

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 0038

April 28, 2009

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

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**EARL THOMPSON PROPERTY  
316 38TH ST  
OAKLAND, CA 94611**

**Local ID: RO0002996  
Related ID: NA  
RWQCB ID: NA  
Global ID: T10000000885**

**Responsible Party:**

**EARL THOMPSON  
ESTATE OF EARL THOMPSON  
PO BOX 213  
MEADOW VALLEY CA 95956-0213**

**Date First Reported: 1/29/2009**

**Substance: 12034,8006619,8052413 Multiple Releases**

**Funding for Oversight: LOPS - LOP State Fund**

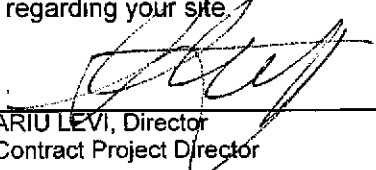
**Multiple RPs?: No**

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 ESTATE OF EARL THOMPSON 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 WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site

  
ARIU LEVI, Director  
Contract Project Director

Date: 4/29/09

Action: Add  
Reason: NEW CASE

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

April 28, 2009

**Site Name & Address:**

**EARL THOMPSON PROPERTY  
316 38TH ST  
OAKLAND, CA 94611**

**Local ID: RO0002996**

**Related ID: NA**

**RWQCB ID: NA**

**Global ID: T10000000885**

**All Responsible Parties**

---

**RP has been named a Primary RP - EARL THOMPSON  
ESTATE OF EARL THOMPSON  
PO BOX 213 | MEADOW VALLEY, CA 95956-0213 | 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, 2009

**Responsible Party Identification**

**Existence of Unauthorized Release**

Three underground storage tanks (USTs) were located under the sidewalk in front of 316 38th Street in Oakland, CA. In November, 2008, the USTs were decommissioned by filling the USTs with a slurry cement mixture. Soil and groundwater samples were collected from soil borings advanced in the vicinity of each UST. Elevated PID readings and hydrocarbon staining were observed in 5 of the 7 soil borings advanced in the area of the USTs. Total petroleum hydrocarbons as gasoline were detected in soil samples collected from the soil borings at concentrations up to 4,100 milligrams per kilogram (mg/kg). Total petroleum hydrocarbons as gasoline and benzene were detected in grab groundwater samples at concentrations up to 28,000 and 22 micrograms per liter, respectively. Based on observations from the UST decommissioning and soil and groundwater sampling conducted in the area of the USTs, an unauthorized release occurred from the USTs.

**Responsible Party Identification**

Earl Thompson, Sr. was the business owner, tank owner, and tank operator at the time of the unauthorized release (Definition 1) and had control of the UST at the time of or following an unauthorized release (Definition 4). The Estate of Earl Thompson, Sr. is the current owner of the site and is a responsible party because they are the current owner of a property where an unauthorized release occurred (Definition 3).

9500 0000 0000 054E 9007

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ®	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Post	
Postmark Here	

**Earl Thompson**  
**Estate of Earl Thompson**  
**P O Box 213**  
**Meadow Valley, CA 95956-0213**

Sent To  
Street, Apt. 1  
or PO Box No.  
City, State, Z.

PS Form 3800, August 2006      See Reverse for Instructions