

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

Certified Mail #: 7006 3450 0000 0503 0427

November 24, 2009

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

NOTICE OF RESPONSIBILITY

Site Name & Address:

**SPK INDUSTRIAL PROPERTY
700 INDEPENDENT RD
OAKLAND, CA 94621**

**Local ID: RO0002900
Related ID: NA
RWQCB ID: NA
Global ID: T0600165110**

Responsible Party:

**FRANCIS J. MEYNARD
700 INDEPENDENT ROAD LP
104 CALEDONIA STREET SUITE C
SAUSALITO CA 94965**

Date First Reported: 11/1/2005

**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 EQUITY OFFICE PROPERTIES 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 WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site.


ARIU LEVI, Director
Contract Project Director

Date: 11/30/09

Action: Add
Reason: Add RP

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

November 24, 2009

Site Name & Address:

SPK INDUSTRIAL PROPERTY
700 INDEPENDENT RD
OAKLAND, CA 94621

Local ID: RO0002900
Related ID: NA
RWQCB ID: NA
Global ID: T0600165110

All Responsible Parties

RP has been named a Primary RP - JAMES SOUTTER
EQUITY OFFICE PROPERTIES

1740 TECHNOLOGY DRIVE, SUITE 150 | SAN JOSE, CA 95110 | Phone (408) 487-4188

RP has been named a RP - FRANCIS J MEYNARD

700 INDEPENDENT ROAD LP

104 CALEDONIA STREET SUITE C | SAUSALITO, CA 94965 | Phone (415) 331-3838

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)

November 24, 2009

Responsible Party Identification

Existence of Unauthorized Release

An underground storage tank (UST) was discovered in the area of the loading dock during site investigation activities in 2005. The UST and associated piping were removed on August 17, 2005. The UST was observed to be rusty and stained with many holes. The soils surrounding the UST were visibly stained and had a hydrocarbon odor. Total petroleum hydrocarbons (TPH) as diesel and TPH as gasoline were detected in soil samples collected in the area of the UST at concentrations up to 5,090 and 877 milligrams per kilogram, respectively. The observations during tank removal and results from the soil sampling during the UST excavation indicate that an unauthorized release occurred.

Responsible Party Identification

Equity Office Properties owned the property at the time of the UST discovery and was identified as a responsible party for the fuel leak case in a Notice of Responsibility dated February 17, 2006. Equity Office Properties is a responsible party because they are the former owner of property where an unauthorized release occurred (Definition 3).

700 Independent LP purchased the property on or about June 26, 2008. 700 Independent Road LP is a responsible party because they are the current owner of the property where an unauthorized release occurred (Definition 3).