



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

November 1, 2011

Neil & Linda Mussallem  
PO Box 66  
Gilroy, CA 95020

Griffin Capital Investors LLC  
6601-6603 Shellmound Street  
Emeryville, CA 94608

Vince Herington  
Sybase Inc.  
1 Sybase Drive  
Dublin, CA 94568

Thomas Richardson  
PO Box 7817  
Berkeley, CA 94707

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

Subject: Modified Work Plan Approval; 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 *Work Plan for Subslab Vapor Sampling*, dated August 15, 2011, submitted on your behalf by Erler & Kalinowski, Inc. (EKI). The report was submitted in response to an ACEH letter dated April 1, 2011. Thank you for submitting the work plan.

Based on ACEH staff review of the work plan addendum the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed field investigation. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) prior to the start of field activities.

## **TECHNICAL COMMENTS**

- 1. GeoTracker Compliance** – Thank you for several recent submittals to Geotracker; however, the site remains out of compliance with state GeoTracker requirements. Required uploads have not been forthcoming and include at a minimum analytical EDFs, GEO\_WELL data, and all site bore logs. Please see Attachment 1 for limited additional details and the state GeoTracker website for full details on this state requirement. Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund. Please submit all required documents and data by the date identified below.
- 2. Sub-Slab Vapor Survey and Report** – The referenced work plan proposed the installation of two sub-slab vapor points beneath the building to the north and two to the south of the former location of the three USTs at the site (for a total of four sub-slab vapor points). Additionally, one outdoor 8-hour time weighted average background air sample was proposed (due to the proximity of I-80 immediately west of the site). The work plan proposes to utilize both the DTSC *Interim Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* (as modified February 2005) and the DTSC *Draft Advisory – Active Soil Gas Investigation*, dated March 2010, to conduct the sub-slab vapor survey.

In part to preclude miscommunication, and in part to request the inclusion of an additional analytical suite to better understand the subsurface vapor environment beneath the buildings, ACEH provides the following comments and requests:

- a. **Sample Collection Interval** – The work plan proposes to collect vapor samples 30 minutes after probe installation; however, the Draft March 2010 Advisory indicates that the wait period after probe installation with air rotary methods (such as a rotohammer) should be determined by equilibrium conditions. As a consequence ACEH requests a minimum 24 hour sampling interval, unless equilibrium conditions are documented prior to that time period.
- b. **Additional Soil Vapor Analytical Suite** – To better understand the sub-slab vapor environment ACEH requests the collection and analysis of standard atmospheric gases (nitrogen and oxygen), as well as methane and CO<sub>2</sub> by appropriate methodologies.

Please submit a report on the sub-slab survey by the date identified below.

3. **Groundwater Monitoring** – The most recent groundwater monitoring event appears to have occurred in March 2010. Please continue groundwater monitoring on an annual basis using wells MW-3, MW-5, and MW-7 at this time. Please coordinate future groundwater monitoring events with events on the adjacent site in order to obtain a better understanding of the site area. The adjacent site is conducting semi-annual groundwater monitoring in the months of May and October; please coordinate a groundwater monitoring event this October, or as soon as possible thereafter. Please incorporate chlorinate solvents a minimum of one time to evaluate the need for further inclusion of these analytes, and if they might impact soil vapor concerns at the sites. It is understood that these may be landfill related; however, these potential contaminants would be a more significant vapor intrusion consideration. Please submit a groundwater monitoring report by the date identified below.

#### **TECHNICAL REPORT REQUEST**

Please submit the following deliverables and technical reports to ACEH (Attention: Mark Detterman), according to the following schedule:

- **November 28, 2011** – Geotracker Uploads
- **December 30, 2011** – Annual Groundwater Monitoring Report
- **December 30, 2011** – Sub-Slab Vapor Survey (can be combined with groundwater monitoring report)

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.

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, PG, CEG  
Senior Hazardous Materials Specialist

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

Ladies and Gentlemen  
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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))

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

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

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

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

Ms. Julie Treinen, Griffin Capital Investors LLC, 2321 Rosecrans, Suite 3290, El Segundo, CA 90245; (sent via electronic mail to [jtreinen@griffincapital.com](mailto:jtreinen@griffincapital.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  
(sent via electronic mail to [cbaldassari@pesenv.com](mailto:cbaldassari@pesenv.com))

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))

Donna Drogos, ACEH, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))

Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto: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/](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> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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.