

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



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

November 5, 2015

Ms. Pennie Barger  
Apex Refrigeration Corp.  
1550 Park Avenue  
Emeryville, CA 94608  
(sent via electronic mail to:  
[pelco1969@sbcglobal.net](mailto:pelco1969@sbcglobal.net))

Ms. Pennie Barger  
Pellegrini Refrigeration & Restaurant Equipment Co.  
1550 Park Avenue  
Emeryville, CA 94608  
(sent via electronic mail to:  
[pelco1969@sbcglobal.net](mailto:pelco1969@sbcglobal.net))

Subject: Notice of Responsibility, Fuel Leak Case No. RO0003069 and GeoTracker Global ID T1000002519, Pellegrini Refrigeration & Restaurant Equipment Company, 1550 Park Avenue, Emeryville, CA 94608

Dear Ms. Barger:

In an earlier Notice of Responsibility (NOR), Apex Refrigeration Corp. (Apex) was notified that the above referenced site had been placed in the Local Oversight Program and that Apex had been named as a Responsible Party for the fuel leak case. Additional parties have been named as Responsible Parties for the fuel leak case in the attached updated NOR, as defined under 23 C.C.R. Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Digitally signed by Mark E.  
Detterman  
DN: cn=Mark E. Detterman, o, ou,  
email, c=US  
Date: 2015.11.05 15:34:12 -08'00'

Mark E. Detterman, P.G., C.E.G.  
Senior Hazardous Materials Specialist

Enclosure: Attachment A – Responsible Parties Data Sheet

cc: Michael Lamphere, Lamphere Law Offices, 900 Larkspur Landing Circle, Suite 179; Larkspur, CA 94939, (sent via electronic mail to [MLamphere@lampherelaw.com](mailto:MLamphere@lampherelaw.com))

Erik Oehlschlager, Engineering / Remediation Resources Group, Inc, 4585 Pacheco Blvd, Suite 200, Martinez, CA 94553; (sent via electronic mail to [erik.oehlschlager@errg.com](mailto:erik.oehlschlager@errg.com))

Dilan Roe, ACEH, (sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Geotracker, Electronic File



AGENCY

ALEX BRISCOE, Agency Director

Certified Mail #: 7009 2820 0001 4359 6804

November 3, 2015

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**PELEGRINI REFRIGERATION & RESTAURANT & EQUIP.  
CO.  
1550 PARK AVENUE  
EMERYVILLE, CA 94608**

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

**Responsible Party:**

**1550 PARK LLC  
2336 MAGNOLIA STREET, SUITE 11  
OAKLAND, CA 94607**

**Date First Reported: 3/12/2010  
Substance: • 128 Bunker Fuel Oil  
• 12 Heater Fuel  
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 1550 PARK LLC 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 MARK DETTERMAN at this office at (510) 567-6876 if you have questions regarding your site.

 Date: 11-05-2015

RONALD BROWDER, Acting Director  
Contract Project Director

Action: Update  
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

November 3, 2015

**Site Name & Address:**

**PELLEGRINI REFRIGERATION & RESTAURANT &  
EQUIP. CO.  
1550 PARK AVENUE  
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 - PELLEGRINI REFRIGERATION & RESTAURANT & EQUIP. CO.  
ATTN: PENNIE BARGER  
1550 PARK AVENUE | EMERYVILLE, CA 94608 | No Phone Number Listed**

**RP has been named a Primary RP – APEX REFRIGERATION CORPORATION  
ATTN: PENNIE BARGER  
1550 PARK AVENUE | EMERYVILLE, CA 94608 | No Phone Number Listed**

**RP has been named a Primary RP – 1550 PARK LLC  
2336 MAGNOLIA STREET, SUITE 11 | OAKLAND, CA 94607 | 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."

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

November 3, 2015

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### **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 purchased the property in March 2003 and 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 owned the property associated with an unauthorized release (Definition 3).

1550 Park LLC purchased the property in July 2015, and is the current property owner associated with the underground storage tank (UST). 1550 Park LLC is a responsible party for the site because it owns the property associated with an unauthorized release (Definition 3).