

Detterman, Mark, Env. Health

From: Markus Niebanck [mniebanck@ci.emeryville.ca.us]
Sent: Thursday, January 12, 2012 12:10 PM
To: Detterman, Mark, Env. Health
Subject: RE: RO 3068 - Lanesplitter Pizza Property
Attachments: Jug Liquor Phase I ESA.pdf

I found the Phase I yesterday. It was stored in a not-obvious place. They City bought the property from the prior owner in 2006ish and held it for only a short time. If the current owner is taking the lead maybe having the original owner's info isn't critical. Sorry the report is upside down. It was scanned by those who went before me.

As for the contact, you can still use me. The official listing just makes me look like the RP (it has my name first, not the City attn. me).

Glad to hear the thoughts on engaging in a different way re the USTCF and the RP. I think in general a more personal approach (by ACEH in general, not you specifically) with respect to many aspects of case management would result in files moving along more expeditiously than they do when communication is limited to "formal" letters. Letters are important, certainly, but they can by themselves drag things out and be in a way alienating. We're all in this together.

Markus

From: Detterman, Mark, Env. Health [<mailto:Mark.Detterman@acgov.org>]
Sent: Thursday, January 12, 2012 11:50 AM
To: Markus Niebanck
Subject: RE: RO 3068 - Lanesplitter Pizza Property

Thanks Markus,

Is there a "best" contact for the City to send these to? You've been our contact there, but you're right about the relationship, although I'm not sure it matters, it's just a contact name...

You're also right about the historic owner; however, it's unlikely we'll be able to contact them due to the age of that contact info (not an excuse, just a note).

You were not able to find the Phase I ESA previously, so no we don't have it.

And no, we generally don't get to that level of detail, although it would be a good idea to do so. I'll propose including language to that effect in the UST CF notification section. I think the thinking was that an RP would do their due diligence and attempt to understand the requirements, but not everyone would (as your suggestion implies).

Best,

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PDF copies of case files can be downloaded at:

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

From: Markus Niebanck [\[mailto:mniebanck@ci.emeryville.ca.us\]](mailto:mniebanck@ci.emeryville.ca.us)

Sent: Thursday, January 12, 2012 10:42 AM

To: Detterman, Mark, Env. Health

Subject: RO 3068 - Lanesplitter Pizza Property

Top of the morning.

A couple of things regarding this site:

1. Please take my name off the RP designation. The City is the RP. I am a contractor to the City, not an employee.
2. You might want to add the historic property owner as an RP.
3. Did I give you a copy of the Phase I ESA? I didn't see it on the FTP. If I didn't let me know and I'll send it your way.
4. Is it customary for the ACEH to give guidance or to check to be sure the RP is getting good advice from their consultant re the USTCF? I've seen many cases where guidance from an entity such as you is of great assistance (directing the RP to a funding source that they/their consultant didn't know about and as a consequence providing a resource to move a response action along). In this case it seems the tank was removed before the primary RP took ownership. If so, Placeworks would need to file the claim application (because only an owner at the time a tank is still in the ground is an eligible applicant) and upon receiving approval transfer the claim to Dan & Vic. They might not know this.

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