

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH DEPARTMENT
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Certified Mail #: 70092820000143727789

October 07, 2011

NOTICE OF RESPONSIBILITY

Site Name & Address:

R&H AUTO REPAIR
5315 SAN PABLO AVE
OAKLAND, CA 94608

Local ID: RO0002965
Related ID: NA
RWQCB ID: NA
Global ID: T0619704141

Responsible Party:

KENNETH J. SCHMIER

1475 POWELL STREET, SUITE 201
EMERYVILLE CA 94608

Date First Reported: 2/19/2008
Substance: 12034,12035,8006619 Multiple Releases
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 R&H AUTO REPAIR 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 JAKUB, BARBARA, at this office at (510)639-1287 if you have questions regarding your site.



ARIU LEVI, Director
Contract Project Director

Date: 10/17/2011

Action: Add
Reason: Add RP

Attachment A: Responsible Parties Data Sheet

cc: Jennifer Jordan, SWRCB, D. Drogos (Sent via electronic mail to donna.drogos@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

October 07, 2011

Site Name & Address:

**R&H AUTO REPAIR
5315 SAN PABLO AVE
OAKLAND, CA 94608**

**Local ID: RO0002965
Related ID: NA
RWQCB ID: NA
Global ID: T0619704141**

All Responsible Parties

RP has been named a Primary RP - JASBINDER S GREWAL
R&H AUTO REPAIR
5315 SAN PABLO AVE | OAKLAND, CA 94608-3023 | Phone (510) 547-7511

RP has been named a Primary RP - GULBINDER K GREWAL
R&H AUTO REPAIR
5315 SAN PABLO AVE | OAKLAND, CA 94608-3023 | Phone No Phone Number Listed

RP has been named a Primary RP - KENNETH J SCHMIER
1475 POWELL STREET, SUITE 201 | EMERYVILLE, CA 94608 | 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)

October 07, 2011

Responsible Party Identification

Existence of Unauthorized Release

Four underground storage tanks (USTs) were excavated and removed from the site between September 7 and September 14, 2007. These included one 550-gallon used-oil, two 8,000-gallon gasoline and one 10,000-gallon diesel USTs. The USTs were observed to be rusted but no holes were observed. However, strong petroleum hydrocarbons and visual staining was present in the soil removed and in the fuel tank excavations.

Maximum petroleum hydrocarbon concentrations of 1,500 milligrams per kilogram (mg/kg) total petroleum hydrocarbons as gasoline (TPHg), 350 mg/kg total petroleum hydrocarbons as diesel (TPHd), 0.008 mg/kg benzene, 36mg/kg toluene, 26 mg/kg ethyl benzene, and 180 mg/kg total xylenes were detected in initial soil samples.

Responsible Party Identification

Jasbinder S. and Gulbinder K. Grewel purchased the property in 1986 and are the business owners, tank owners and property owners following an unauthorized petroleum hydrocarbon release(s). Jasbinder S. and Gulbinder K. Grewel meet the definition of a responsible party for the site because they own and operate the underground storage tanks (Definition 1), own the property where an unauthorized release has occurred, (Definition 3), and had or has control of an underground storage tank at the time of or following an unauthorized release (Definition 4).

Kenneth J. Schmier purchased the property on September 4, 2009 and is the property owner where an unauthorized petroleum hydrocarbon release(s) has occurred. Kenneth J. Schmier meets the definition of a responsible party for the site because he owns the property where an unauthorized release has occurred, (Definition 3).