

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0378 7286

November 19, 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:**  
**7-ELEVEN #32266**  
**1339 N VASCO RD**  
**LIVERMORE, CA 94551**

**Local ID: RO0002999**  
**Related ID: NA**  
**RWQCB ID: NA**  
**Global ID: T10000001067**

Responsible Party:

**KEN HILLIARD**  
**7-ELEVEN INC**  
**ONE ARTS PLAZA, 1722 ROUTH**  
**STREET, SUITE 1000**  
**DALLAS TX 75201**

**Date First Reported: 12/18/2008**

**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 7-ELEVEN INC 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: 11/19/09

Action: Add  
Reason: NEW CASE

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

November 19, 2009

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**All Responsible Parties**

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**RP has been named a Primary RP - KEN HILLIARD**

**7-ELEVEN INC**

ONE ARTS PLAZA, 1722 ROUTH STREET, SUITE 1000 | DALLAS, TX 75201 | Phone No Phone Number Listed

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**RP has been named a RP - MICHAEL BLAU**

**MICHAEL H BLAU TRUST**

PO BOX 2768 | DANVILLE, CA 94526 | Phone No Phone Number Listed

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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."

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

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

November 19, 2009

### **Responsible Party Identification**

#### Existence of Unauthorized Release

During fuel system upgrade activities in December 2008, four soil samples were collected beneath the dispensers at the 7-Eleven store at 1339 Vasco Road in Livermore. Total petroleum hydrocarbons as gasoline (TPHg) and benzene were detected in one of the soil samples at concentrations of 12 and 0.21 milligrams per kilogram, respectively. MTBE was detected in one of the dispenser soil samples at a concentration of 0.024 mg/kg. MTBE and TBA were also detected in UST excavation soil samples collected from the site in January 2005 at concentrations up to 2.4 and 2.6 mg/kg, respectively. The detections of fuel hydrocarbons and oxygenates in soil samples during the UST excavation and dispenser upgrade indicate that an unauthorized release occurred.

#### Responsible Party Identification

7-Eleven 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 Michael H. Blau Trust is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).

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LUFT LOCAL OVERSIGHT PROGRAM

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