



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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February 11, 2016

Darrick D. Sun, Esq. (Sent via E-mail to: dsun@dsunlaw.com)
Sun Law Firm
10531 4S Commons Drive, Ste 602
San Diego, CA 92127

Subject: Regulator Response to Petition to Rescind Classification as a Responsible Party for Fuel Leak Case No. RO0003199 and GeoTracker Global ID T10000008158, Main Street Property, 927 Main Street, Pleasanton, CA 94566

Dear Mr. Sun:

Thank you for your patience in the resolution of your petition to rescind classification of your client, Paul C.K. and Alice T. H. Sun Trust, as a Responsible Party in the above referenced site. In your letters to Alameda County Department of Environmental Health (ACDEH) and the State Water Resources Control Board (State Water Board), dated January 22, 2015 and January 23, 2015, respectively, as well as your e-mail to us dated February 3, 2016, you dispute the identification of your client by ACDEH as a Responsibility Party for the above referenced fuel leak case. ACDEH has reviewed the arguments that you presented in your letters and email to us. In addition, we reviewed the following documents and records: "*Phase I Environmental Site Assessment Update*", dated June 15, 2010, which was prepared on the behalf of Equity Enterprises by AEI Consultants; "*Limited Phase II Environmental Site Sampling Report*," dated December 2, 2015, which was prepared on the behalf of Bradley Hirst by Basics Environmental, Inc.; 1943 and 1953 Sanborn Fire Insurance maps; 1939, 1951, 1959, 1969, 1978, 1988, 1996, and 2002 aerial photographs from Pacific Aerial Surveys, copies of which are in the above referenced Phase I report; and the history of ownership of parcel numbers 946-3370-22 and 946-3370-19 and parcel map obtained from the County of Alameda Assessor's Office website. ACDEH has concluded that your client was appropriately identified as a Responsible Party in the Notice of Responsibility that was issued December 24, 2015. We have based our conclusion on the following findings, which reference Attachment Figures 1 through 7:

1. Comparison of Sanborn maps and aerial photos:

- ACDEH disagrees with the interpretation of the location of the "former canopy over dispensers" in the Phase II report. Instead, based on a comparison of the 1943 and 1953 Sanborn maps (Figures 1 and 2) with the 1951 aerial photo, it appears that dispenser canopies were attached to a larger rectangular auto repair and gas and oil facility and a smaller rectangular gas and oil facility on parcel numbers 946-3370-22 and 946-3370-19. The canopies are indicated by the dash-lined structures that are highlighted in purple in Figures 3, 4, and 5. Therefore, what is referred to as the "L-shaped gas and oil building" and the "L-shaped gas station building" in the Phase I and Phase II reports instead appears to be a rectangular gas and oil facility with an attached canopy (Figures 4 and 5).

- Based on a comparison of the 1943 and 1953 Sanborn maps with the 1951 aerial photograph, ACDEH has determined that the smaller rectangular building identified as a “gas and oil” facility on the 1953 Sanborn map has always been on parcel number 946-3370-19. The aerial photo and the Sanborn maps were compared to each other based on the parcel boundary and building configuration of the property east of the subject site at 39, 37, 36, and 35 Santa Rita Road, which is highlighted in orange on both the 1943 and 1953 Sanborn maps in Figures 3 and 4.
- The larger rectangular auto repair facility on the aerial photo corresponds to the larger rectangular building at 40 Santa Rita Road on both the Sanborn maps, as indicated by the red drawing in Figures 3 and 4.
- The smaller rectangular gas and oil facility shown on the 1951 aerial photo is not shown on the 1943 Sanborn map (Figure 3); however, it is shown on the 1953 Sanborn map at 40 A Santa Rita Road, as indicated by the blue drawing in Figure 4.

Therefore, your statement in your above referenced email that “the 1953 Sanborn map describing the “gas & oil” business must be the same building described in the 1943 map” does not appear to be correct. In addition, based on the comparison between the configuration of the property east of the subject site on the 1951 Sanborn map with the configuration of that property on the 1951 aerial photo, the “gas and oil” facility appears to have been located on both parcel numbers 946-3370-22 and 946-3370-19.

Finally, based on the comparison of the 1951 aerial photo with the Sanborn maps, what the Phase II report identifies as the location of the “former gas station building” instead appears to be the location of the former larger rectangular auto repair and gas and oil facility (Figure 5). What the report identifies as the “former canopy over dispensers” instead appears to be the location of the former smaller rectangular gas and oil facility (Figure 5). Both buildings are on parcel numbers 946-3370-22 and 946-3370-19.

2. Alameda County Assessor Parcel Data

According to records obtained from the County of Alameda Assessor’s office website, both parcels 946-3370-22 and 946-3370-19, along with three other parcels, were formerly one parcel, 946-3370-7. Assessor’s records date back to May 4, 1978. At that time, it appears that parcel 946-3370-7 was split into five parcels and sold by David Wheeler (see Table 1 below).

Table 1: Parcel 946-3370-7; owned by David B Wheeler in May 1978; split into five parcels and sold in May 1978

APN	New Property Owner in May 1978	Subsequent Property Owners
946-3370-19	C & H Developmental Co	May 1978: C & H Development Oct 1978: Gross Morey & Ethel & Lane Peggy May 1980: Santa Rita Investment Company : Autogal NV : Sun Paul C & Alice Jan 1983: Sun Paul C & Alice T TRS
946-3370-20	City of Pleasanton	
946-3370-21	City of Pleasanton	
946-3370-22	C & H Developmental Co	May 1978: C & H Development Co May 1980: C & H Developmental Co and Hirst Bradley A & Sandra L Nov 2000: C & H Developmental Co Hirst Bradley A & Sandra L TRS Oct 2004: Hirst Bradley A & Sandra L TRS ETAL
946-3370-23	City of Pleasanton	

The 1978 Release Agreement, which is in the Phase I report, states that City of Pleasanton, which acquired ownership of parcels 946-3370-20, 946-3370-21, and 946-3370-23, released David Wheeler and his successors from all obligations. Because parcels 946-3370-22 and 946-3370-19 were historically part of parcel 946-3370-7, and gas and oil facilities operated approximately between 1943 and 1969 on both 946-3370-22 and 946-3370-19, ACEH identifies all owners on and after May 4, 1978 of parcels 946-3370-22 and 946-3370-19 as Responsible Parties.

The parcel map attached to the May 15, 1978 Release Agreement in the Phase I report shows that Signal Oil was on parcel number 946-3370-6-2, which was formerly parcel number 946-3370-6, according to County of Alameda Assessor's Office records. This parcel is highlighted in blue in Figures 6 and 7. There is no documentation that parcel numbers 946-3370-6 and 946-3370-7 were formerly one property.

3. Occurrence of Unauthorized Release

As documented in the Phase II report, two borings in were advanced in November 2015 north and south of the building that is presently on parcel number 946-3370-22. Based on our review of the 1953 aerial photo and the Sanborn maps as well as the borehole locations identified on Figure 2 of the Phase II Report, the boreholes were advanced in the vicinity of the former auto repair and gas and oil facility and the former gas and oil facility that were located on parcels 946-3370-22 and 946-3370-19. Total petroleum hydrocarbons as diesel (TPHd) were detected in soil at concentrations up to 16 milligrams per kilogram (mg/kg). TPHd and total petroleum hydrocarbons as gasoline (TPHg) and Stoddard solvent (TPHss) were detected in groundwater at concentrations of up to 1,000 micrograms per liter (µg/L), 1,400 µg/L, and 1,400 µg/L, respectively.

The detections of petroleum hydrocarbons in soil and groundwater beneath the former locations of the gas and oil facilities indicate that a release occurred, and that the release may have been secondary to the storage of petroleum on one or both parcels. In addition, according to the Phase I and Phase II reports, groundwater flow is in the N-NE direction based subsurface investigation reports from adjacent

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sites. Therefore, until shown otherwise, the source of the release could be from parcel 946-3370-22, parcel 946-3370-19, or both parcels. Therefore, because sampling showed an unauthorized release, all past and present owners of both parcels are identified by ACDEH as the parties responsible for the investigation and cleanup of the site at address 927 Main Street, Pleasanton, under Definition 3 of 23 C.C.R Sec. 2720. Section 2720.

ACDEH will be compiling and sending shortly an revised Notice of Responsibility that identifies all past and present owners of parcel numbers 946-3370-22 and 946-3370-19 as Responsible Parties. If you have any questions, please call me at (510) 567-6721 or send me an electronic mail message at anne.jurek@acgov.org

Sincerely,

Anne Jurek, M.S.
Professional Technical Specialist II (Geology)

Attachments:

Figure 1, 1943 Sanborn map

Figure 2, 1953 Sanborn map

Figure 3, Comparison of 1943 Sanborn map and 1951 aerial photo

Figure 4, Comparison of 1953 Sanborn map and 1951 aerial photo

Figure 5, Comparison of 1951 aerial photo and 1953 Sanborn map with 1953 Sanborn map of site

Figure 6, Parcel map attached to 1978 Release Agreement

Figure 7, Assessor's parcel map

Cc: Anne Jurek, ACDEH (*Sent via E-mail to: anne.jurek@acgov.org*)

Dilan Roe, ACDEH (*Sent via E-mail to: dilan.roe@acgov.org*)

Therese Barakatt, State Water Board (*Sent via E-mail to: therese.barakatt@waterboards.ca.gov*)

GeoTracker, eFile

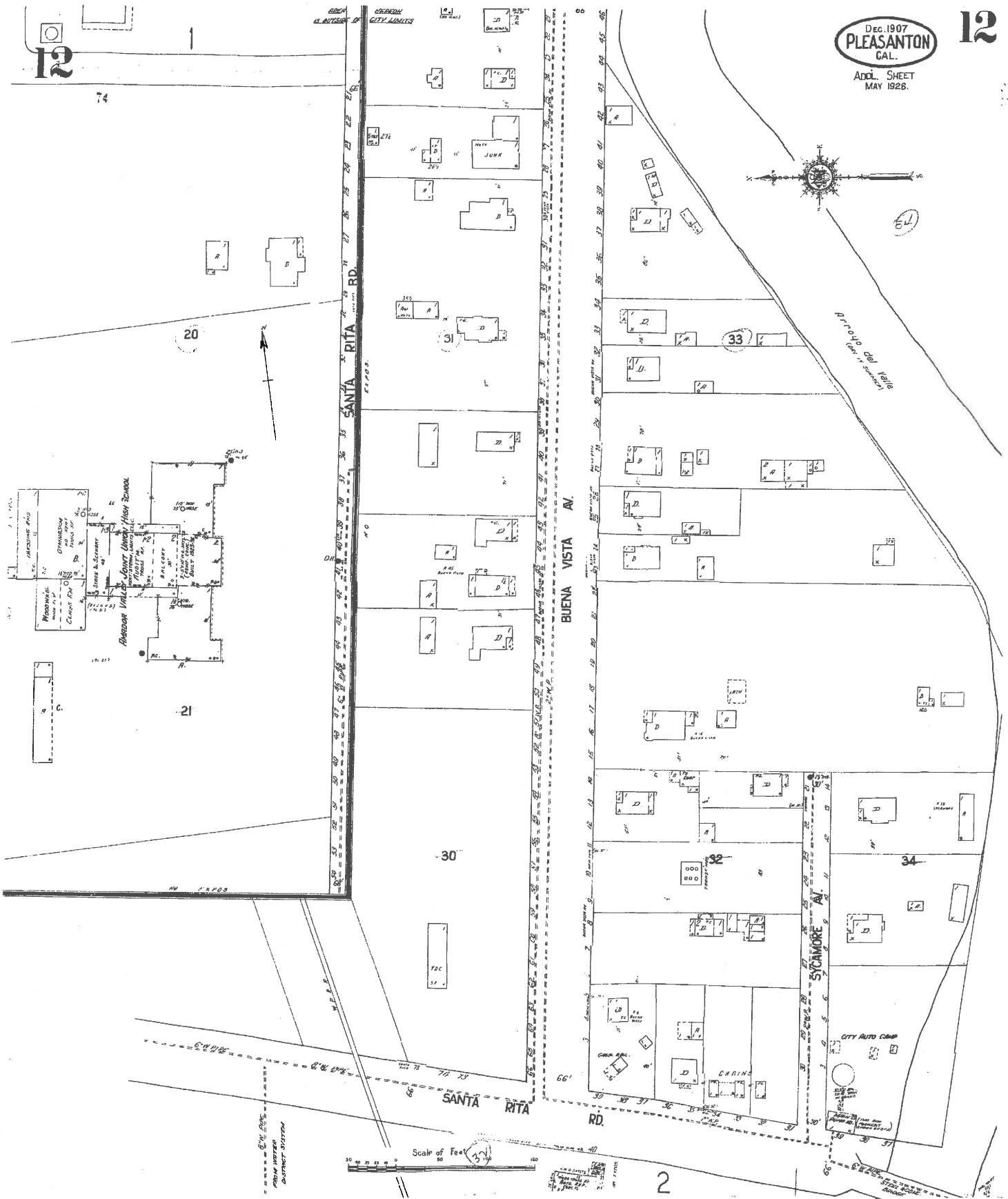


Figure 1: 1943. Sanborn map

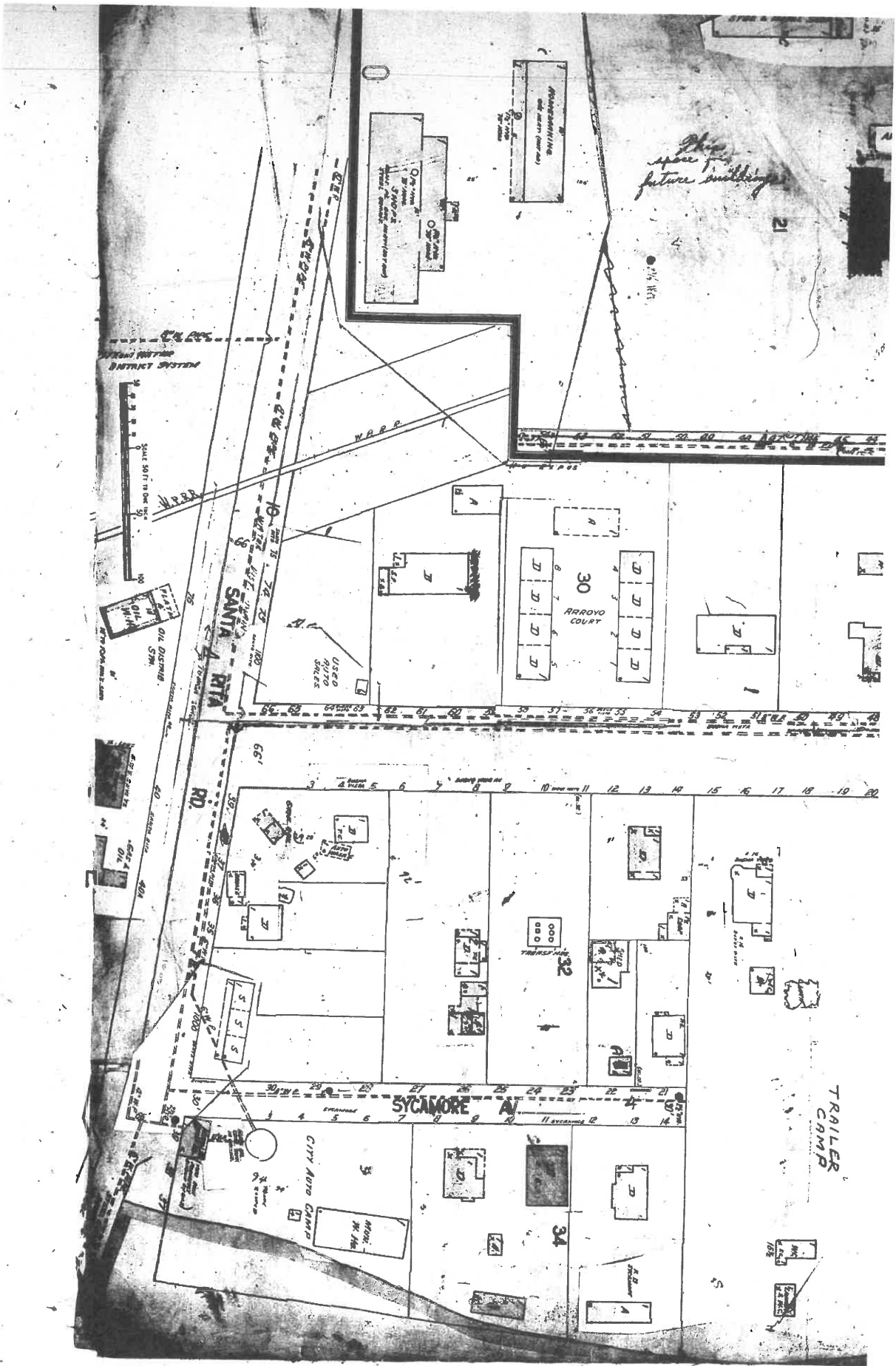
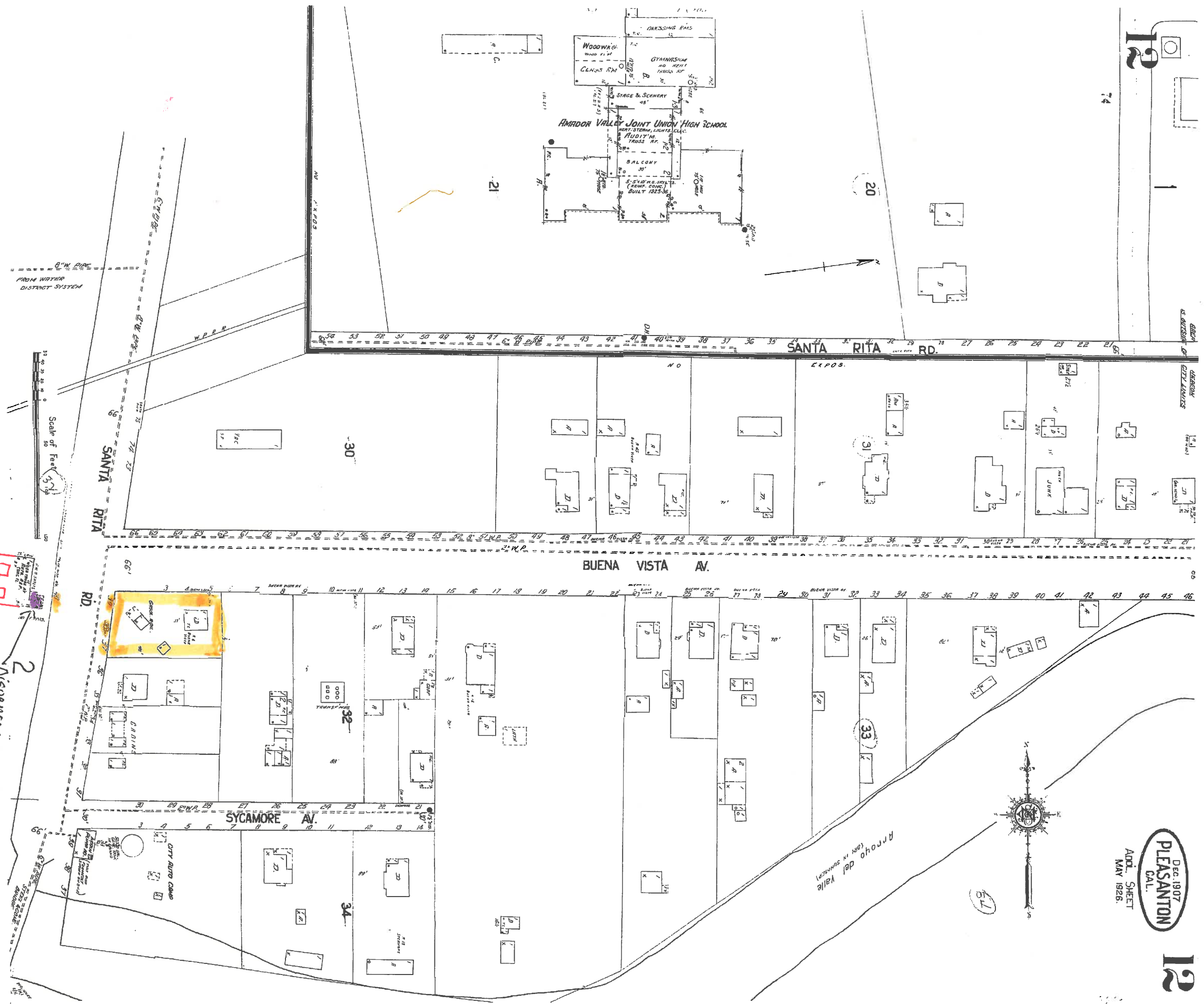


Figure 2: 1953 Sanborn map

Figure 3: Comparison of 1943 Sanborn map and 1951 aerial photo.

Auto repair and gas and oil facility
 - location compares to 1951 aerial photo
 2
 Dispenser canopy



Dec. 1907
 PLEASANTON
 CAL.
 ADDL. SHEET
 MAY 1926.

12

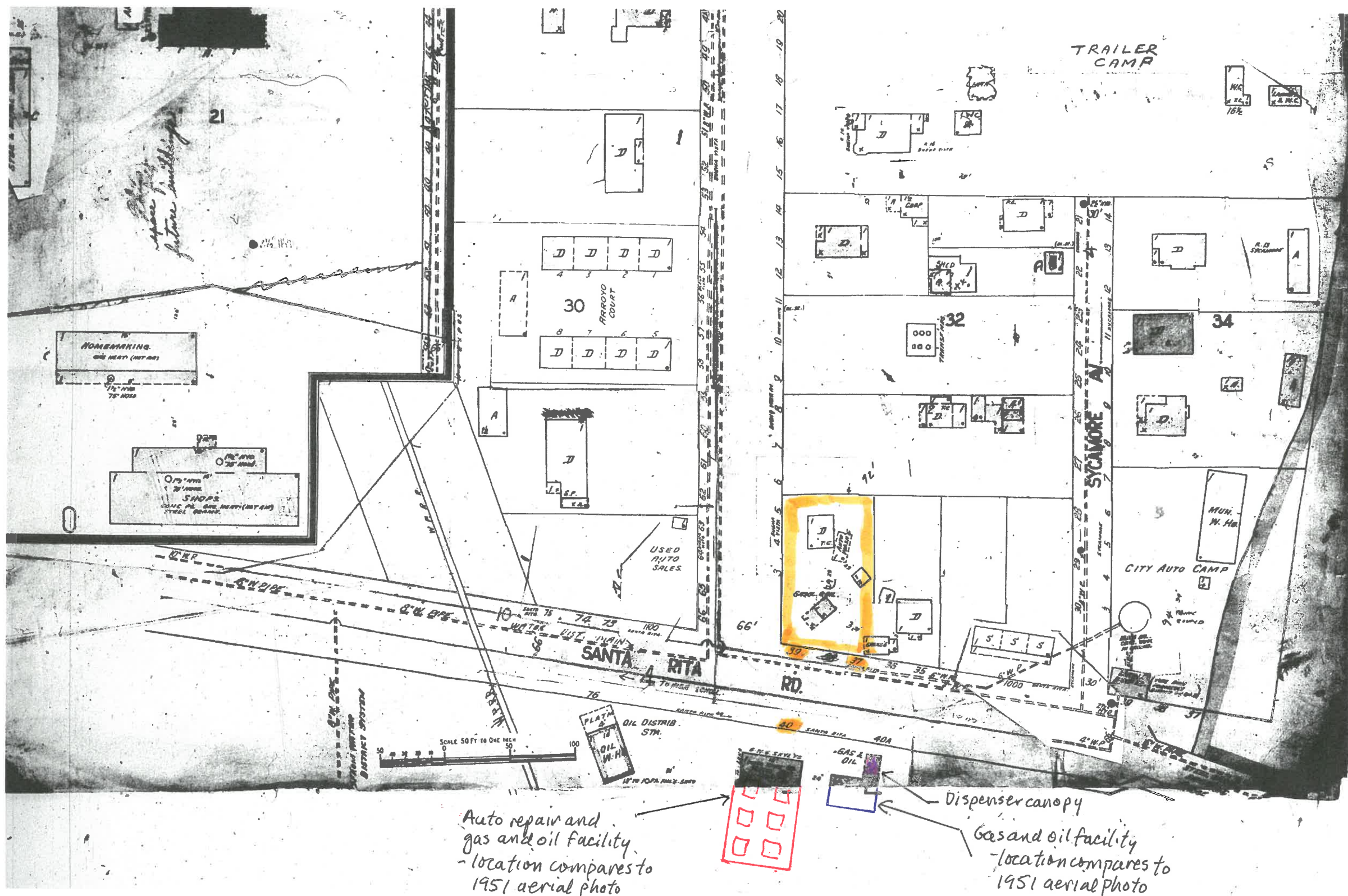
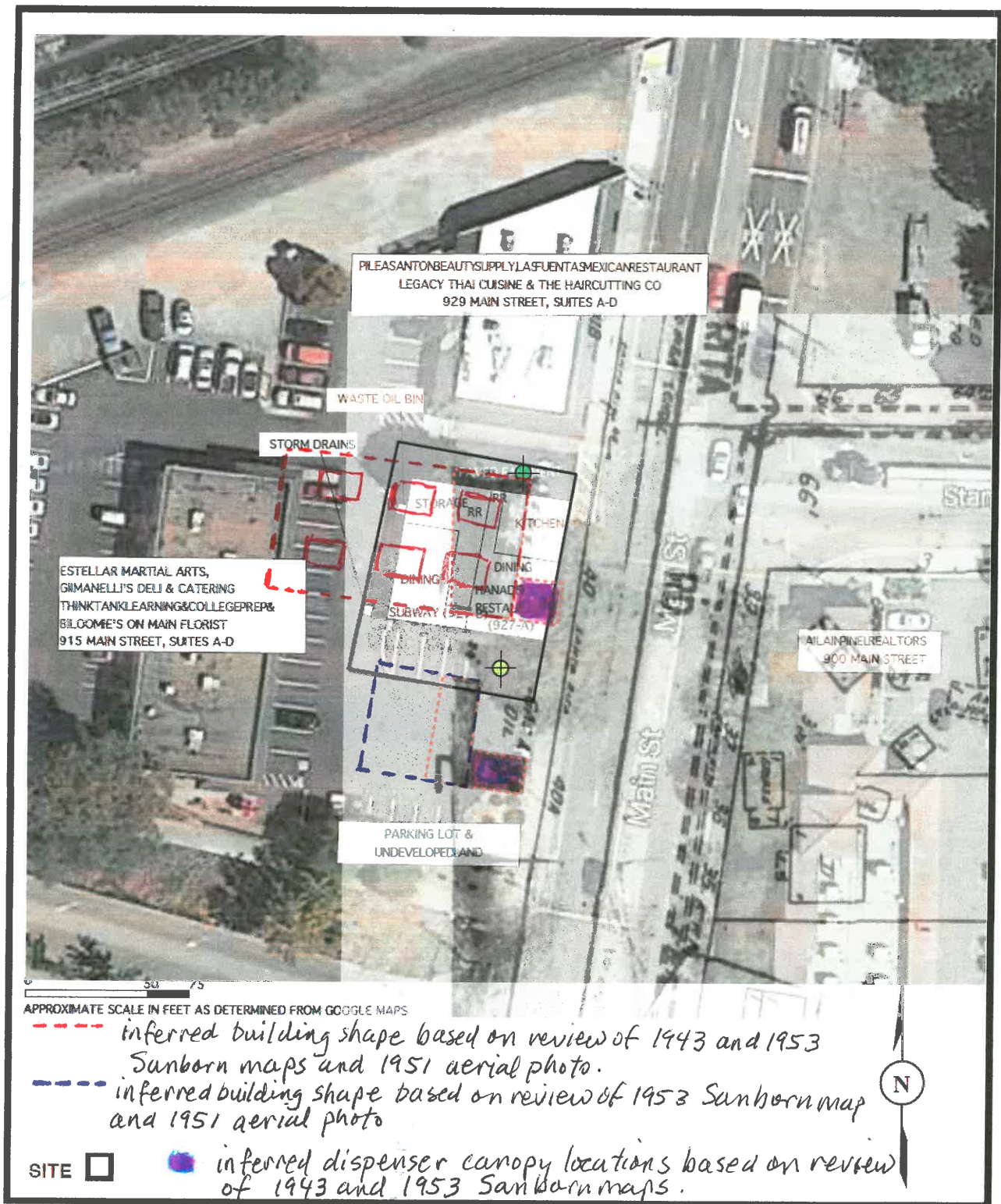


Figure 4: Comparison of 1953 Sanborn map with 1951 aerial map



Site Plan (with Sanborn Map of 1953)



Limited Phase II Environmental Site Sampling
927 Main Street
Pleasanton, California

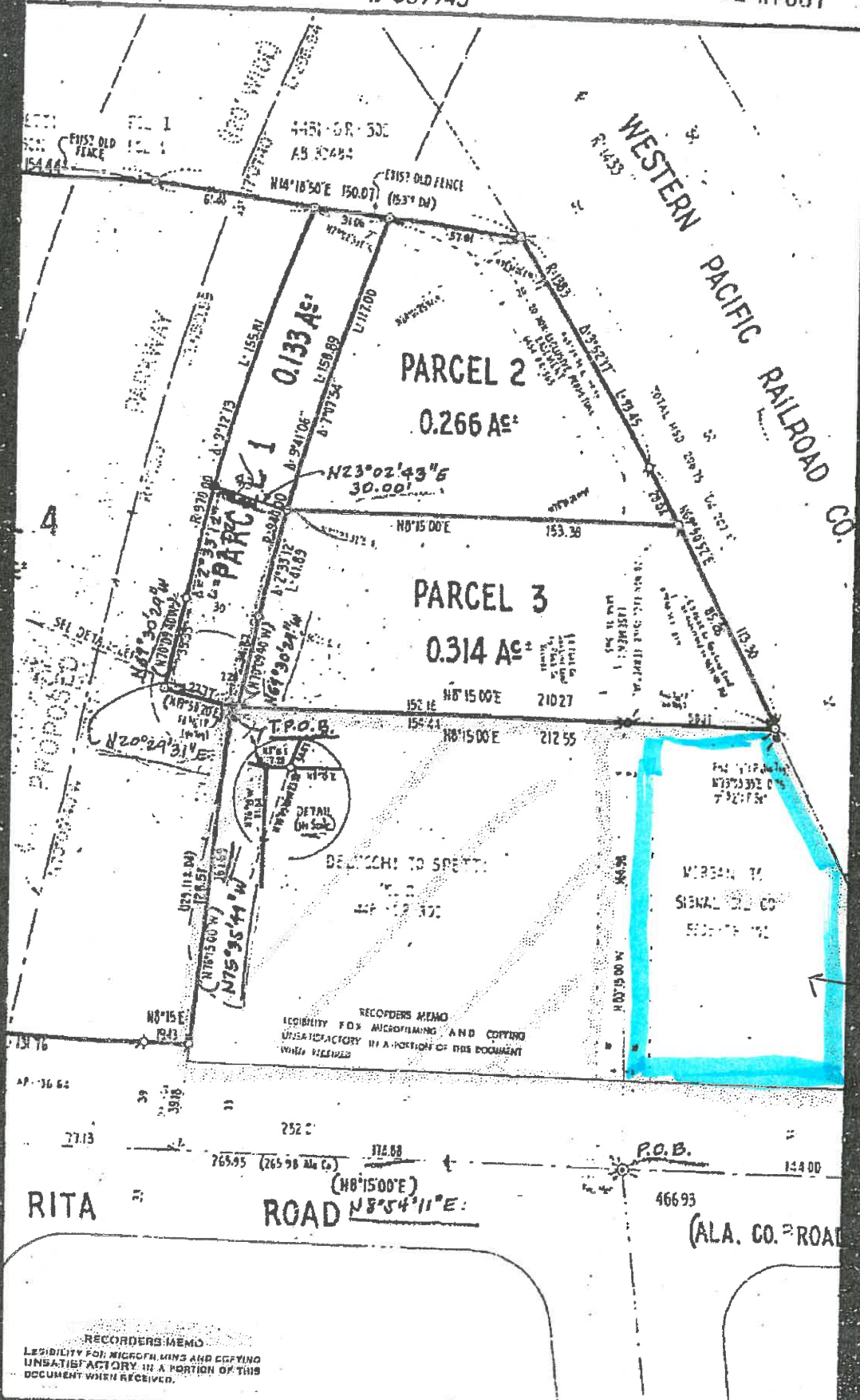
PROJECT NO.
13-ENV3567

DRAWING NO.

Figure 5: Comparison of 1951 aerial photo with 1953 Sanborn map of site

78-08945

RE-5391 IM-637



Parcel number
 946-3370-6-2,
 formerly 946-3370-6

Figure 6:
 Parcel map attached
 to 1978 Release
 Agreement.

ASSESSOR'S MAP 946

TR. 3966(104/5)

P.M. 2478(102/6)

Code Area No 19-000 19-079

Subdiv. Rancho el Valle de San Jose

(Plot I Subdiv. "A" Bernal Portion) (Bk. 69 Pg. 315)

P.M. 669(Bk. 69 Pg. 12)

3375'

P.M. 3486 125/79
TR. 4914 140/89
TR. 6902 233/82

3370

Scale: 1"=100'

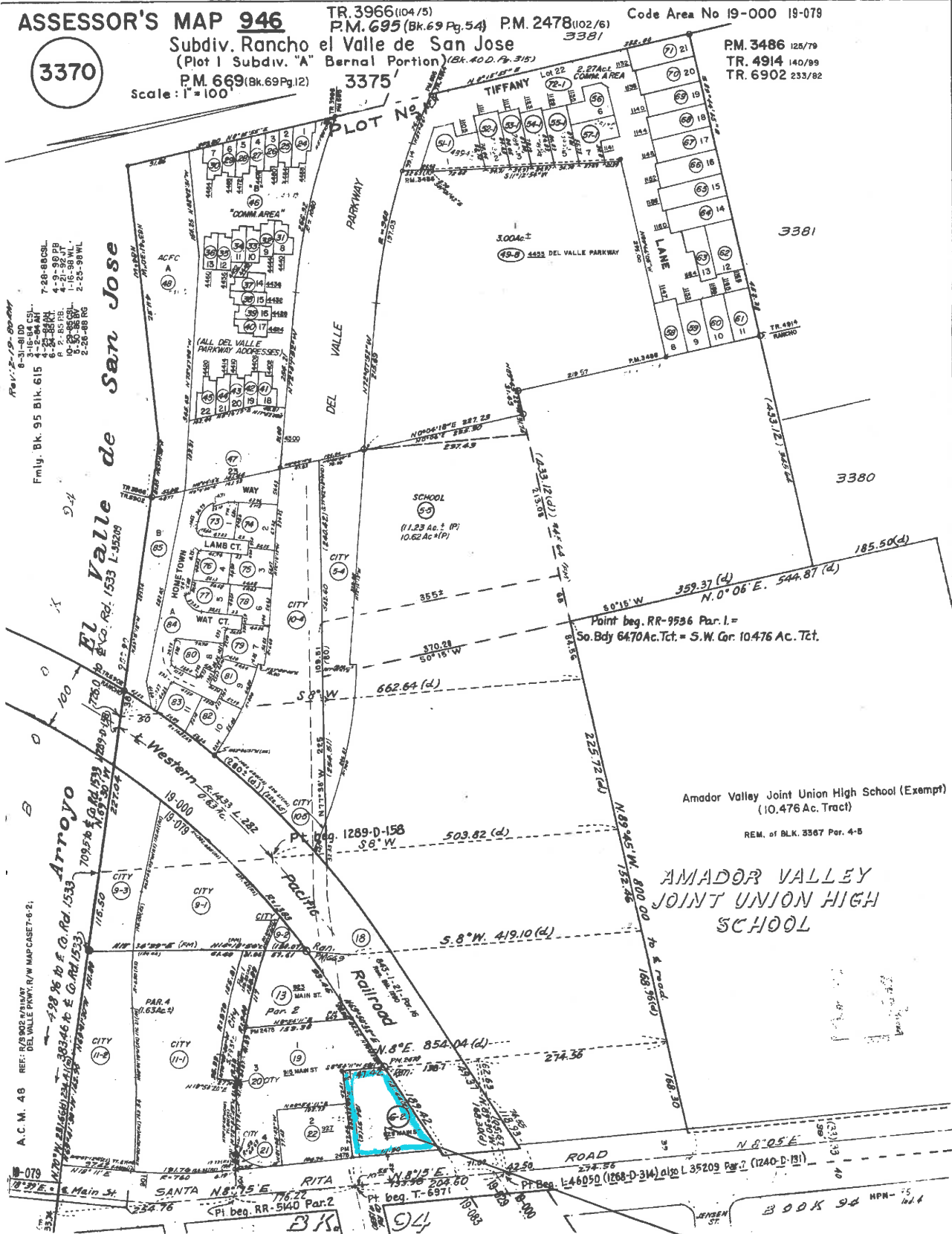


Figure 7: Assessor's parcel map

Parcel number 946-3370-6-2,
Formerly 946-3370-6