



Certified Mail #: 7009 2820 0001 4359 7467

April 18, 2013

NOTICE OF RESPONSIBILITY

Site Name & Address:
AGESONG
4050 HORTON ST
EMERYVILLE, CA 94608

Local ID: RO0003103
Related ID: NA
RWQCB ID: NA
Global ID: T10000004352

Responsible Party:

c/o PAULA HERTEL
AGESONG EMERYVILLE OWNER LLC
432 IVY STREET
SAN FRANCISCO CA 94102

Date First Reported: 7/20/2012
Substance: 30, #4 Fuel Oil
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 AGESONG EMERYVILLE OWNER 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: 4/18/13

ARIU LEVI, Director
Contract Project Director

Action: Add
Reason: ADD

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

April 18, 2013

Site Name & Address:

AGESONG
4050 HORTON ST
EMERYVILLE, CA 94608

Local ID: **RO0003103**
Related ID: **NA**
RWQCB ID: **NA**
Global ID: **T10000004352**

All Responsible Parties

RP has been named a Primary RP - c/o PAULA HERTEL
AGESONG EMERYVILLE OWNER LLC
432 IVY STREET | SAN FRANCISCO, CA 94102 | 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 18, 2013

Responsible Party Identification

Existence of Unauthorized Release

On June 18, 2008 one approximately 500-gallon underground storage tank (UST), which was identified as a former heating oil UST, was removed from the site. Two soil samples were collected beneath the UST. While no detectable concentrations of petroleum hydrocarbons were present, at least one visible hole was observed in the UST, and staining and hydrocarbon odors were reported to be present in soil. Additionally, a concentration of 1,600 µg/l TPH as motor oil was detected in a tank rinsate sample. Groundwater was not encountered in the UST excavation. The data indicates that than an unauthorized release had occurred.

Responsible Party Identification

AgeSong Emeryville Owner LLC (AgeSong) purchased the property in September 2007 and therefore is the property owner associated with the former UST at the time of removal. AgeSong is a responsible party for the site because it owned the property associated with an unauthorized release (Definition 3), and because it had control of the UST at a time following an unauthorized release (Definition 4).