



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
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June 12, 2015

Neil & Linda Mussallem
PO Box 66
Gilroy, CA 95020

Griffin Capital Investors LLC
c/o Julie Treinen
6601-6603 Shellmound Street
Emeryville, CA 94608

SAP (Sybase Inc.)
c/o Dwain Christensen
3410 Hillview Avenue
Palo Alto, CA 94304
(sent via electronic mail to:
dwain.chrstensen@sap.com)

Thomas Richardson
PO Box 7817
Berkeley, CA 94707

Wintzen Inc.
c/o Jacon Warren
6601 Shellmound Street
Emeryville, CA 94608

Griffen Capital (The Atrium) Investor 20
2321 Rosecrans, Suite 3290
El Segundo, CA 90245

Subject: Public Notification for Case Closure Consideration; Fuel Leak Case No's. RO0000042 / RO0000043 and Geotracker Global ID's T0600100825 / T0600100470, Mussallem / Sybase and Richardson / Sybase, 6601 and 6603 Bay Street, Emeryville, CA 94608

Dear Ladies and Gentlemen:

Alameda County Environmental Health (ACEH) staff has reviewed the case files including the *Report of Additional Site Investigation and 2015 Request for Site Closure*, dated April 20, 2015, submitted on your behalf by Erler & Kalinowski, Inc. (EKI). The report documented the resampling of sub-slab vapor points in order to determine if the petroleum release at the subject sites is a threat to human health through vapor intrusion to the offsite downgradient building. The report also located and assembled existing data to address the concern that potential Low Threat Closure Policy (LTCP) data gaps had not been sufficiently addressed. Thank you for submitting the report.

As a result of the recent work, ACEH is considering the above referenced site for potential case closure, depending on the responses received during the public participation process.

Public Participation

Public participation is a requirement for the case closure process. In order to notify potentially affected members of the public of the potential fuel leak case closure, ACEH will distribute the attached *Notification of Potential Case Closure* to addresses in the immediate vicinity. The *Invitation to Comment - Potential Case Closure* requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure. ACEH will consider all comments from the public prior to potential case closure. ACEH will provide you with written notification if any comments are received during the following Public Comment Period:

- **June 18, 2015** – Public Comment Period Begins
- **August 18, 2015** – Public Comment Period Ends

Monitoring Well Destruction and Waste Removal Activities

After all public comments have been addressed, you will be requested to destroy site monitoring wells and remove any remaining investigation, remediation, and well destruction derived waste from the site.

ACEH will request the well destruction in a separate letter following the conclusion of the public notification period.

Site Management Requirements

ACEH staff has evaluated the case file and believes the case may be eligible for closure. Closure would be under a commercial land use scenario with site management requirements, as residual soil contamination, including free phase product in soil, remains in soil beneath the site and the adjacent site to the south (1650 65th Street, Emeryville, CA 94608). The petroleum hydrocarbon release at the adjacent site to the south has previously been closed with institutional controls that manage, among other items, subsurface excavations at that site as a whole.

On the combined subject sites, soil concentration data for the upper five feet of soil indicate residual soil concentrations up to 1,800 milligrams per kilogram (mg/kg) of Total Extractable Petroleum Hydrocarbons (TEPH). Concentrations up to 4,400 mg/kg TEPH are present between 5 and 10 feet below grade surface. Similar concentrations are anticipated to be present at the adjacent property to the south. These concentrations exceeds Human Health Direct Exposure Soil Screening Levels for a Commercial / Industrial Worker Exposure Scenario (Table K-2; 1,100 mg/kg for Total Petroleum Hydrocarbons as diesel [TPHd}) and the Construction / Trench Worker Exposure Scenario (Table K-3; 900 mg/kg TPHd) as identified by the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) issued in conjunction with the *User's Guide: Derivation and Application of Environmental Screening Levels*, as revised in December 2013. Specifically, according to the RWQCB the TPHd concentration exceeds the non-cancer Hazard Quotient of 1 for these scenarios.

Therefore in the event excavation will occur in the vicinity of the former USTs, including repair of utility lines, at that time it will be appropriate to prepare a Site Management Plan and / or excavation health and safety plan to address and manage exposure to and disposal of the contaminants of concern in the areas of identified residual contamination. These activities require planning and implementation of appropriate health and safety procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

Re-evaluation of this case is required if land uses changes to any residential or other conservative land use, or any redevelopment occurs as residual contamination is documented to remain in the soil beneath the site.

These sites are to be entered into the City of Emeryville Permit Tracking System due to the residual contamination on site.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

Attachment 2 - *Invitation to Comment - Potential Case Closure*

Ladies and Gentlemen
RO0000042 / RO0000043
June 12, 2015, Page 3

cc: Todd Maiden, Esq., Reed Smith LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105
(sent via electronic mail to tmaiden@reedsmith.com)

Michelle King, Eler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010
(sent via electronic mail to mking@ekiconsult.com)

Jeff Shaw, Eler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010
(sent via electronic mail to jshaw@ekiconsult.com)

Ms. Denise Pingston, TMG Partners, 100 Bush St. #2600, San Francisco, CA 94104
(sent via electronic mail to dpingston@tmgpartners.com)

Chris Baldassari, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to cbaldassari@pesenv.com)

Robert Creps, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to RCreps@pesenv.com)

Dilan Roe, ACEH, (sent via electronic mail to dilan.roe@acgov.org)

Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)

Geotracker, Case Electronic File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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| Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) | REVISION DATE: May 15, 2014 |
| | ISSUE DATE: July 5, 2005 |
| | PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010 |
| SECTION: Miscellaneous Administrative Topics & Procedures | SUBJECT: Electronic Report Upload (ftp) Instructions |

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.



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INVITATION TO COMMENT – POTENTIAL CASE CLOSURE

**Mussallem / Sybase
and
Richardson / Sybase
6601 and 6603 Shellmound (Bay) Street
FUEL LEAK CASES RO0000042 and RO0000043
GEOTRACKER GLOBAL IDS T0600100825 and T0600100470**

June 12, 2015

The above referenced site is a fuel leak case that is under the regulatory oversight of the Alameda County Environmental Health (ACEH) Local Oversight Program for the investigation and cleanup of a release of petroleum hydrocarbons from an underground storage tank system. Site investigation and cleanup activities have been completed and the site has been evaluated in accordance with the State Water Resources Control Board Low-Threat Closure Policy. The site appears to meet all of the criteria in the Low-Threat Closure Policy. Therefore, ACEH is considering closure of the fuel leak case. Due to the residual contamination on site, the site would be closed with site management requirements that require further evaluation if the site is to be redeveloped in the future.

The public is invited to review and comment on the potential closure of the fuel leak case. This notice is being sent to the current occupants and landowners of the site and adjacent properties and other known interested parties. The entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Please send written comments to Mark Detterman at the address below; all comments will be forwarded to the responsible parties. Comments **received by August 18, 2015** will be considered and responded to prior to a final determination on the proposed case closure.

If you have comments or questions regarding this site, please contact the ACEH caseworker, Mark Detterman at 510-567-6876 or by email at mark.detterman@acgov.org. Please refer to ACEH cases RO0000042 and RO0000043 in any correspondence.