

Nowell, Keith, Env. Health

To: John Van Vlear
Subject: RE: Yerba Buena - East Bay Bridge Center --- RO#0003093

I called Mr. Van Vlear this morning, 9/26/2014, regarding his voice mail and email messages (see below). I informed him of the case closure process (NOR update, public notification, closure summary distribution) and that no further action was required on behalf of his client. I indicated the ball was in our court regarding issuing public notification followed by ACEH issuing the closure summary.

Keith Nowell

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PDF copies of case files can be reviewed/downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

From: John Van Vlear [mailto:VV@vctlaw.com]
Sent: Thursday, September 25, 2014 4:55 PM
To: Nowell, Keith, Env. Health
Subject: FW: Yerba Buena - East Bay Bridge Center --- RO#0003093

Mr. Nowell? I didn't receive and out-of-office bounce back and just wanted to make sure you received my voicemails and this e-mail.

Thanks.

JVV

From: John Van Vlear
Sent: Thursday, September 25, 2014 11:05 AM
To: 'keith.nowell@acgov.org'
Subject: Yerba Buena - East Bay Bridge Center --- RO#0003093

Mr. Nowell,

As per my voicemails, we represent the former owners of the site – Emeryville Retail Properties, LP (“ERP”). Our client has received various “Responsible Party” notices and I just had a few clarifications. A few points we'd appreciate clarification on:

- (1) On your “Attachment A – Responsible Parties Data Sheet (August 29, 2014), it states that “Emeryville Retail Properties, LP meets the definition of a responsible party for the site because they owned the property where an unauthorized release occurred (Definition 3).” Yet, elsewhere it states that Catellus was the owner at the time the leaks were discovered, before transfer of the property to ERP. As the property was later transferred to East Bay Bridge Retail LLC in 2011, and ERP retains no ownership interest, how is it that ERP is still a responsible party? If ERP is not, we’d appreciate confirmation of such and having ERP removed from all mailings and other site listings.

- (2) On the pending LTCP closure, if no comments are received is it a no-hearing process to grant closure? If yes, what would be the timeline for that determination. If not, when would the hearing occur and what would be the threshold issue for determination at such a hearing?

Your attention to this important matter is appreciated. A reply e-mail would be fine, as would a simple phone call (I’m in all day).

Thanks you.

JVV

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