga meets the definition of a responsible party for the site because he owned the property where an unauthorized release occurred (Definition 3).

Ownership of the property was transferred to the Danilo Mayorga Trust in January, 2012. Danilo Mayorga Trust meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

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

July 31, 2015

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### **Existence of Unauthorized Release**

A gasoline service station operated on the property from at least 1950 through the 1970s. A Phase II soil and groundwater investigation was performed in September, 2006 as part of a potential property transfer. Maximum petroleum hydrocarbon concentrations of 5.4 milligrams per kilogram (mg/Kg) total petroleum hydrocarbons as diesel (TPH-d) and 16 mg/Kg total petroleum hydrocarbons as motor oil (TPH-mo) were detected in soil samples collected from the two borings. Grab groundwater concentrations included up to 4,200 micrograms per liter (ug/L) total petroleum hydrocarbons as gasoline (TPH-g), 1,800 ug/L TPH-d, and 5.7 ug/L MTBE. These concentrations indicate an unauthorized release has occurred from the underground storage tank system at this site.

### **Responsible Party Identification**

Man and Siumei Chu acquired title of the property in March 1992. Man and Siumei Chu meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred (Definition 3).

Daniel Ustin acquired title of the property in December, 1997. Daniel Ustin meets the definition of a responsible party for the site because he owned the property where an unauthorized release occurred (Definition 3).

Acts Full Gospel Church, doing business as Acts Community Development, acquired title of the property in September 1998. Acts Full Gospel Church meets the definition of a responsible party for the site because it owned the property where an unauthorized release occurred (Definition 3).

Danilo Mayorga acquired title of the property in April, 2008. Danilo Mayorga meets the definition of a responsible party for the site because he owned the property where an unauthorized release occurred (Definition 3).

Ownership of the property was transferred to the Danilo Mayorga Trust in January, 2012. Danilo Mayorga Trust meets the definition of a responsible party for the site because it owns the property where an unauthorized release occurred (Definition 3).