

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP)  
For Hazardous Materials Releases  
1131 HARBOR BAY PARKWAY, SUITE 250  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

November 8, 2016

Archstone Emeryville Residential, LLC  
C/O EQR – Tax Dept.  
P.O. Box 87407  
Chicago, IL 60680

Archstone Emeryville Residential LLC  
7 Giralda Farms  
Madison, NJ 07940

API Emeryville Parkside, LLC  
c/o Lehman Brothers Holdings  
Attn: Joelle Halperin  
1271 Avenue of the Americas  
New York, NY 10020

API Emeryville Parkside, LLC  
C/O Archstone - Smith  
Attn: Salt Dept.  
9200 E. Panorama Circle, Suite 400  
Englewood, CO 80112

Subject: Notice of Responsibility; Fuel Leak Case No. RO0003109 and GeoTracker Global ID T1000000444, API Emeryville Parkside - UST, 1342 Stanford Avenue, Emeryville, CA 94608

Dear Ladies and Gentlemen:

In an earlier Notice of Responsibility (NOR), Archstone Emeryville Residential, LLC, C/O EQR - Tax Dept, API Emeryville Parkside, LLC, and API Emeryville Parkside, LLC, C/O Lehman Brothers Holdings were notified that the referenced site had been placed in the Local Oversight Program and that they had been named as Responsible Parties for the fuel leak case. In the attached updated NOR contact information for, API Emeryville Parkside, LLC C/O Archstone – Smith, Attn Salt Dept. has been updated for the associated 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](mailto:mark.detterman@acgov.org).

Sincerely,

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

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations  
Electronic Report Upload (ftp) Instructions

cc: EQR, Inc., c/o Ms. Rebecca Becker, Assistant Vice President, Environmental, Two N. Riverside Plaza, Suite 400, Chicago, IL 60606-2609; (Sent via electronic mail to: [rbecker@eqr.com](mailto:rbecker@eqr.com)).

EQR, Inc, c/o Mr. Roland Galindo, Development Director, Two N. Riverside Plaza, Suite 400, Chicago, IL 60606-26009

Archstone Emeryville Residential LLC, c/o Mr. Jim Kelly, First Vice President – Development, Equity Residential, 333 Third Street, Suite 210, San Francisco, CA 94107

Dilan Roe, ACDEH, (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Paresh Khatri, ACDEH; (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
Mark Detterman, ACDEH, (Sent via electronic mail to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Electronic File; GeoTracker



Certified Mail #: 7011 3500 0003 1848 1547

November 7, 2016

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**

**API EMERYVILLE PARKSIDE  
1342 STANFORD AVENUE  
EMERYVILLE, CA 94608**

**Local ID: RO0003109  
Related ID: NA  
RWQCB ID: NA  
Global ID: T000006444**

**Responsible Party:**

**API EMERYVILLE RESIDENTIAL LLC  
C/O ARCHSTONE - SMITH  
ATTN: SALT DEPT  
9200 E. PANORAMA CIR, SUITE 400  
ENGLEWOOD CO, 80112-3491**

**Date First Reported: 9/11/2012  
Substance: • 12 – Heater Fuel  
  
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 API EMERYVILLE RESIDENTIAL 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 Mark Detterman at this office at (510) 567- 6876 if you have questions regarding your site.

Date: 11-08-2016

RONALD BROWDER, Director  
Contract Project Director

Action: Update  
Reason: Update

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

November 7, 2016

**Site Name & Address:**

API EMERYVILLE PARKSIDE  
1342 STANFORD AVENUE  
EMERYVILLE, CA 94608

Local ID: RO0003109  
Related ID: NA  
RWQCB ID: NA  
Global ID: T0000006444

**All Responsible Parties**

RP has been named a Primary RP – ARCHSTONE EMERYVILLE RESIDENTIAL LLC  
C/O: EQR – TAX DEPT.  
P.O. BOX 87407 | CHICAGO, IL 60680 | No Phone Number Listed

RP has been named a Primary RP - ARCHSTONE EMERYVILLE RESIDENTIAL LLC  
7 GIRALDA FARMS | MADISON, NJ 07940 - 1051 | No Phone Number Listed

RP has been named a Primary RP - API EMERYVILLE PARKSIDE LLC  
C/O: LEHMAN BROTHERS HOLDINGS  
ATTEN: JOELLE HALPERIN  
1271 AVENUE OF THE AMERICAS | NEW YORK, NY 10020 | No Phone Number Listed

RP has been named a Primary RP – API EMERYVILLE PARKSIDE LLC  
C/O: ARCHSTONE – SMITH  
ATTEN: SALT DEPT  
9200 E. PANORMA CIR, SUITE 400 | ENGLEWOOD, CO 80112 - 3491 | No Phone Number Listed

**Responsible Party Identification Background**

Alameda County Department of Environmental Health (ACDEH) names a "Responsible Party," as defined under 23 C.C.R. Sec. 2720. Section 2720 defines a responsible party four 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."

## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

November 7, 2016

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### **Existence of Unauthorized Release**

On September 11, 2012 one approximately 6,000-gallon single-walled steel heating oil underground storage tank (UST) was removed from the site. Two soil samples were collected beneath the UST at a depth of 12 feet below surface grade (bgs), and four sidewall samples were collected at 4.5 or 6.0 feet bgs. Up to 200 milligrams per kilogram (mg/kg) total petroleum hydrocarbons as diesel (TPHd) and 360 mg/kg TPH as motor oil (TPHmo) were detected. Groundwater was not encountered in the UST excavation. The data indicates that than an unauthorized release had occurred at the site.

### **Responsible Party Identification**

API Emeryville Parkside LLC c/o Archstone – Smith, Attn: Salt Dept. purchased the property in February 2007. API Emeryville Parkside LLC is a responsible party for the site because it owned the property associated with an underground release (Definition 3), and because it had control of the UST at the time following an unauthorized release (Definition 4).

API Emeryville Parkside LLC, c/o Lehman Brothers Holdings, Attn. Joelle Halperin, purchased or received the property in January 2012. API Emeryville Residential LLC, c/o Lehman Brothers Holdings 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).

Archstone Emeryville Residential LLC purchased or received the property in August 2012. API Emeryville Residential LLC 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).

Archstone Emeryville Residential LLC, c/o EQR – Tax Dept. purchased or received the property in November 2014. API Archstone Emeryville Residential LLC, c/o EQR – Tax Dept. is a responsible party for the site because it owned the property associated with an unauthorized release (Definition 3).