

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

ALEX BRISCOE, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
OFFICE OF THE DIRECTOR  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502  
(510) 567-6777  
FAX (510) 337-9135

Certified Mail #: 7009 2820 0001 4372 5105

December 2, 2010

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**QUALITY TUNE-UP  
14901 E 14TH ST  
SAN LEANDRO, CA 94578**

**Local ID: RO0002925  
Related ID: NA  
RWQCB ID: 01-2355  
Global ID: T0600102165**

**Responsible Party:**

**DIANA PAGANO  
  
6912 BROADWAY TERRACE  
OAKLAND CA 94611-1924**

**Date First Reported: 9/24/1997  
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 NA 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 DETTERMAN, MARK, at this office at (510)567-6876 if you have questions regarding your site.

  
\_\_\_\_\_  
ARIO LEVI, Director  
Contract Project Director

Date: 12/2/10

Action: Add  
Reason: Update NOR

Attachment A: Responsible Parties Data Sheet  
cc: Jenniffer Jordan, SWRCB, D. Drogos, File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

December 2, 2010

**Site Name & Address:**

**QUALITY TUNE-UP**

**14901 E 14TH ST**

**SAN LEANDRO, CA 94578**

**Local ID: RO0002925**

**Related ID: NA**

**RWQCB ID: 01-2355**

**Global ID: T0600102165**

**All Responsible Parties**

**RP has been named a Primary RP - DIANA PAGANO**

6912 BROADWAY TERRACE | OAKLAND, CA 94611-1924 | Phone No Phone Number Listed

**RP has been named a Secondary RP -- CITY OF SAN LEANDRO**

835 EAST 14<sup>TH</sup> STREET | SAN LEANDRO, CA 94577 | 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."

For sites which have multiple Responsible Parties, a determination of secondary responsibility may be made based on the following Criteria of Responsibility:

1. "The primary Responsible Party is performing corrective action and"
2. "It is clear that the party seeking secondary status did not in any way initiate or contribute to the actual discharge."

Required Notification: If the primary Responsible Party fails to perform corrective action, then the secondary Responsible Party or Parties will be considered a primary Responsible Party.

ACEH has named the responsible parties for this site as detailed below.

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

December 2, 2010

### Responsible Party Identification

#### Existence of Unauthorized Release

In October 1993 soil bores B-1 to B-4 were installed to assess the site. The soil bores encountered TPH as gasoline concentrations in soil up to 180 milligrams per kilogram (mg/kg), benzene up to 0.23 mg/kg, toluene up to 0.32 mg/kg, ethylbenzene up to 0.56 mg/kg, and total xylenes up to 1.4 mg/kg. In December 1996 bores GP-1 to GP-6 were installed to investigate three dispenser islands and additional, but lower, concentrations of each of these compounds were documented. In September 1997 three gas USTs and one waste oil UST were removed from the site. Confirmation sampling conducted at the time of UST removal documented limited, but additional concentrations of each of the previously listed hydrocarbon compounds. Each sampling event indicates an unauthorized release had occurred.

#### Responsible Party Identification

Diana M. Pagano was the tank owner and property owner at the time of the tank removal. Diana M. Pagano is a responsible party for the site because she owned the underground storage tanks (Definition 1), owned the property where an unauthorized release occurred (Definition 3), and had control of underground storage tanks at the time of or following an unauthorized release (Definition 4). Diana M. Pagano is named as the Primary Responsible Party based on Criteria 1 of Responsibility.

The City of San Leandro purchased the site in March 2010 from Diana Pagano. The City of San Leandro is a responsible party for the site because it owns the property where an unauthorized release occurred (Definition 3). The City of San Leandro is named as a Secondary Responsible Party based on Criteria 2 of Responsibility.