



AGENCY

ALEX BRISCOE, Agency Director

Certified Mail #: 7009 2820 0001 4359 8761

August 4, 2015

NOTICE OF RESPONSIBILITY

Site Name & Address:
MUSSALLEM / SYBASE
6601 BAY (SHELLMOUND) STREET
EMERYVILLE, CA 94608

Local ID: RO0000042
Related ID: NA
RWQCB ID: NA
Global ID: T0600100825

Responsible Party:

GRIFFIN CAPITAL (SHELLMOUND)
INVESTORS LLC. ET AL
ATTEN: JULIE TREINEN
6601 - 6603 BAY STREET
EMERYVILLE, CA 94608

Date First Reported: 10/10/1989
Substance:

- 8006619 Gasoline-Automotive (motor gasoline and additives), leaded & unleaded
- 12034 Diesel fuel oil & additives (Nos. 1-D, 2-D, 2-4)

Funding for Oversight: LOPS - LOP State Fund
Multiple RPs?: Yes

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 GRIFFIN CAPITAL (SHELLMOUND) INVESTORS LLC, ET AL 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: 08-04-15
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

August 4, 2015

Site Name & Address:

**MUSSALLEM / SYBASE
6601 BAY (SHELLMOUND) STREET
EMERYVILLE, CA 94608**

**Local ID: RO0000042
Related ID: NA
RWQCB ID: NA
Global ID: T0600100825**

All Responsible Parties

**RP has been named a Primary RP – NEIL AND LINDA MUSSALLEM
P.O. BOX 66 | GILROY, CA 95020 | No Phone Number Listed**

**RP has been named a Primary RP – SYBASE, INC. (SAP)
ATTN: DWAIN CHRISTENSEN
3410 HILLVIEW AVENUE | PALO ALTO, CA 94304 | No Phone Number Listed**

**RP has been named a Primary RP – WINTZEN, INC
ATTN: JACON WARREN
6601 SHELLMOUND STREET | EMERYVILLE, CA 94608 | No Phone Number Listed**

**RP has been named a Primary RP – GRIFFIN CAPITAL (SHELLMOUND) INVESTORS LLC ET AL
ATTN: JULIE TREINEN
6601 – 6603 SHELLMOUND STREET | EMERYVILLE, CA 94608 | No Phone Number Listed**

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

August 4, 2015

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

One approximately 6,000-gallon underground storage tank (UST) that stored diesel was excavated and removed from the site on October 10, 1989. No holes were reported. Pit water was described as brown, with scum floating on water. Three confirmation soil samples were collected from the sidewalls at the center point of the tank at a depth of 7.5 feet below surface grade. Concentrations up to 2,700 milligrams per kilogram (mg/kg) TPH as diesel and 3,400 mg/kg Total Oil and Grease (TOG) were documented. Total Petroleum Hydrocarbons as gasoline (TPHg) and benzene, toluene, ethylbenzene, and total xylenes (BTEX) were not analyzed for. These data indicate that an unauthorized release had occurred.

Responsible Party Identification

Neil and Linda Mussallem are former property owners associated with the underground storage tank (UST). Neil and Linda Mussallem are responsible parties for the site because they owned a 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 following an unauthorized release of a hazardous substance (Definition 4).

Sybase, Inc, (currently SAP) purchased or received the property in February 1994, and is a former property owner associated with the UST. Sybase, Inc. is a responsible party for the site because it owned the property associated with an unauthorized release (Definition 3).

Wintzen, Inc, purchased or received the property in June 1998, and is a former property owner associated with the UST. Wintzen, Inc. is a responsible party for the site because it owned the property associated with an unauthorized release (Definition 3).

Griffin Capital (Shellmound) Investors LLC and Griffin Capital (Shellmound) Investors LLC et al purchased or received the property in May 2006, and is a former property owner associated with the UST. Griffin Capital (Shellmound) Investors LLC and Griffin Capital (Shellmound) Investors LLC et al are responsible parties for the site because they owned the property associated with an unauthorized release (Definition 3).



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**WINTZEN, INC.
ATTN.: JACON WARREN
6601 SHELLMOUND STREET
EMERYVILLE, CA 94608**

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