

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

October 13, 2010

W.L. Race Trust  
Brooks Auto Service  
P.O. Box 3435  
Walnut Creek, CA 94598

Sylvester Brooks  
Brook's Auto Service  
1101 28<sup>th</sup> St.  
Oakland, CA 94608

JB Enterprises, Inc.  
3400 MacArthur Blvd.  
Oakland, CA 94602-3824

Paul Carpenter  
2735 Chestnut St.  
Oakland, CA 94607-2426

Subject: Fuel Leak Case No. RO0000222 and GeoTracker Global ID T0600102303, Brook's Auto Service, 1101 28<sup>th</sup> St., Oakland, CA 94608

Dear Gentlemen:

In a Notice of Responsibility dated October 2, 1996, W. L. Race Trust and Sylvester Brooks were notified that the above referenced site had been placed in the Local Oversight Program and that the W. L. Race Trust and Sylvester Brooks were named Responsible Parties for the fuel leak case. In a Notice of Responsibility dated August 26, 2010, Paul Carpenter and J. B Enterprises were notified that the above referenced site had been placed in the Local Oversight Program and that Paul Carpenter and J. B Enterprises were named Responsible Parties for the fuel leak case. Also in the same August 26, 2010 Notice of Responsibility, Arthur Creggett was mistakenly identified as owning the property rather than Arthur Creggett as successor trustee of the Robert Hudson Johnson Testamentary Trust. The record has been corrected to reflect Arthur Creggett as successor trustee of the Robert Hudson Johnson Testamentary Trust as a responsible party. 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 or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org).

Sincerely,

Barbara J. Jakub, P.G.  
Hazardous Materials Specialist

Attachment A: Responsible Parties Data Sheet

Gentlemen  
RO0000222  
October 13, 2010, Page 2

Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Barbara Jakub, ACEH (*Sent via E-mail to: [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org)*)  
GeoTracker, e-file

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

**All Responsible Parties**

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**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

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**RP has been named a Primary RP - SYLVESTER BROOKS**  
**BROOKS AUTO SERVICE**  
1101 28TH ST | OAKLAND, CA 94608 | Phone No Phone Number Listed

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**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

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**RP has been named a Primary RP - PAUL CARPENTER**  
**N/A**  
2735 CHESTNUT ST | OAKLAND, CA 94607-2426 | Phone No Phone Number Listed

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**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

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**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).