

Wednesday, March 25, 2015

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Ronald Browder, Acting Director
Contract Project Director
Environmental Health Department
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

Re: Primary Responsible Party, East Bay Lofts, LLC

Dear Mr. Browder,

Your certified letter was received on 3/20/2015. (enclosure)

The California Cotton Mills property was purchased in 1979. The 4 story building was converted from plastics manufacturing to self storage with Partnerships capital and a SBA loan. The buyer developer was East Bay Self Storage Partners LTD. I was the general partner of the limited partnership.

There were no environmental laws requiring Phase 1 & Phase 2 studies in 1979. We were unaware of underground storage tanks which were removed but evidently leaked as we became aware in January 2015 when three hydro punch locations were sampled by ERA Associates revealing the release of petroleum hydrocarbons in the parking area where the old tanks were located.

In 2004 the site was split into two properties, the main building and the parking area. East Bay Lofts, LLC was formed to own & operate the existing parking area and the 4,000 sq. ft. historic building (1883) at the North West end of the property. There are two tenants; one rents the parking area and the other rents the small building as a storage warehouse.

Several of the partners exchanged their LP interests for a partial interest in 1091 Calcot LLC, that purchased the 4 story building for development into 74 Live/Work lofts. The Managing Member of 1091 Calcot, LLC is Francis Rush, Rush Property Group, LLC, 2200 Adeline St. #350, Oakland CA 94607, (510) 763-7165.

The Assessors Parcel # for East Bay Lofts LLC, is 19-55-11. See www.1091CalcotPlace.com . On 9/26/2006, the property was appraised by Thomas E. Dunn, AIA. for \$940,000.

There is currently an escrow for \$775,000, 175,000 down to a three year note of \$ 600,000 @ 5.5% interest. The buyer owns & operates DLD Lumber, a plywood & wood panel wholesaler. EBL LLC, the seller, shall provide Phase 1 & 2 reports and is responsible for remediation of any environmental issues noted on said reports prior to the close of escrow.

East Bay Lofts, LLC, hereby recognizes that it has become the "responsible party" , having learned of the underground tank issue in January 2015. We request your assistance to make application to recover our unexpected remediation costs to the California Department of Water Resources, Underground Storage Tank Cleanup Fund. (USTCF).

Respectfully,



Dated 3 / 26 / 2015

Robert Winet
Managing Member
East Bay Lofts, LLC
36966 Pinto Palm Way
Rancho Mirage, CA 92270
760-774-4450

CC: Joyce Cunningham
Randall Winet, Esq.
Francis Rush
David Siegel, ERA
Members, East Bay Lofts, LLC

ALAMEDA COUNTY
HEALTH CARE SERVICES



ENVIRONMENTAL HEALTH DEPARTMENT
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

AGENCY

ALEX BRISCOE, Agency Director

Certified Mail #: 7009 2820 0001 4359 8433

March 17, 2015

NOTICE OF RESPONSIBILITY

Site Name & Address:

**CALIFORNIA COTTON MILLS
1091 CALCOT PLACE
OAKLAND, CA 94606**

Local ID: **RO0003162**
Related ID:
RWQCB ID:
Global ID: **T10000006533**

Responsible Party:

**EAST BAY LOFTS LLC
C/O: BOB WINET
36966 PINTO PALM STREET
RANCHO MIRAGE CA 92270**

Date First Reported: 1/9/2015
Substance: 2, 76 Multiple Releases
Funding for Oversight:
Multiple RPs?: No

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 EAST BAY LOFTS 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 MATTHEW SOBY at this office at (510) 567-6725 if you have questions regarding your site.


RONALD BROWDER, Acting Director
Contract Project Director

Date: 03-17-2015

Action: Add
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

March 17, 2015

Site Name & Address: CALIFORNIA COTTON MILLS 1091 CALCOT PLACE OAKLAND, CA 94606

Local ID:	RO0003162
Related ID:	
RWQCB ID:	
Global ID:	T10000006533

All Responsible Parties

RP has been named a Primary RP - EAST BAY LOFTS LLC
C/O: BOB WINET
36966 PINTO PALM STREET | RANCHO MIRAGE, CA 92270 | Phone (760) 774-4450

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."

Existence of Unauthorized Release

A Phase I conducted in November 2014 found historical evidence of two oil underground storage tanks (USTs) at the former California Cotton Mills. In January 2015 three hydropunch grab-groundwater locations were sampled and concentrations up to 15,000 micrograms per liter (ug/L) Total Petroleum Hydrocarbons as diesel (TPH-d) and 23,000 ug/L TPH as oil (TPH-o). These data document an unauthorized release of petroleum hydrocarbons at the site.

Responsible Party Identification

The property is currently owned by East Bay Lofts LLC. East Bay Lofts LLC is a Responsible Party because it owns the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (Definition 3).