

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

August 26, 2010

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

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

Subject: Fuel Leak Case No. RO0000222 and GeoTracker Global ID T0600102303, Brook's Auto Service, 1101 28th 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. The Arthur Creggett Trust, Paul Carpenter and J. B Enterprises subsequently purchased the property and have been named as additional Responsible Parties 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 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.

Sincerely,

A handwritten signature in black ink that reads "Barbara Jakub". The signature is written in a cursive, flowing style.

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

Attachment A: Responsible Parties Data Sheet

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

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

August 26, 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

RP has been named a Primary RP - W L RACE
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 - ARTHUR CREGGETT
N/A

c/o STEPHEN J KENNEDY 7750 PARDEE LN STE 130 | OAKLAND, CA 94621-3037 | 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)

August 26, 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 Arthur Creggett Trust purchased the property in October 24, 2008. The Arthur Creggett 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).