

2042/2043

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## FAX TRANSMITTAL

Alameda County

JAN 30 2009

Environmental Health

**From: Todd O. Malden**  
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**Total Number Of Pages Including Cover Page 3**

January 30, 2009

**Fax to:**

Name	Company	Fax Number	Phone Number
Barbara J. Jakub, P.G. Hazardous Materials Specialist	Alameda County Health Care Services Agency, Department of Environmental Protection	(510) 337-9335	

Original will follow via:  Regular Mail  Overnight Delivery  Messenger  None

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January 30, 2009

**By Fax (510) 337-9335**

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Department of Environmental Protection  
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GeoTracker Global ID No. T0600100825**

Dear Ms. Jakub:

This Firm represents Sybase, Inc. ("Sybase") relative to the facility referenced above (the "Site"). Please refer all future correspondence regarding the Site to my attention.

We write in response to your December 29, 2008 letter, a copy of which is attached for your convenience. Sybase respectfully disagrees with your finding in your letter and would like to set up a meeting with you and other appropriate Alameda County Environmental Health ("ACEH") personnel to discuss the status of the Site. In addition to myself, Sybase would also be represented by Ecler & Kalinowski, Inc., its environmental consultant, to address technical issues.

We make this request in light of the unusual circumstances regarding this Site and Sybase's closure application. As you know, Sybase submitted a Site closure application to ACEH in August of 1997. In June of 1998, ACEH issued a letter indicating that a case closure summary was being prepared and was then going to be sent to the California Regional Water Quality Control Board, San Francisco Bay Region.

Relying in part on ACEH's approval of its response actions at the Site, Sybase sold the Site in 1998. That was the last word Sybase had on this matter, until approximately July 2006, at which time the County advised us that they had lost all files on the Site, and requested that Sybase provide new copies of pertinent documents.

Barbara J. Jakub, P.G.  
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Sybase has not owned or had access to the Site for the last eleven years, and has no rights to enter the Site to conduct any response activities at this point. Moreover, Sybase has no control over what acts or omissions which may have occurred at the Site, at adjacent sites or at sites hydrologically upgradient from the Site. On information and belief, there are or have been numerous other underground storage tanks and releases in the near vicinity of the Site which could now have impacted the Site or created co-mingled plumes. These impacts would dramatically complicate response activities and unfairly increase costs to Sybase.

In short, this is an unusual fact pattern that warrants further discussion before ACEH changes the position it has held since its 1998 letter.

Please contact me at your earliest convenience so that we can set up a mutually convenient time to address this matter.

Very truly yours,

  
Todd O. Maiden

TOM:mmm

Attachment