

ALAMEDA COUNTY  
HEALTH CARE SERVICES



ENVIRONMENTAL HEALTH DEPARTMENT  
OFFICE OF THE DIRECTOR  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

AGENCY

Certified Mail #: 7009 2820 0001 4359 7382

August 3, 2015

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**EQUIPMENT FABRICATING  
729 45<sup>TH</sup> AVENUE  
OAKLAND, CA 94601**

**ACEH Case No.: RO0003133**

**Global ID: T10000005808**

**Responsible Party:**

**MYRON KOCHAN AND STEPHANIE  
KOCHAN REVOCABLE LIVING TRUST  
129 SELBORNE WAY  
MORAGA, CA 94556-1732**

**Date First Reported: 11/13/2013**

**Substance: Gasoline-Automotive (motor gasoline and  
additives), leaded & unleaded  
Diesel 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 Equipment Fabricating Company, 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) 341-5752.

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.

 Date: 08-04-2015

Ronald Browder, Acting Director  
Contract Project Director

Action: Update  
Reason: Update

Attachment A: Responsible Parties Data Sheet

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

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**Site Name & Address**

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**All Responsible Parties**

**RP has been named a Primary RP – MYRON KOCHAN AND STEPHANIE KOCHAN REVOCABLE LIVING TRUST**

129 Selborne Way, Moraga, CA 94556-1732

**RP has been named a Primary RP – EQUIPMENT FABRICATING COMPANY, INC.**

729 45<sup>TH</sup> Avenue, Oakland, CA 94601-4428

**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 an Unauthorized Release**

During a Phase II investigation, petroleum hydrocarbons were detected in soil samples collected adjacent to the former locations of three underground storage tanks (USTs). Total petroleum hydrocarbons (TPH) as gasoline, TPH as diesel, and TPH as motor oil were detected in the soil samples at concentrations up to 156 parts per million (ppm), 1,500 ppm, and 2,700 ppm, respectively. TPH as gasoline and TPH as diesel were detected in groundwater samples collected adjacent to the former USTs at concentrations up to 4,400 and 105,000 parts per billion, respectively. Based on these results, an unauthorized release or releases appears to have occurred from the UST system.

**Responsible Party Identification**

The Equipment Fabricating Company, Inc. is a responsible party for the fuel leak because they owned or operated the underground storage tank immediately before the discontinuation of its use (Definition 2) and had control of the UST at the time of or following an unauthorized release (Definition 4).

The Myron Kochan and Stephanie Kochan Revocable Living 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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