

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

August 2, 2017

PEH LLC
425 15TH Street
Oakland, CA 94612-2801
Attn: Ben Weinstein

EMBL LLC & Edward K. & Roshanne H. Hemmat Trust Et Al.
425 15TH Street
Oakland, CA 94612-2801

Subject: LOP Case No. RO0003148 and Geotracker Global ID T10000006271, EMBL LLC Tank, 1501 Martin Luther King Jr Way, Oakland, CA 94612

Dear Responsible Parties:

In a Notice of Responsibility dated November 21, 2014, EMBL LLC and the Edward K. & Roshanne H. Hemmat Trust Et Al. were notified that the above referenced site had been placed in the Local Oversight Program and was named as a Responsible Parties for the fuel leak case. PEH LLC has been named as an additional Responsible Party for the fuel leak case 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.

If you have any questions, please call me at (510) 567-6764 or send me an electronic mail message at keith.nowell@acgov.org.

Sincerely,

Digitally signed by Keith Nowell
DN: cn=Keith Nowell, o=Alameda County,
ou=Department of Environmental Health,
email=keith.nowell@acgov.org, c=US
Date: 2017.08.02 10:54:17 -07'00'

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Dilan Roe, ACDEH, (sent via electronic mail to dilan.roe@acgov.org)
Paresh Khatri, ACDEH (sent via electronic mail to paresh.khatri@acgov.org)
Keith Nowell, ACDEH, (sent via electronic mail keith.nowell@acgov.org)
Geotracker, Electronic File



AGENCY

REBECCA GEBHART, Interim Director

Certified Mail #: 7011 3500 0003 1934 7644

August 2, 20176

NOTICE OF RESPONSIBILITY

Site Name & Address:

**EMBL LLC TANK
1501 MARTIN LUTHER KING JR WAY
OAKLAND, CA 94612**

**Local ID: RO0003148
Related ID: NA
RWQCB ID: NA
Global ID: T10000006271**

Responsible Party:

**PEH LLC
425 15TH STREET
OAKLAND, CA 94612-2801**

**Date First Reported: 1/31/2006
Substance: • 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 PEH 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 KEITH NOWELL at this office at (510) 567-6764 if you have questions regarding your site.

Date: 08-02-2017

RONALD BROWDER, 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

August 2, 2017

Site Name & Address:

**EMBL LLC TANK
1501 MARTIN LUTHER KING JR WAY
OAKLAND, CA 94612**

**Local ID: RO0003148
Related ID: NA
RWQCB ID: NA
Global ID: T10000006271**

All Responsible Parties

RP has been named a Primary RP - PEH LLC

ATTN: BEN WEINSTEIN

425 15TH STREET | OAKLAND, CA 94612-2801 | No Phone Number Listed

RP has been named a Primary RP - EMBL LLC & EDWARD K. & ROSHANNE H. HEMMAT TRUST ET AL.

425 15TH STREET | OAKLAND, CA 94612-2801 | No Phone Number Listed

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

August 2, 2017

Responsible Party Identification Background

Alameda County Department of Environmental Health (ACDEH) 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."
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ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

August 2, 2017

Existence of Unauthorized Release

On December 3, 2013, one 1,000-gallon gasoline underground storage tank (UST) and related product piping was removed from the property located at 1501 Martin Luther King Jr. Way, Oakland, CA. The Oakland Fire Department Underground Storage Tank Closure/Removal Field Inspection Report, dated December 3, 2013, noted that the tank was rusted and that soil beneath the tank was obviously contaminated (odors and staining). A December 26, 2013 UST removal report entitled "Soil Sampling Beneath Removed UST" prepared by Enviro Soil Tech Consultants, documented concentrations up to 906 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as gasoline (TPHg), 15.1 mg/kg toluene, 27.2 mg/kg ethylbenzene, 222 mg/kg total xylenes, 20.1 mg/kg naphthalene, and 0.560 mg/kg methyl ethyl ketone (MEK) in soil taken from beneath the UST at a depth of eight (8) feet below ground surface. These data indicate that an unauthorized release had occurred at this site.

Responsible Party Identification

EMBL LLC & Edward K. & Roshanne H. Hemmat Trust Et Al. acquired title to the property on October 9, 2013 and were the property owners at the time the UST was removed. EMBL LLC & Edward K. & Roshanne H. Hemmat Trust Et Al. meet the definition of responsible parties for the site because they owned the property where an unauthorized release occurred (Definition 3).

PEH LLC acquired title to the property on December 29, 2016. PEH LLC meets the definition of a responsible party for the site because it owns the property where an unauthorized release occurred (Definition 3).