



AGENCY

Certified Mail #: 7009 2820 0001 4359 5111

January 06, 2012

NOTICE OF RESPONSIBILITY

Site Name & Address:

LANE SPLITTERS PIZZA
3645 SAN PABLO AVE
EMERYVILLE, CA 94608

Local ID: RO0003068
Related ID: NA
RWQCB ID: NA
Global ID: T10000002518

Responsible Party:

MARKUS NIEBANCK
CITY OF EMERYVILLE REDEVELOPMENT
1333 PARK AVE
EMERYVILLE CA 94608


Date First Reported: 1/28/2010
Substance: 12034,9 Multiple Releases
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 DAN & VIC DIVERSIFIED LLC 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.


Date: 1/6/12
ARIU LEVI, Director
Contract Project Director

Action: Add
Reason: NEW

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 06, 2012

Site Name & Address: LANE SPLITTERS PIZZA 3645 SAN PABLO AVE EMERYVILLE, CA 94608
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Local ID:	RO0003068
Related ID:	NA
RWQCB ID:	NA
Global ID:	T10000002518

All Responsible Parties

RP has been named a Primary RP - NA NA
DAN & VIC DIVERSIFIED LLC
2033 SAN PABLO AVE | BERKELEY, CA 94702 | Phone No Phone Number Listed

RP has been named a Primary RP - NA NA
PLACEWORKS LLC
1501 PACIFIC AVE | ALAMEDA, CA 94501-1237 | Phone No Phone Number Listed

RP has been named a Primary RP - **MARKUS NIEBANCK**
CITY OF EMERYVILLE REDEVELOPMENT
1333 PARK AVE | EMERYVILLE, CA 94608 | Phone (510) 596-4356

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 06, 2012

Responsible Party Identification

Responsible Party Identification

Existence of Unauthorized Release

A 2002 Phase I Environmental Assessment found that the site had been a gasoline service station between approximately 1947 and 1969. A 2004 subsurface investigation conducted a geophysical survey and found a generalized disturbed signature beneath the site. Five soil bores were also installed and found "low to moderate" concentrations of TPH, BTEX, and MTBE, generally below regulatory thresholds. Two petroleum hydrocarbon hotspots were encountered during site grading, up to 20 eight-foot deep soil bores were installed around Hotspot #1, soil samples collected, and ultimately approximately 25.5 tons of impacted soil was excavated off hauled. Hotspot #2 is described as a fill pit presumed to be a location of a former UST, soil samples were collected, and ultimately approximately 127.1 tons of soil was excavated and off-hauled. Concentrations up to 310 mg/kg TPHg, 629 mg/kg TPHd, 1,700 mg/kg TPHmo, <2.5 mg/kg benzene, <2.5 mg/kg toluene, 3.7 mg/kg ethylbenzene, 5.3 mg/kg total xylenes, and <2.5 mg/kg MTBE were encountered in the two hotspot locations. The chromatographic pattern for the TPHg and TPHd analysis are reported not to match standard patterns.

One UST of unknown size was encountered and abandoned in-place during installation of the fire service as the site continued construction. The UST was cleaned and backfilled. One soil sample was collected at a depth of approximately 5.5 ft bgs at a location approximately 2 feet east of the UST. Analysis of the soil sample indicated that 980 mg/kg TPHg, 870 mg/kg TPHd, 3,300 mg/kg TPHmo, <0.77 mg/kg benzene, 2.3 mg/kg toluene, 1.5 mg/kg ethylbenzene, 11.4 mg/kg total xylenes, and <0.77 mg/kg MTBE were present; additional analytes were also detected. In totality the data indicate that an unauthorized release has occurred at the site.

Responsible Party Identification

City of Emeryville Redevelopment is a former property owner associated with the underground storage tank (UST). The City of Emeryville is a responsible party for the site because it owned an UST used for the storage of a hazardous substance (Definition 1), owned the property where an unauthorized release has occurred (Definition 3) and had control over the UST at a time following an unauthorized release of a hazardous substance (Definition 4).

Placeworks LLC is a former property owner associated with the UST at the time of in-place abandonment. Placeworks LLC is a responsible party for site because it owned an UST used for the storage of a hazardous substance (Definition 1), owned the property where an unauthorized release has occurred (Definition 3), and had control over the UST at a time following an unauthorized release of a hazardous substance (Definition 4).

Dan & Vic Diversified LLC is the property owner associated with an underground storage tank (UST). Dan & Vic Diversified LLC is a responsible party for the site because it owns the property where an unauthorized release has occurred (Definition 3).