



AGENCY

Certified Mail #: 7009 2820 0001 4359 5142

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:

**EAST BAY HOUSING CONSORTIUM  
c/o MAGNOLIA TERRACE LLC  
1736 FRANKLIN ST, 6TH FLOOR  
OAKLAND CA 94612-3423**

**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.

  
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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**

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

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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

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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

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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

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

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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

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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:

"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).