

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

April 9, 2012

Dan and Vic Diversified, LLC
2033 San Pablo Avenue
Berkeley, CA 94702
(sent via electronic mail to:
vic@lanesplitterpizza.com
and dan@lansplitterpizza.com)

Stuart Rickard
Placeworks, LLC
1501 Pacific Avenue
Alameda, CA 94501
(sent via electronic mail to:
stuart@placeworks.com)

City of Emeryville Redevelop. Agency
c/o Mr. Markus Niebanck
1333 Park Avenue
Emeryville, CA 94608
(sent via electronic mail to:
mniebanck@ci.emeryville.ca.us)

Subject: Updated Notice of Responsibility; Fuel Leak Case No. RO0003068 and Geotracker Global ID T1000002518, Lane Splitters Pizza, 3645 San Pablo Avenue, Emeryville, CA 94608

Dear Gentlemen:

In an earlier Notice of Responsibility (NOR), Dan and Vic Diversified, LLC and the City of Emeryville Redevelopment Agency were notified that the referenced site had been placed in the Local Oversight Program and that Dan and Vic Diversified, LLC and the City of Emeryville Redevelopment Agency had been named as a Responsible Party for the fuel leak case. In the attached updated NOR, former 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,

A handwritten signature in black ink that reads "Mark E. Detterman".

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

Digitally signed by Mark E. Detterman
DN: cn=Mark E. Detterman, o, ou,
email, c=US
Date: 2012.04.09 09:36:14 -07'00'

Enclosures: Attachment A – Responsible Parties Data Sheet
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 #: 7009 2820 0001 4359 5203

April 09, 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
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Responsible Party:

ROYA KAMBIN
CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY
6101 BOLLINGER CANYON RD 5TH
FLOOR
SAN RAMON CA 94583-5186

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: 4/9/12

ARIU LEVI, Director
Contract Project Director

Action: Add Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Jennifer 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

April 09, 2012

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**

All Responsible Parties

RP has been named a Primary RP - VIC GUMPER
DAN & VIC DIVERSIFIED LLC
2033 SAN PABLO AVE | BERKELEY, CA 94702 | Phone (510) 734-7303

RP has been named a Primary RP - STUART RICKARD
PLACEWORKS LLC
981 PARK ST | ALAMEDA, CA 94501 | Phone No Phone Number Listed

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

RP has been named a Primary RP - ROYA KAMBIN
6101 BOLLINGER CANYON RD 5TH FLOOR | SAN RAMON, CA 94583-5186 | Phone No Phone Number Listed

RP has been named a Primary RP - ALVIN W & DOROTHY W QUILICE
UNKNOWN ADDRESS | 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:

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)

April 09, 2012

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

In October 1930 the Union Oil Company of California (Unocal / Chevron) purchased the property, and is therefore a former property owner associated with the underground storage tank (UST). The Union Oil Company of California (Unocal / Chevron) is a responsible party for the site because it owned or operated an UST used for the storage of a hazardous substance (Definition 1), owned or operated a UST immediately before the discontinuation of use (Definition 2), 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).

In July 1969 Alvin W. and Dorothy M. Quilice purchased the property from the Union Oil Company of California (Unocal / Chevron). Mr. and Mrs. Quilice are responsible parties for the site because they 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).

City of Emeryville Redevelopment is a former property owner associated with the 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).

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.