

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

ALEX BRISCOE, Agency Director



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

Certified Mail #: 7009 2820 0001 4372 7628

July 26, 2011

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**EARL SHENK RESIDENCE  
6159 ACACIA AVE  
Oakland, CA 94618**

Local ID: **RO0000152**  
Related ID: **4158**  
RWQCB ID: **01-1699**  
Global ID: **T0600101570**

**Responsible Party:**

**NICHOLAS E MOORE**

**6159 ACACIA AVE  
OAKLAND CA 94618-1818**

**Date First Reported: 4/14/1992**

**Substance: 12034 Diesel fuel oil and additives, Nos.1-D, 2-D,  
2-4**

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

  
\_\_\_\_\_  
ARIU LEVI, Director  
Contract Project Director

Date: JULY 27, 2011

Action: Add  
Reason: ADD RP

Attachment A: Responsible Parties Data Sheet

cc: Jenniffer Jorden, SWRCB, D. Drogos (Sent via electronic mail to donna.drogos@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

July 26, 2011

<b>Site Name &amp; Address:</b> <b>EARL SHENK RESIDENCE</b> <b>6159 ACACIA AVE</b> <b>Oakland, CA 94618</b>
--

<b>Local ID:</b>	<b>RO0000152</b>
<b>Related ID:</b>	<b>4158</b>
<b>RWQCB ID:</b>	<b>01-1699</b>
<b>Global ID:</b>	<b>T0600101570</b>

**All Responsible Parties**

**RP has been named a Primary RP - KAREN J PLESSINGER**

6159 ACACIA AVE | OAKLAND, CA 94618-1818 | Phone No Phone Number Listed

**RP has been named a Primary RP - PRISCILLA F SHENK**  
**PRISCILLA F SHENK TRUST**

575 BROADMOOR BLVD | SAN LEANDRO, CA 94577 | Phone No Phone Number Listed

**RP has been named a Primary RP - NICHOLAS E MOORE**

6159 ACACIA AVE | OAKLAND, CA 94618-1818 | Phone No Phone Number Listed

**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.

## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

July 26, 2011

### Responsible Party Identification

On April 4, 1992, a 500-gallon home heating oil UST removed from the site. Initial sampling detected 7,900 ppm TPHd at 3 to 3.5 feet bgs and the tank had holes on the bottom. Overexcavation occurred to 5 feet bgs and TPHd was reported at 1,400 ppm.

#### Responsible Party Identification

The Priscilla F. Shenk Trust owned the property since August 1988 and removed the underground storage tanks in 1992. Therefore, the Priscilla F. Shenk Trust meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred, (Definition 3), had control over an underground storage tank at the time or following an unauthorized release of a hazardous substance (Definition 4) and they owned a UST used for the storage of a hazardous substance (Definition 1).

Karen K Plessinger and Nicholas E. Moore purchased the property in January 1999. Karen K Plessinger and Nicholas E. Moore meet the definition of a responsible party for the site because they owned the property where an unauthorized release occurred, (Definition 3).