



WILLIAM SPENCER COMPANY  
CONTRACTORS • REAL ESTATE

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CALIFORNIA CONTRACTORS LICENSE #334263

202992

January 6, 2009

Alameda County

Fax: (510) 337-9335

JAN 08 2009

Alameda County Healthcare Services  
Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Environmental Health

Attn: Jerry Wickham

Re: Sparks Property  
1424 Harrison Street, Oakland, CA 94612

Subj: Substance: 8006619 Gasoline-Automotive  
NOTICE OF RESPONSIBILITY - Date of First Report: 7/23/07

2009 JAN 08 09 00 AM

Dear Mr. Wickham:

Please note we take exception to your enclosed claim. Please note we had the subject fully investigated PRIOR to purchasing the in question property. I enclose a few pages from several reports we received on the property and surrounding property. It appears the person responsible for any and all contamination is the property next to ours; and the abandoned gas station, please see enclosed report.

Please send us a letter RESCINDING your letter of 12/8/08 (received 1/6/09). I note if we do not receive said letter by 1/20/09, we will assume you fully agree the issue in question is CLOSED AND NOT THE RESPONSIBILITY OF SPENCER OR 1424 HARRISON STREET.

I further note you returned my phone call and stated the County has evidence or proof that the contamination on the site was caused by a release from 1424 Harrison Street. Please note this is in direct contrast with the report of VERTEX ENGINEERING SERVICES dated March 4, 2002. Please submit said evidence and/or proof of the County's claim.

Thanking you in advance!

Sincerely,

WILLIAM SPENCER COMPANY

William Spencer

WDS/adg

ALAMEDA COUNTY  
HEALTH CARE SERVICES



*Rec'd 1/6/09*

AGENCY  
DAVID J. KEARS, Agency Director

Certified Mail #: 7002 2030 0006 9574 2621

December 18, 2008

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:

**SPARKS PROPERTY  
1424 HARRISON ST  
OAKLAND, CA 94612**

**Local ID: RO0002992  
Related ID: NA  
RWQCB ID:  
Global ID: T0600100961**

Responsible Party:

**WILLIAM AND CLAIRE SPENCER  
WILLIAM AND CLAIRE SPENCER TRUST  
99 S HILL DRIVE  
BRISBANE CA 94005-1215**

**Date First Reported: 7/23/2007**

**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 JOEL AND GEORGE SPARKS 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.

*[Handwritten signature]*

Date: *1/21/09*

ARIU LEVI, Director  
Contract Project Director

Action: Add  
Reason: ADD RP

*Called 1/6/09 -> left msg.*

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 02, 2009

**Site Name & Address:**

**SPARKS PROPERTY**  
**1424 HARRISON ST**  
**OAKLAND, CA 94612**

**Local ID: RO0002992**

**Related ID: NA**

**RWQCB ID:**

**Global ID: T0600100961**

**All Responsible Parties**

---

**RP has been named a Primary RP - JOEL AND GEORGE SPARKS**  
**JOEL R AND GEORGE WILLIAM JR SPARKS**  
74819 DEPOT | IRRIGON, OR 97844 | Phone No Phone Number Listed

---

**RP has been named a RP - WILLIAM AND CLAIRE SPENCER**  
**WILLIAM AND CLAIRE SPENCER TRUST**  
99 S HILL DRIVE | BRISBANE, CA 94005-1215 | Phone No Phone Number Listed

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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:

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)

January 02, 2009

### Responsible Party Identification

#### Existence of Unauthorized Release

Two underground storage tanks (USTs) were closed in place beneath the sidewalk at 1424 Harrison Street in Oakland on April 29, 1991 by filling the tanks with a cement slurry. Subsequent to the closure in place of the two USTs at 1424 Harrison Street in 1991, soil and groundwater sampling was conducted as part of a site investigation for leaking fuel USTs at 1432 Harrison Street. In addition to numerous borings advanced at 1432 Harrison Street, several soil borings were advanced in the immediate area of the closed in place USTs at 1424 Harrison Street. Total petroleum hydrocarbons (TPH) as gasoline were detected in shallow soil beneath the closed in place USTs at concentrations up to 1,900 milligrams per kilogram (mg/kg). Benzene was detected in shallow soil beneath the closed in place USTs at concentrations up to 35 mg/kg. The distribution of fuel hydrocarbons in shallow soil in the area of the two USTs closed in place beneath the sidewalk at 1424 Harrison Street appears to be the result of an unauthorized release from the USTs, piping, or dispensers at 1424 Harrison Street.

#### Responsible Party Identification

Joel R. and George W. Sparks owned the USTs until they were removed in 1991. Joel R. and George W. Sparks were the property owners for 1424 Harrison Street from 1981 up until 2002. Joel R. and George W. Sparks are responsible parties because they owned and operated the USTs immediately before the discontinuation of their use (Definition 2), were the property owners where an unauthorized release from a UST occurred (Definition 3), and had control of USTs at the time of or following an unauthorized release (Definition 4).

The William D. and Claire A. Spencer Trust purchased the property on March 22, 2002. The William D. and Claire A. Spencer Trust is a responsible party because they are the current owner of a property where an unauthorized release from a UST has occurred (Definition 3).

Phase I Environmental Site Assessment  
**Harrison Street Property**  
1424 Harrison Street  
Oakland, California 94612  
VERTEX Project No.: 3871

**VERTEX**

---

Prepared By:

**VERTEX Engineering Services, Inc.**  
One Edwards Court, Suite 202  
Burlingame, California 94010

**March 4, 2002**

Prepared For:

**The Spencer Company**  
99 South Hill Drive  
Brisbane, California 94005

**Attn: Mr. William Spencer**

**VERTEX<sup>SM</sup>****Engineering Services, Inc.**

California Office  
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Office (650) 579-7839  
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Massachusetts Office (781) 952-6000  
New York Office (718) 729-9489  
Colorado Office (303) 623-9116

March 4, 2002

Mr. William Spencer  
**The Spencer Company**  
99 South Hill Drive  
Brisbane, California 94005

RE: Phase I Environmental Site Assessment  
**Harrison Street Property**  
1424 Harrison Street  
Oakland, California 94612  
VERTEX Project No.: 3871

Mr. Spencer:

Vertex Engineering Services, Inc. (VERTEX) is pleased to submit this Phase I Environmental Site Assessment report for the above referenced property (the site). The primary purpose of this assessment was to identify *recognized environmental conditions* in connection with the subject property. Recognized environmental conditions are defined as the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or material threat of a release into structures on the property or into the ground, groundwater, or surface water of the property.

In conducting this assessment, VERTEX followed the E1527 American Society for Testing and Materials (ASTM) document entitled "Standard Practices for Environmental Site Assessments: Phase I Environmental Site Assessment Process" for commercial real estate.

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**FIGURES**

Figure 1: Locus Map

Figure 2: Site Map

**APPENDICES**

Appendix A: Photographic Documentation

Appendix B: Regulatory Database Report

Appendix C: References



## 8.0 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

On February 6, 2002, Vertex Engineering Services, Inc. (VERTEX) was contracted by The Spencer Company to conduct a Phase I Environmental Site Assessment of property referenced as the Harrison Street Property, located at 1424 Harrison Street, Oakland, Alameda County, California.

The site consists of a single-story brick and timber building constructed in 1919 which occupies the entire site. According to information obtained from the Alameda County Tax Assessor's Office, the site is currently owned by Joel R. and George W. Sparks, who reportedly purchased the site in November 1981. The vicinity of the site can generally be described as a commercial and residential area of the City of Oakland.

According to the historical records, the site was improved with a residential structure as early as 1901. The site was developed with the current structure in approximately 1919 and was utilized as an auto repair garage. The site building was reportedly part of three buildings, collectively operating as the Oakland Garage. Mr. Sparks stated to the best of his knowledge, the majority of automobile maintenance activities took place in the other buildings and the site building was primarily a show room and parts department. The site operated as part of the Oakland Garage until approximately 1979. The site was reportedly vacant before being purchased in approximately 1981 and utilized as a car stereo installation and servicing center, which operated from 1983 until 2000.

According to Mr. Sparks no underground storage tanks (USTs) are currently operational at the site; however, two USTs were closed in place in approximately 1983. Mr. Sparks stated that the two USTs were filled with concrete and closed with oversight by the Oakland Fire Department (OFD). VERTEX reviewed files at the OFD regarding the reported USTs at the site. According to fire department and building records, a permit dated April 21, 1992 references the fill in place of a 1,000-gallon and 500-gallon UST. However, no official records were in the OFD file documenting UST closure activities. A Hazardous Materials Inspection in April 1991

cited conversation with Mr. Bill Sparks who stated that during closure of the two USTs a representative from the OFD was present and that the USTs were emptied prior to filling with cement slurry. The two USTs are reportedly located beneath the sidewalk fronting Harrison Street along the northern property boundary. These abandoned USTs are not identified on any state or federal databases searched by EDR. Based on the documents reviewed no soil or groundwater samples were collected before the USTs were reportedly abandoned. The two abandoned USTs at the site represent a concern to this investigation.

Based on the age of construction (1919), there is potential that asbestos-containing materials (ACMs) were used during construction of the site building; however, the building was constructed of brick and concrete block with concrete floors and no suspect asbestos-containing materials were observed associated with the original construction materials; however, roofing materials were not observed during the site visit due to access limitations. Interior build-out, which consists of sheet flooring and drywall walls and ceilings, were reportedly constructed in approximately 1981, according to Mr. Sparks, site owner.

Based on the date of construction (1919), the potential exists for lead-based paint to be present in the building. Painted surfaces at the site consist of interior build-out drywall, and interior and exterior brick surfaces. A visual inspection was conducted, and all interior and exterior painted surfaces were in fair condition during VERTEX's site visit.

The site was not identified on any state regulatory databases searched by EDR under the current site address. However, two off-site facilities of concern were identified and are summarized below. One facility, 1432 Harrison Street, located adjacent to the site and at one time reportedly operating in conjunction with the subject site as the Oakland Garage, was identified on the LUST, UST, HIST UST, CA FID UST, RCRIS-SQG, FINDS, Cortese, and HAZNET databases. A second facility, a former Chevron Station, located at 301 14th Street, approximately 225 feet southwest and cross to upgradient from the site, was identified on the EDR report as an open LUST case. These facilities are discussed below.

VERTEX submitted a request to review files to the Alameda County Environmental Health Services Division (ACEHSD) pertaining to the reported release and remediation activities at 1432 Harrison Street. According to Earlene Coleman-Ali, File Coordinator, ACEHSD, the ACEHSD maintains records for 1432 Harrison Street; however, they could not be located and were not available for VERTEX to review. According to the EDR report, a release of gasoline was reported at the site in 1993. The case type was undefined and the status was listed as "pollution characterization." VERTEX observed a remediation system operating at 1432 Harrison Street during the site visit and according to information obtained during this assessment, soils and groundwater beneath the site have been impacted from a release from former USTs located at 1432 Harrison Street. The former USTs were reportedly located approximately 15 to 20 feet northwest of the USTs reportedly closed-in-place at the subject site (1424 Harrison Street). Based on the proximity of the release to the site coupled with the variable groundwater flow directions reported in the vicinity of the site, the reported release at 1432 Harrison Street is considered a concern to this investigation.

Chevron, previously located at 301 14th Street, approximately 225 feet southwest and cross to upgradient from the site, depending on variable groundwater flow directions in the vicinity of the site, was identified as a LUST site. VERTEX reviewed files at the ACEHSD pertaining to the release at 301 14th Street. Based on the information reviewed, it appears that the release at the former Chevron site is not an immediate concern to the site. Documentation reviewed indicates that contamination beneath the Chevron site has been stabilized. Additionally, information regarding 1432 Harrison Street, a LUST site located adjacent to the northeast of the site, reviewed at the Oakland Fire Department, indicates that consultants working at 1432 Harrison Street have eliminated the Chevron site from being an additional source. However, well C-8, located approximately 200 feet east-southeast and upgradient of the site, continues to have elevated concentrations of TPH-g and benzene. The Remediation Status Report and Request for No Further Action Report prepared in March 1997 stated that data collected from well C-8 versus data collected from on site wells suggests the hydrocarbon source impacting C-8 may originated from a source other than the Chevron site. The concentrations reported from well C-8 and its proximity to the site with respect to distance and gradient is considered a concern to this investigation.

## Recommendations

Based on the available information obtained during the course of this assessment, VERTEX recommends the following:

- The collection of soil and/or groundwater samples at the site to assess if the site has been impacted from the on-site USTs reportedly closed-in-place and/or off-site properties of concern identified in the immediate vicinity of the site.
- Prior to demolition, remodeling and/or renovation activities, suspect asbestos-containing materials that will be impacted should be sampled and analyzed for asbestos and any potential lead-based paint at the site that may be affected by the activities should be sampled and tested for lead-based paint. Confirmed ACM and lead-based paint should be managed in accordance with state and local regulations. VERTEX recommends any identified ACM and/or lead-based paint at the site that may be affected by the renovation and/or demolition activities be isolated and/or removed by a licensed abatement contractor.