

## Detterman, Mark, Env. Health

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**From:** Detterman, Mark, Env. Health  
**Sent:** Tuesday, January 31, 2012 2:00 PM  
**To:** 'Vic Gumper'  
**Cc:** Fine, Art; Daniel Rogers; stuart@placeworks.com  
**Subject:** RE: Lanesplitter Emeryville

Hi all,

Vic thanks for the email. It helps to clarify or define the responsibilities of the various "Responsible Parties" at the site. I appreciate the information.

Mark Detterman  
Senior Hazardous Materials Specialist, PG, CEG Alameda County Environmental Health  
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PDF copies of case files can be downloaded at:

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

-----Original Message-----

**From:** Vic Gumper [<mailto:vic@lanesplitterpizza.com>]  
**Sent:** Tuesday, January 31, 2012 1:30 PM  
**To:** Detterman, Mark, Env. Health  
**Cc:** Fine, Art; Daniel Rogers; [stuart@placeworks.com](mailto:stuart@placeworks.com)  
**Subject:** Lanesplitter Emeryville

Mark Detterman  
County of Alameda

As I explained to you in our first conversation to, Dan & Vic Diversified LLC (DVD) purchased the subject property at 3645 San Pablo Ave, Emeryville, CA (Site) after Placeworks LLC had completed the building and Lanesplitter was fully signed off to open for business.

We had no authority and very limited knowledge of the tank and soil clean-up process as it occurred. We were assured that all appropriate investigation was performed, clean-up was done properly and that all permits that were required were in place. In short we were informed that all regulatory requirements for investigating, and remediating the Site including reporting requirements were met.

After consulting with our attorney, he suggested that all of the requests you have made are the responsibility in the first instance of Placeworks LLC (Placeworks) and the City of Emeryville (City). He informed us that it was Placeworks responsibility to claim the site when the leak was discovered and that Dan & Vic Diversified LLC should only be listed as the current owners of the site. The City and/or Placeworks investigated and remediated the Site as recited in your letter. DVD is neither familiar with what data and reports were required by the responsible regulatory agency, nor what data and reports may have been provided regarding the Site by the City and/or Placeworks. From your letter, it's clear that the City and/or Placeworks did not comply with applicable regulatory requirements for investigating and remediating the Site, and failed to disclose that fact to DVD prior to the close of DVD's purchase of the Site.. The city and/or Placeworks need to fulfill their regulatory obligations as to the Site as outlined in your letter. My prior suggestion to you that we would "claim" the Site was merely intended to reflect the fact that DVD owns the Site and as such if the City and/or Placeworks fails or refuses to perform their regulatory obligations for the Site, then in that event DVD may be liable to do so.

To reiterate, we were advised by our attorney that since the tank and soil problems were discovered in stages through the City's and Placeworks ownership of the Site, and that they took responsibility for investigating and remediating the Site, but failed to

do so as required, they are the primary responsible parties for currently complying with what they failed to comply with initially. I hope that you understand that I recognize and am not trying to ignore that responsibility, but to place responsibility where it properly belongs. I will be available to you throughout this process and do everything in my power to see it come to completion as quickly as possible. Please feel free to contact me by phone or email at any time, and if you would like to meet with my business partner Daniel & I in person, we would be happy to do so. For future communications purposes my email is [vic@lanesplitterpizza.com](mailto:vic@lanesplitterpizza.com).

Thank you for your time and consideration, Vic Gumper Dan & Vic Diversified LLC

cc: ARTHUR FINE | Mitchell Silberberg & Knupp LLP  
Daniel Rogers DVD LLC  
Stuart Rickard Placeworks LLC