



AGENCY

REBECCA GEBHART, Acting Director

Certified Mail #: 7009 2820 0001 4359 6712

April 20, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address:

**EMERY STREET
3839 EMERY STREET
EMERYVILLE, CA 94608**

**Local ID: RO0003210
Related ID: NA
RWQCB ID: NA
Global ID: T10000008569**

Responsible Party:

**EAST BAY BRIDGE RETAIL LLC
C/O. FEDERAL REALTY ACCOUNTING
1626 E JEFFERSON STREET
ROCKVILLE, MD 20852-4041**

Date First Reported: 2/4/2016
Substance:

- 12034 Diesel fuel oil & additives (Nos. 1-D, 2-D, 2-4)
- 12035 Used Oil

Funding for Oversight: LOPS - LOP State Fund
Multiple RPs?: No

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 EAST BAY BRIDGE RETAIL 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: 04-20-2016

RONALD BROWDER, Acting Director
Contract Project Director

Action: ADD
Reason: ADD

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 ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

April 20, 2016

Site Name & Address:

**EMERY STREET
3839 EMERY STREET
EMERYVILLE, CA 94608**

**Local ID: R00003210
Related ID: NA
RWQCB ID: NA
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All Responsible Parties

**RP has been named a Primary RP – EAST BAY BRIDGE RETAIL LLC
C/O. FEDERAL REALTY ACCOUNTING
1626 E JEFFERSON STREET | ROCKVILLE, MD 20852-4041 | 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."

Existence of Unauthorized Release

On September 15, 2015, one approximately 2,000-gallon underground storage tank (UST) was removed from the site. No holes were reported in the UST. Groundwater was not encountered in the excavation. One bottom sample was collected at a depth of 12 feet below surface grade (bgs) and four sidewall samples were collected from the excavation at a depth of approximately 8 feet bgs. Concentrations up to 3.5 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as gasoline (TPHg), 350 mg/kg TPH as diesel (TPHd), 280 mg/kg TPH as oil (TPHo), 0.26 mg/kg naphthalene, and 0.0073 mg/kg ethylbenzene were detected from the sidewall samples. Concentrations of 1.7 mg/kg TPHg, 3,200 mg/kg TPHd, 3,400 mg/kg TPHo, 5.2 mg/kg naphthalene, and 0.0092 ethylbenzene were detected from the stockpile samples. The data indicate that an unauthorized release has occurred at the site.

Responsible Party Identification

East Bay Bridge Retail LLC is the current property owner associated with the USTs. East Bay Bridge Retail LLC is a responsible party for the site because it owned an UST used for the storage of a hazardous substance (Definition 1), owned the property associated with an unauthorized release (Definition 3), and had control of a UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).