

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 001 4372 7529

June 15, 2011

NOTICE OF RESPONSIBILITY

Site Name & Address:

PELLEGRINI REFRIGERATION & RESTAU. EQUIP. CO.

1550 PARK AVE
EMERYVILLE, CA 94608

Local ID: RO0003069
Related ID: NA
RWQCB ID: NA
Global ID: T10000002519

Responsible Party:

PENNIE BARGER
PELLEGRINI REFRIG. & RESTAU. EQUIP.
155 PARK AVE
EMERYVILLE CA 94608-3502

Date First Reported: 3/12/2010

Substance: 128 Bunker fuel oil

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 APEX REFRIGERATION CORP 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.


ARIU LEVI, Director
Contract Project Director

Date: 6/17/11

Action: Add
Reason: New Case

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

June 15, 2011

Site Name & Address:

PELLEGRINI REFRIGERATION & RESTAU. EQUIP. CO
1550 PARK AVE
EMERYVILLE, CA 94608

Local ID: RO0003069
Related ID: NA
RWQCB ID: NA
Global ID: T10000002519

All Responsible Parties

RP has been named a Primary RP - PENNIE BARGER
PELLEGRINI REFRIGERATION & RESTAURANT EQUIPMENT CO.
155 PARK AVE | EMERYVILLE, CA 94608-3502 | Phone (510) 653-9850

RP has been named a Primary RP - PENNIE BARGER
APEX REFRIGERATION CORP
155 PARK AVE | EMERYVILLE, CA 94608-3502 | Phone (510) 653-9850

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)

June 15, 2011

Responsible Party Identification

Existence of Unauthorized Release

One approximately 1,000-gallon underground storage tank (UST) that stored diesel, heating oil, or bunker oil was excavated and removed from the beneath the sidewalk at the site on February 8, 2010. Upon consultation with the adjacent property owner, the City of Emeryville removed the UST on behalf of the property owner. This action was taken to facilitate the completion of street improvements along Park Avenue. No holes were reported. Pit water had an oily sheen and was foamy, was pumped out, but did not recharge. Two confirmation soil samples were collected from beneath the excavation and one was collected from the soil stockpile. TPH as diesel (5.8 and 15 mg/kg) was detected beneath the excavation, while a concentration of TPH as diesel (830 mg/kg) was detected in the four-point stockpile sample; both indicate that an unauthorized release had occurred.

Responsible Party Identification

Pellegrini Refrigeration & Restaurant Equipment Co. is the former property owner associated with the underground storage tank (UST). Pellegrini Refrigeration & Restaurant Equipment Co. is a responsible party for the site because it owned an UST used for the storage of a hazardous substance (Definition 1) and owned the property associated with an unauthorized release (Definition 3).

Apex Refrigeration Corporation was the property owner associated with the underground storage tank (UST) at the time of tank removal. The Apex Refrigeration Corporation is a responsible party for the site because it owns the property associated with an unauthorized release (Definition 3).