



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
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January 6, 2012

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))

Mr. Walt Kaczmarek  
Unknown address

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))

Subject: Request for Work Plan Addendum With Conditional Work Plan Approval; Fuel Leak Case No. RO0000440 and Geotracker Global ID T0600100511, Emery Bay Plaza, 1650 65th Street, Emeryville, CA 94608

Dear Meses. Treinen and Pingston, and Mr. Kaczmarek:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Work Plan Addendum*, dated November 18, 2011 and the *Work Plan for Focused Source Area Soil Investigation*, dated December 5, 2011. Both were prepared and submitted on your behalf by PES Environmental, Inc (PES). The reports were submitted in response to an ACEH letter dated November 1, 2011. Thank you for submitting the reports.

Based on ACEH staff review of the work plan addendum and the work plan the proposed scopes of work are conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a work plan addendum is required prior to final implementation of the focused source area investigation; however, the sub-slab vapor survey does not require this step and it may proceed as 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. Focused Source Area Work Plan** – The work plan proposes the installation of two soil bores inside the existing building in an attempt to delineate the downgradient extent of impacted soil from the former UST location. Groundwater is anticipated to be encountered at an approximate depth of 9 to 10 feet below surface grade (bgs). As a consequence, the work plan indicates that soil samples will be collected at the approximate depths of 4.5 and 9 feet bgs (0.5 to 1 ft above groundwater), but states that these anticipated depths may be changed based on changes of lithology, and indications of contamination (PID screening, visual staining, or olfactory indications). This is reasonable; however, ACEH additionally requests that the vertical extent of soil contamination be defined by the collection and analysis of additional soil samples, necessitating deeper exploration by the soil bores. In particular ACEH requests this additional delineation step due to the limitations imposed by working inside a building. Based on residual contamination at 17 feet in the UST overexcavation, this may indicate a depth greater than 17 feet could be required. Additionally, the addition of several bores to define the lateral extent outside the building is also requested, due to limited perimeter sampling of the excavation (two). As a consequence, ACEH requests a work plan addendum (revised figure with bore placement) by the date specified below. Upon ACEH review and concurrence with proposed

locations, ACEH anticipates implementation approval of the source area work plan. This can be submitted by email to expedite the process.

### **TECHNICAL REPORT REQUEST**

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

- **February 3, 2012** – Work Plan Addendum (revised site plan)
- **60 Days After Work Plan Addendum Approval** – Site Investigation Report (Vapor Survey and Source Area Investigation)

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

cc: 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))

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, Erler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010  
(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))

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.