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RO#3079

AR#0333519

October 10, 2011

**BY OVERNIGHT MAIL**

Alameda County Environmental Health Department  
Attention: Finance Department  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

ENVIRONMENTAL HEALTH  
FINANCE  
2011 OCT 13 AM 10:43

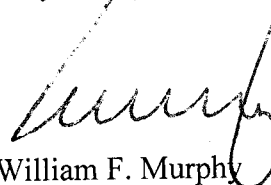
Re: Byron Power Company, 4901 Bruns Rd., Byron CA

Dear Sir or Madam:

I represent Byron Power Partners, L.P., a dissolved California limited partnership that is winding up its affairs ("Byron Power"). As directed by Ms. Dragos of your offices, I enclose a check in the amount of \$6,000.00 against which any properly incurred fees may be deducted in connection with the application for facilities closure previously submitted to your offices on behalf of Byron Power (a copy of which, without attachments, is enclosed). I understand from Ms. Dragos that any of the \$6,000 that is not billed will be returned to Byron Power upon completion of the work.

Please confirm receipt of these funds, and advise me as to the assigned case number and the identity of the assigned caseworker, so we can move this matter expeditiously.

Very truly yours,



William F. Murphy

Encl.

cc: Donna Drogas (w/copy of encl.)

ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH  
CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)

1131 Harbor Bay Parkway, Alameda, CA 94502-6577 Phone (510) 567-6700 Fax (510) 337-9335

PROPERTY OWNER IDENTIFICATION FORM

(ATTACHMENT TO THE BUSINESS OWNER/OPERATOR IDENTIFICATION FORM)

SITE IDENTIFICATION

FACILITY ID#	01000	FILING DATE OF THIS FORM	December 22, 2009
BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)	Byron Power Company	BUSINESS PHONE NUMBER	None
BUSINESS SITE ADDRESS	4901 Bruns Road		
CITY	Byron	CA	ZIP CODE 94514

PROPERTY OWNER

OWNER NAME (USE CORPORATE NAME, IF APPLICABLE, AND COMPLETE CONTACT SECTION)	OWNER PHONE NUMBER	
Mr. Steve Lee	510-402-7776	
OWNER MAILING ADDRESS		
3643 Ferry Lane		
CITY	STATE	ZIP CODE
Fremont	CA	94555

PROPERTY OWNER CONTACT (FOR CORPORATIONS)

CONTACT NAME	CONTACT PHONE NUMBER	
CONTACT MAILING ADDRESS		
CITY	STATE	ZIP CODE

PROPERTY OWNER EMERGENCY CONTACT

NAME	Taylor Lee
TITLE	Son of Steve Lee
BUSINESS PHONE NUMBER	
24-HOUR PHONE NUMBER	510-402-7886
CELLULAR PHONE NUMBER	

Please use this form to report property ownership (and property management contacts, if applicable) for the database. This form need only be completed on the first HMBP submittal, when property ownership or property management changes, or upon special request by this Department.



# ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH

*Certified Unified Program Agency (CUPA)*

1131 Harbor Bay Parkway • Alameda, CA 94502-6577 • (510) 567-6700 • (510) 337-9335 FAX  
 http://www.acgov.org/aceh

## INSPECTION REPORT SUMMARY / SUMMARY OF VIOLATIONS

Facility Name <u>Byron Power Co.</u>	
Facility Address <u>4901 Bruns Rd, Byron</u>	
Contact Person <u>Andrea Fellion</u>	Telephone <u>415-397-2700</u>
Type of Business <u>Power Plant</u>	Inspector Signature

UNIFIED PROGRAM SUMMARY	Program	Inspection	PROGRAM STATUS
Hazardous Materials Business Plan	✓	✓	
Hazardous Waste Generator	✓	✓	
Underground Storage Tank			
Aboveground Petroleum Storage Tank			
Does the facility have an SPCC Plan?			
Risk Management Plan / Cal ARP			
Universal Waste			
Tiered Permit: Permit-by-Rule			
Conditionally Authorized			
Conditionally Exempt, Specified Waste Stream			
Conditionally Exempt, Small Quantity Treatment			
Conditionally Exempt, Limited			
Conditionally Exempt, Commercial Laundry			

INSPECTION CHECKLISTS COMPLETED AND ATTACHED
<input type="checkbox"/> Hazardous Materials Business Plan and Aboveground Storage Tanks Inspection Checklist
<input type="checkbox"/> Hazardous Waste Generator Inspection Checklists
<input type="checkbox"/> Large Quantity Generator Inspection Checklist
<input type="checkbox"/> Tiered Permit Inspection Checklist
<input type="checkbox"/> Underground Storage Tank Checklist(s)
<input type="checkbox"/> Inspection Report Summary / Summary of Violations - Narrative

Facility representative who granted permission for this inspection:	<u>Andrea Fellion</u> <small>Print Name</small>	 <small>Signature</small>	<u>9/13/11</u> <small>Date</small>
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Submit all required documents, reports and/or plans (including Corrective Action Plan) within \_\_\_\_\_ days.

All violations noted are to be corrected immediately. Compliance will be verified on or after \_\_\_\_\_.

*Failure to comply with requirements established in this inspection report and in all attachments to this report, or in subsequent correspondence may result in the issuance of a Notice of Violation. Non-compliance is punishable by criminal and/or civil penalties under applicable local, state and/or federal laws or regulations.*

<u>9/13/11</u> <small>Date of Inspection</small>	 <small>Signature of Facility Representative</small>	<u>Andrea Fellion</u> <small>Print Name</small>
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ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH  
Certified Unified Program Agency (CUPA)

INSPECTION REPORT SUMMARY / SUMMARY OF VIOLATIONS - NARRATIVE

Facility Name:	Byron Power Company
Facility Address:	4901 Bruns Road, Byron

A closure inspection was performed today with the following person present:

- Mr. Lee, property owner
- Laurie Bell Schrum, attorney for property owner
- Andrea Fellion, attorney for Byron Power
- Eric Garcia, Principal Geologist
- James Gwader, Solita Realty & Development

Byron stopped operation in <sup>approx</sup> late 2009, and closed their business in 2010.

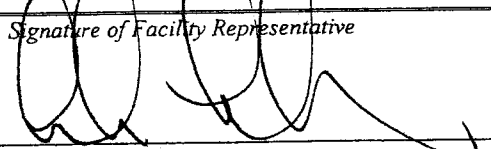
On site is a 1550 gal AGT that formerly stored coolant that is secondarily contained.

In addition 2-500 gal. AGT that formerly contained used oil in a concrete berm is also on site.

All hazardous materials and hazardous waste have been removed from the site except for the small amount of oily water in the berm of the used oil storage area.

Soil Sampling and analysis report dated July 29, 2011 prepared by Eric Garcia with Quest Geosystem Management identified soil on site have been impacted.

Contact Donna Dragas @ 510-567-6721 in my office in regards to further investigation and remediation direction.

Date of Inspection	Inspector	Signature of Facility Representative
9-13-11	Larry Seto	

LAW OFFICE OF  
DILLINGHAM & MURPHY, LLP  
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225 BUSH STREET  
SAN FRANCISCO, CALIFORNIA 94104-4207  
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August 9, 2011

**BY OVERNIGHT MAIL**

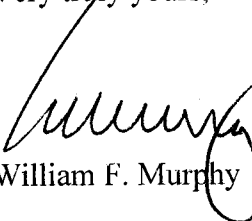
Ms. Susan Hugo  
Mr. Lawrence Seto  
Supervising Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
Environmental Health Department  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Re: Byron Power Company, 4901 Bruns Rd., Byron CA

Dear Ms. Hugo and Mr. Seto:

I represent Byron Power Partners, L.P., a dissolved California limited partnership that is winding up its affairs ("Byron Power"). I enclose a completed Facility Closure Notification Form for your review and approval. If you have any questions about the Notice, please feel free to contact me or Byron Power's consulting geologist, Eric Garcia, c/o Quest Geosystems Management, Inc., 11275 Sunrise Gold Circle, Suite R, Rancho Cordova, CA 95742; phone 925-756-1210). Once Byron Power receives your approval, it will schedule the suggested remediation, conduct it, and then file a final report for your review and approval.

Very truly yours,



William F. Murphy

cc: Eric Garcia (w/o encl.)

**ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH  
A Certified Unified Program Agency**

**FACILITY CLOSURE NOTIFICATION FORM**

Facility Name: Byron Power Company  
 Facility Address: 4901 Bruns Road, Byron, CA 94514  
 Mailing Address: 14 Philips Parkway, Montvale, NJ 07645  
 Business phone: 201-447-9000 Contact person/Title: Daniel V. Gulino, Esq.

**No hazardous or potentially hazardous items are to be removed from the site until the Closure Notification Form and/or a Closure Plan has (have) been submitted and approved.**


Check all boxes relating to the facility to be closed:

- Limited closure (only a portion of the business operation) Describe Area: \_\_\_\_\_
- Full Business Closure -- Describe square footage used for hazardous materials: See attached
- Full Site Closure (buildings to be demolished/redevelopment of property) Describe site, size, no. of buildings and hazardous materials areas: \_\_\_\_\_
- |   |   |
|---|---|
| <input type="checkbox"/> Generated hazardous waste                | <input type="checkbox"/> Underground tanks # _____                      |
| <input type="checkbox"/> Tiered permit unit (e.g., PBR, CE, etc.) | <input type="checkbox"/> Aboveground tanks # _____                      |
| <input type="checkbox"/> Waste treatment system                   | <input type="checkbox"/> Vehicle or engine maintenance                  |
| <input type="checkbox"/> Discharges to sanitary sewer             | <input type="checkbox"/> Parts washer                                   |
| <input type="checkbox"/> HMBP on file                             | <input type="checkbox"/> Degreaser unit                                 |
| <input type="checkbox"/> Dry cleaner                              | <input type="checkbox"/> CFC or HCFC appliances present                 |
| <input type="checkbox"/> Photo developer                          | <input type="checkbox"/> Plating shop                                   |
| <input type="checkbox"/> One piece of equipment only              | <input type="checkbox"/> Semiconductor fab                              |
| <input type="checkbox"/> Subject to Federal ARP or CAL ARP        | <input type="checkbox"/> Dispensing of flammable or combustible liquids |
| <input type="checkbox"/> BAAQMD permit                            | <input type="checkbox"/> sandblasting or metals deposition              |
| <input type="checkbox"/> Compressed gas cylinder(s)               | <input checked="" type="checkbox"/> Barrel/drum storage                 |
| <input type="checkbox"/> Scrubbers/fume hoods/ducting             | <input type="checkbox"/> Trenches/containment areas                     |
| <input type="checkbox"/> Sumps, hoists                            | <input type="checkbox"/> Chemical storage cabinets                      |
| <input type="checkbox"/> Radioactive materials                    | <input type="checkbox"/> More than one building                         |
| <input type="checkbox"/> Biohazards                               | <input type="checkbox"/> Other: _____                                   |

A closure plan approved by Alameda County Department of Environmental Health is required for facilities that are to be closed or for any storage/use/handling/processing area(s) that are to be closed. Facility Closure Plans and Notifications are to be submitted no less than 30 days prior to the intended date of closure.

**This document must be signed by the Facility Manager, an Officer of the Company, property owner, or other responsible party (not the consultant or contractor).**

I hereby certify under penalty of perjury that the information contained in this FACILITY CLOSURE NOTIFICATION is true and correct. I recognize the CUPA has full right-of-entry to my complete facility for the purpose of investigation and inspection to demonstrate compliance with this Application and applicable state and local regulations.

Authorized Signature/Date:   
 Printed Name/ Title: Senior Vice President; General Counsel

**HAZMAT STORAGE FACILITY CLOSURE GUIDELINES**

## ATTACHMENT TO INITIAL FACILITY CLOSURE NOTIFICATION FORM

Byron Power Partners, L.P., a dissolved California limited partnership in the process of winding up its affairs, submits the following information as part of its Initial Facility Closure Notification Form for its former cogeneration facility located at 4901 Bruns Road, Alameda County, California.

1. A completed Closure Notification Form: See previous page.
2. General site and facility maps/diagrams.

See Phase I Environmental Site Assessment dated July 30, 2008 (hereinafter, "Phase I Report") [**Attachment 1**], Sections 3.1 through 3.5 (pages 4 of 33 through 7 of 33), Sections 5.2 through 5.2.10 (pages 14 of 33 through 19 of 33); Section 6.3 (page 20 of 33); "Figures" Section of Phase I Report; Appendix A to Phase I Report; EDR Aerial Photo Decade Package dated April 24, 2008, included as part of Phase I Report. See also **Attachment 3**.

3. Site History, describing all past and current chemical usage and/or storage of hazardous materials/wastes.

See Phase I Report, Section 5.1.1 through 5.1.6, pages 11-14 of 33; Phase I Report Section 6.1 through 6.3.17, page 20-26 of 33. See also Byron Power's HMBP dated December 22, 2009. All hazardous wastes documented in Byron Power's HMBP dated December 22, 2009, have been removed from the Site.

4. History of all soils and/or groundwater sampling performed at the site.

Soils' testing was performed in July 2011. See attached Quest Geosystems Management Soil Sampling and Analysis Report dated July 29, 2011 (hereinafter, "Quest Soil Sampling Report") [**Attachment 2**]. No prior soil or groundwater testing has been performed at the site as far as Byron Power Partners is aware. Some sampling of the facilities and fixtures was reported in 1995 (see Phase I Report, Section 5.1.6, pages 11-12 of 33).

5. Summary of all facilities to be closed.

The entire facility is to be closed. This includes:

- a. Fixed equipment and buildings: Generator engine room, including office; 5 engines; electrical switch panels; 3 storage sheds and pump; 7 above ground water storage tanks; 2 above ground surface impoundment tanks; 5 cooling towers; 5 evaporators.
- b. Listing of Chemicals: Byron Power has been advised that all chemicals, including those listed on Byron Power's HMBP dated December 22, 2009, have been removed from the site through the employment of appropriate disposal companies with proper documentation. To the extent any additional chemicals are located in the course of the proposed testing and remediation work, Byron Power Partners will advise the Department of the findings and



the disposition of any such chemical in its Final Facility Closure Notification Filing.

- c. Fume Exhaust Systems, including fans, scrubbers, ducting locations: Byron Power Partners is unaware of any such devices that were installed or are now present at the Site.
- d. Sanitary sewers, including pipeline locations, type of input, clean-outs, vents and inlets and sampling locations: See Phase I Report, Sections 6.3.11, page 25 of 33 [septic tank and non-potable water]; Section 8.1.1., page 31 of 33 [pipe].
- e. Contaminated or potentially contaminated equipment, including piping, vats, tankage and process vessels:

There is currently no known contaminated or potentially contaminated equipment on site.

- f. Areas of potential or known contamination and/or corrosion:

Areas inspected per Section 8 of the Phase I Report are set forth in the Quest Soil Sampling Report [**Attachment 2**].

6. Description of the analytical testing to be used: See Phase I Report, Section 8, pages 31-32 of 33. On July 8, 2011, Quest Geosystems took soil samples from the majority of the areas identified in the Phase I Report. Sampling was conducted as set forth in the attached Quest Soil Sampling Report dated July 29, 2011 [**Attachment 3**]. Testing and reporting were performed by Quest Geosystems Management, Inc., 11275 Sunrise Gold Circle, Suite R, Rancho Cordova, CA 95742 (Registration # PG 7007).

7. Receipts for hazardous waste disposal and/or hazardous materials sales: All receipts for hazardous waste disposal and/or hazardous materials sales will be kept and made available for inspection and will be included in the final closure report.

8. Soil and groundwater sampling and testing: A certified lab was used to analyze all samples. The environmental assessment work was overseen by a State-certified geologist, Eric W. Garcia, Quest Geosystems Management, Inc., 11275 Sunrise Gold Circle, Suite R, Rancho Cordova, CA 95742 (Registration # PG 7007). The laboratory used to conduct the analysis of the samples collected was McCampbell Analytical, Inc., a State-certified analytical laboratory (ELP # 1644) in Pittsburg, California.

9. Steps to be taken to remove, dispose of, neutralize or reuse items/areas identified as hazardous or potentially hazardous or contaminated:

As set forth at p. 4 of the Quest Soil Sampling Report dated July 29, 2011 [**Attachment 2**], based on a review of the analytical data, PHC impacts to soil appear limited to within two feet

of the surface in the areas of surficial staining. Excavation and off-site disposal of the upper two feet of this soil to an appropriate landfill would be the most feasible remedial method at this Site. Following excavation of the soils and appropriate number of confirmation soil samples should be collected and chemically analyzed.

10. Certification re: Disposal of Hazardous Wastes: Disposal of all hazardous wastes will meet all Federal EPA and State requirements.

11. Spill contingency and Safety Plan: Not applicable.

# Byron Power Plant Site Plan

