

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

January 26, 2012

Mr. Peter Sher
San Francisco French Bread Company
7801 Edgewater Drive
Oakland, CA 94621

Mr. John Tibbetts
Oak's Club Room
4097 San Pablo Avenue
Emeryville, CA 94608

Subject: Notice of Responsibility; Fuel Leak Case No. RO0000171; (Global ID # T0600101186); San Francisco French Bread Company, 4070 San Pablo Avenue, Emeryville, CA 94608

Dear Messrs. Sher and Tibbetts:

In an earlier Notice of Responsibility (NOR), Toscana Baking Company (San Francisco French Bread Company) and the Oaks Club Room were notified that the referenced site had been placed in the Local Oversight Program and that both were named as a Responsible Party for the fuel leak case. In the attached updated NOR, more recent property owners have also been named 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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Digitally signed by Mark E. Detterman
DN: cn=Mark E. Detterman, o, ou,
email, c=US
Date: 2012.01.26 13:43:36 -08'00'

Mark E. Detterman, P.G., C.E.G.
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Donna Drogos (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Case Electronic File, GeoTracker



AGENCY

Certified Mail #: 7002 2030 0006 9574 2157

January 26, 2012

NOTICE OF RESPONSIBILITY

Site Name & Address:

**SAN FRANCISCO FRENCH BREAD COMPANY
4070 SAN PABLO AVE
Emeryville, CA 94608**

**Local ID: RO0000171
Related ID: 1509
RWQCB ID: 01-1289
Global ID: T0600101186**

Responsible Party:

**CITY OF EMERYVILLE
c/o MARKUS NIEBANCK
ECONOMIC DEVELOPMENT & HOUSING
1333 PARK AVE
EMERYVILLE CA 94608**

**Date First Reported: 5/24/1989
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 OAKS CLUB ROOM 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 DETTERMAN, MARK, at this office at (510)567-6876 if you have questions regarding your site.


ARIU LEVI, Director
Contract Project Director

Date: 1/26/2012

Action: Add
Reason: ADD RP

Attachment A: Responsible Parties Data Sheet

cc: Jenniffer Jordan, 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

January 26, 2012

Site Name & Address:

SAN FRANCISCO FRENCH BREAD COMPANY
4070 SAN PABLO AVE
Emeryville, CA 94608

Local ID: RO0000171
Related ID: 1509
RWQCB ID: 01-1289
Global ID: T0600101186

All Responsible Parties

RP has been named a Primary RP - JOHN TIBBETTS
OAKS CLUB ROOM
4097 SAN PABLO AVENUE | EMERYVILLE, CA 94608 | Phone No Phone Number Listed

RP has been named a Primary RP - PETER SHER
SAN FRANCISCO FRENCH BREAD CO
7801 EDGEWATER DR | OAKLAND, CA 94621 | Phone No Phone Number Listed

RP has been named a Primary RP - MARILYN PONTE
BAY ROCK RESIDENTIAL LLC
1300 CLAY STREET, SUITE 620 | OAKLAND, CA 94612-1427 | Phone No Phone Number Listed

RP has been named a Primary RP - CITY OF EMERYVILLE c/o MARKUS NIEBANCK
ECONOMIC DEVELOPMENT & HOUSING DEPART
1333 PARK AVE | EMERYVILLE, CA 94608 | Phone (510) 596-4356

RP has been named a Primary RP - DARIN LOUNDS
MAGNOLIA TERRACE LLC
1440 BROADWAY, SUITE 700 | OAKLAND, CA 94612 | Phone (510) 828-6295

RP has been named a Primary RP - c/o MAGNOLIA TERRACE
EAST BAY HOUSING CONSORTIUM
1736 FRANKLIN ST, 6TH FLOOR | OAKLAND, CA 94612-3423 | 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:

"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)

January 26, 2012

Responsible Party Identification

Responsible Party Identification

Existence of Unauthorized Release

In May 1989 one 10,000-gallon diesel UST and one 10,000-gallon gasoline UST were removed from the site. Soil and groundwater confirmation samples were collected. Concentrations up to 70 mg/kg Total Petroleum Hydrocarbons as gasoline (TPHg), 30 mg/kg TPHd, and 2.7 mg/kg benzene were detected in soil. Concentrations up to 200,000 µg/l TPHg, 110,000 µg/l TPHd, and 24,000 µg/l benzene were documented in the groundwater samples. These data indicate that an unauthorized release has occurred at the site.

Responsible Party Identification

The Toscana Baking Company (San Francisco French Bread Company) purchased the property in August 1972 and sold the property in April 1989, and is therefore a former property owner of the site. The Toscana Baking Company (San Francisco French Bread Company) is a responsible party for site because it owned an UST used for the storage of a hazardous substance (Definition 1), it owned the UST immediately before discontinuation of use (Definition 2), and because it owned portions of the property where an unauthorized release has occurred (Definition 3).

The Oaks Club Room owned the property in April 1989, is therefore a former property owner of the site. The Oaks Club Room is a responsible party for site because it owned an UST used for the storage of a hazardous substance (Definition 1), it owned the property where an unauthorized release from an UST occurred (Definition 3), and it had control over an UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).

The Redevelopment Agency of the City of Emeryville owned or received the property in August 1994, is a current property owner of a portion of the original parcel, and sold or transferred other portions of the original parcel at various times, and is therefore a current and former property owner of portions of the site. The Redevelopment Agency of the City of Emeryville is a responsible party for site because it owns and owned portions of the property where an unauthorized release has occurred (Definition 3).

The Bayrock Oaks LLC purchased or received a portion of the site in July 2007, and is therefore a property owner of a portion of the site. The Bayrock Oaks LLC is a responsible party for site because it owns and owned portions of the property where an unauthorized release has occurred (Definition 3).

The East Bay Housing Consortium purchased or received a portion of the site in June 2010, and is therefore a former property owner of a portion of the site. The East Bay Housing Consortium is a responsible party for site because it owned the property where an unauthorized release has occurred (Definition 3).

The current property owner, the Magnolia Terrace LLC c/o East Bay Housing Consortium purchased or received the site in June 2010, and is therefore a property owner of the portion of the site that the East Bay Housing Consortium owned. The Magnolia Terrace LLC c/o East Bay Housing Consortium is a responsible party for site because it owned the property where an unauthorized release has occurred (Definition 3).

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and [other](#) data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses,** and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload.** (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.