



AGENCY

Certified Mail #: 70092820000143727758

August 18, 2011

NOTICE OF RESPONSIBILITY

Site Name & Address:

**F&M AUTO SERVICE / GAS STATION
1839 FOOTHILL BLVD
Oakland, CA 94606**

Local ID: RO0003077
Related ID: NA
RWQCB ID: NA
Global ID: T10000003190

Responsible Party:

**MARY K. WRIGHT
WRIGHT MARY L HEIRS OF ESTATE
1829 9TH AVENUE
OAKLAND CA 94606**

Date First Reported: 7/6/2011
Substance: 12031,12032,12036 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 WRIGHT MARY L HEIRS OF ESTATE 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 KAREL DETTERMAN at this office at (510)567-6708 if you have questions regarding your site.


ARJUN LEVI, Director
Contract Project Director

Date: 8/18/2011

Action: Add
Reason: NEW CASE

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

August 17, 2011

Site Name & Address:
F&M AUTO SERVICE / GAS STATION
1839 FOOTHILL BLVD
Oakland, CA 94606

Local ID: RO0003077
Related ID: NA
RWQCB ID: NA
Global ID: T10000003190

All Responsible Parties

RP has been named a Primary RP - MARY K WRIGHT
HEIRS OF MARY L WRIGHT ESTATE
1829 9TH AVENUE | OAKLAND, CA 94606 | Phone (510) 891-1395

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.

Existence of Unauthorized Release

A June 3, 2011 report entitled "Underground Storage Tank Removal Report" by Sierra West Consultants, Inc. documented the removal of four underground storage tanks (USTs) from a service station that had ceased operation in 1995. Three of the four USTs contained product at the time of their removal and holes were observed in the same three USTs after their removal. The fourth UST was empty at removal but stained soil was found beneath it. Total Petroleum Hydrocarbons as Gasoline (TPHG) at 1,990 milligrams per kilogram (mg/kg) were detected in a soil sample taken from beneath the USTs at a depth of 13 feet below ground surface indicating an unauthorized release had occurred at this site.

Responsible Party Identification

The Heirs of the Estate of Ms. Mary L. Wright are the responsible party for the site because the Heirs of the Estate of Ms. Mary L. Wright owned the UST used for the storage of a hazardous substance, owned the UST immediately before the discontinuation of its use, and are the current owners of the property where an unauthorized release occurred. (Definition 1, 2, and 3).