

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

ALEX BRISCOE, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6777
FAX (510) 337-9135

Certified Mail #: 7006345000005034081

October 13, 2010

NOTICE OF RESPONSIBILITY

Site Name & Address:

BROOK'S AUTO SERVICE
1101 28TH ST
Oakland, CA 94608

Local ID: RO0000222
Related ID: 345
RWQCB ID: 21-2304
Global ID: T0600102303

Responsible Party:

Robert Hudson Johnson Testamentary Trust
c/o Arthur Creggett as Successor Trustee
c/o STEPHEN J KENNEDY 7750 PARDEE LN STE
130
OAKLAND CA 94621-3037

Date First Reported: 6/24/1996

Substance 8006619 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 W L RACE TRUST 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) 341-5650.

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 JAKUB, BARBARA, at this office at (510)639-1287 if you have questions regarding your site.


Date: 10-13-2010
ARIU LEVI, Director
Contract Project Director

Action: Add
Reason: CHANGE

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

October 13, 2010

Site Name & Address:

BROOK'S AUTO SERVICE

1101 28TH ST

Oakland, CA 94608

Local ID: RO0000222

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All Responsible Parties

RP has been named a Primary RP - W L RACE TRUST

W L RACE TRUST

PO BOX 3345 | WALNUT CREEK, CA 94598-0345 | Phone (925) 935-4133

RP has been named a Primary RP - SYLVESTER BROOKS

BROOKS AUTO SERVICE

1101 28TH ST | OAKLAND, CA 94608 | Phone No Phone Number Listed

RP has been named a Primary RP - JB ENTERPRISES, INC

JB ENTERPRISES, INC

3400 MACARTHUR BLVD | OAKLAND, CA 94602-3824 | Phone No Phone Number Listed

RP has been named a Primary RP - PAUL CARPENTER

N/A

2735 CHESTNUT ST | OAKLAND, CA 94607-2426 | Phone No Phone Number Listed

RP has been named a Primary RP - ROBERT HUDSON JOHNSON TESTAMENTARY TRUST

c/o ARTHUR CREGGETT AS SUCCESSOR TRUSTEE

c/o STEPHEN J KENNEDY 7750 PARDEE LN STE 130 | OAKLAND, CA 94621-3037 | Phone (510) 636-1952

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:

"Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."

"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."

"Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."

"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.

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

October 13, 2010

Responsible Party Identification

Sylvester Brooks operated and owned the underground storage tanks in 1996 when the USTs were removed. Sylvester Brooks meets the definition of a responsible party for the site because he owned and operated the underground storage tanks (Definition 1) and had control over an underground storage tank at the time or following an unauthorized release of a hazardous substance (Definition 4).

W.L. Race Trust owned the property from 1988 to 2008. W.L. Race Trust meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred, (Definition 3).

The Robert Hudson Johnson Testamentary Trust c/o Arthur Creggett as successor trustee owned the property starting in October 24, 2008. Arthur Creggett as the successor trustee to the Robert Hudson Johnson Trust meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred, (Definition 3).

Paul Carpenter purchased the property in August 2009. Paul Carpenter meets the definition of a responsible party for the site because he owned the property where an unauthorized release occurred, (Definition 3).

JB Enterprises, Inc. purchased the property in April 2010. J.B. Enterprises, Inc. meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred, (Definition 3).