



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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(510) 567-6700  
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August 26, 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](mailto: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: Well Destruction Request, Fuel Leak Case No. 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) is reviewing the fuel case file for the above referenced site for potential case closure. As you are aware, numerous site investigations and groundwater monitoring events for underground storage tank leaks have been performed at the subject property to which you are named as the primary or active responsible party.

### **TECHNICAL COMMENTS**

**1. Request for Monitoring Well Destruction Scheduling and Waste Removal** – As you are aware, the public comment period for the subject site ended on August 18, 2015. No comments were received by ACEH. You are free to proceed with the destruction of wells associated with the site (groundwater, vapor, etc), as previously identified in the letter from ACEH dated June 12, 2015.

Please contact the Alameda County Public Works Agency at 510-567-6791 or online, to obtain the required permits. Please provide notification to ACEH by the date identified below, that you have contracted a licensed drilling contractor for the decommissioning of all remaining wells at the site and provide ACEH the date of the scheduled well decommissioning and waste removal activities. Please submit a Well Decommissioning Report and appropriate documentation, including documented removal and accepted disposal of all investigation derived waste by the date identified below.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule. Please note that the report must to be uploaded to BOTH associated Geotracker sites for RO0000042 and RO0000043 (or Geotracker Global ID's T0600100825 and T0600100470 respectively).

- **September 18, 2015** – Notification of Contracted Well Decommissioning and Date (Please also notify your case worker by least 48-hours in advance of decommissioning).
- **January 11, 2016** – Well Decommissioning Report (*with waste disposal documentation*)  
Files to be named: RO42\_WELL\_DCM\_R\_yyyy-mm-dd and RO43\_WELL\_DCM\_R\_yyyy-mm-dd

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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

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 and Electronic Report Upload (ftp) Instructions

cc: Rob Hansen, Sybase, One Sybase Drive, Dublin, CA 94568  
(sent via electronic mail to [robert.hansen@sybase.com](mailto:robert.hansen@sybase.com))

Brad McInroy, Sybase, One Sybase Drive, Dublin, CA 94568  
(sent via electronic mail to [brad@sybase.com](mailto:brad@sybase.com))

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(sent via electronic mail to [mkking@ekiconsult.com](mailto:mkking@ekiconsult.com))

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

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

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

Dilan Roe, ACEH, (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Geotracker, 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.