



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

August 6, 2014

Ms. Julie Treinen
Griffin Capital Investors LLC
2321 Rosecrans, Suite 3290
El Segundo, CA 90245

Mr. Walt Kaczmarek
Unknown address

(sent via electronic mail to jtreichen@griffincapital.com)

Ms. Denise Pingston
TMG Partners
100 Bush St. #2600
San Francisco, CA 94104

(sent via electronic mail to dpingston@tmgpartners.com)

Subject: Landowner and Public Participation Notification for Case Closure Consideration; 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) is reviewing the site cleanup program case file for the above referenced site for potential case closure. As you are aware a site investigation and groundwater monitoring for underground storage tank leaks has been performed at the subject property to which you are named as the primary or active responsible party.

List of Landowners Form

Pursuant to Section 25297.15 (a), Alameda County Environmental Health (ACEH), the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances unless all current record owners of fee title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. ACEH is required to notify the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

To satisfy this requirement, please complete the enclosed *List of Landowners Form*, and mail or e-mail it back to ACEH by the date identified below. Also your comments, if any, must be considered prior to the proposed closure. Please respond within 30 days from the date of this letter for your comments to be considered.

Site Management Requirements

ACEH has reviewed the case for possible closure under a commercial land use scenario with the following site management requirements:

"This fuel leak case has been evaluated for closure consistent with the criteria in the State Water Resources Control Board Low-Threat Underground Storage Tank Closure Policy (LTCP). The site does not meet the Petroleum Vapor Intrusion to Indoor Air and the Direct Contact and Outdoor Air Exposure; however, additional data indicates that closure is appropriate.

Direct soil gas measurements have not been obtained beneath the site; however, sub-slab vapor samples have been collected. A passive sub-slab methane ventilation system is also present at the site in order to minimize the build-up of methane beneath the building, and this system appears to provide an additional level of protection from petroleum vapor intrusion. Therefore it is appropriate to close the site under vapor scenario 2c

with implementation of a land use restriction as an institutional control. Consequently case closure is granted for the current commercial land use and existing building configuration only.

In the vicinity of the former UST concentrations of benzene and ethylbenzene do not meet the direct contact and outdoor air exposure numeric goals; however, concentrations beneath the existing building meet these numeric goals. Utilizing soil concentrations collected in the vicinity of the former UST location, excess lifetime excess cancer risk calculations were been generated and excess cancer risks appear to be within Federal EPA guidelines. As currently developed under the current land use, most of the site is paved with minor landscaped areas near the site boundaries resulting in a low potential for direct contact exposure under the current land use. Additionally, because the former UST location is a parking lot, potential sensitive receptors are expected to be transient in nature. Therefore it is appropriate to close the site under direct contact and outdoor air scenario 3.3. The document entitled *Intrusive Earthwork Guidance Plan*, dated May 5, 2005, functions as a Site Management Plan and is expected to manage exposure to residual contamination in the vicinity of the former UST location in the event of subsurface intrusions. Consequently case closure is granted for the current commercial land use and existing building configuration only.

Alameda County Environmental Health (ACEH) must be notified if the building footprint is modified. If a change in land use to any residential or other conservative land use scenario occurs at this site; ACEH must be notified as required by Government Code Section 65850.2.2. Due to the potential for direct exposure and vapor intrusion to indoor air for future buildings or building modifications, ACEH will re-evaluate the case upon receipt of approved development/construction plans.

Excavation or construction activities in areas of residual contamination require planning and implementation of appropriate health and safety procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

This site is to be entered into the City of Emeryville Permit Tracking System due to the residual contamination on site."

Public Participation

Public participation is a requirement for the Corrective Action Plan and case closure process. In order to notify potentially affected members of the public of the potential case closure, ACEH has distributed the attached *Notification of Potential Case Closure* to addresses in the immediate vicinity. The *Notification of Potential Case Closure* requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure by **October 13, 2014**. ACEH will consider all comments from the public prior to potential case closure.

Request for Monitoring Well Destruction Scheduling and Waste Removal

Local Oversight Programs are required by the State's Low Threat Closure Policy (LTCP) to issue a uniform closure letter within 30 days from the end of the public comment period and completion of associated tasks (report of monitoring well destruction and waste removal) for case closures. After written ACEH concurrence (e-mail or other) that there have been no comments of significance you would be free to proceed with well destruction and waste removal activities.

In general, in order to meet this timeline ACEH requests that wells be scheduled for destruction, wastes (as defined by the LTCP) be removed from the site, and a Well Decommissioning Report and appropriate disposal documentation submitted as soon as possible after the end date of the public comment period. Please contact the Alameda County Public Works Agency at 510-567-6791 or online, to obtain the required well destruction permits. Please provide notification to ACEH of the date of planned well destruction and waste removal activities.

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:

- **August 11, 2014** – Public Comment Period Begins
- **October 13, 2014** – Public Comment Period Ends
- **December 19, 2014** – Complete Well Decommissioning and Waste Removal. (Please notify ACEH at least 48-hours in advance with an e-mail message to mark.detterman@acgov.org)
- **February 2, 2015** – Well Decommissioning Report (with waste disposal documentation)
File to be named: RO440_WELL_DCM_R_yyyy-mm-dd
- **4 Weeks After Completion of All Required Submittal Tasks** – Uniform Closure Letter Issued
(Provided no public comments of substance have been submitted)

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.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

Attachment A – *Invitation to Comment – Potential Case Closure*
Attachment B – Mailing List
Attachment C – List of Landowners Form

cc: Chris Baldassari, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to cbaldassari@pesenv.com)

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

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

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

Paul Mahoney, Sybase, One Sybase Drive, Dublin, CA 94568
(sent via electronic mail to 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)

Dilan Roe, ACEH (sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACEH (sent via electronic mail to 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/).

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.

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



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

INVITATION TO COMMENT – POTENTIAL CASE CLOSURE

**EMERY BAY PLAZA
1650 65TH STREET, EMERYVILLE, CA 94608
FUEL LEAK CASE RO0000440
GEOTRACKER GLOBAL ID T0600100511**

August 6, 2014

The above referenced site is a fuel leak case that is under the regulatory oversight of the Alameda County Environmental Health (ACEH) Local Oversight Program for the investigation and cleanup of a release of petroleum hydrocarbons from an underground storage tank system. Site investigation and cleanup activities have been completed and the site has been evaluated in accordance with the State Water Resources Control Board Low-Threat Closure Policy. The site appears to meet all of the criteria in the Low-Threat Closure Policy. Therefore, ACEH is considering closure of the fuel leak case. Due to the residual contamination on site, the site would be closed with site management requirements that require further evaluation if the site is to be redeveloped in the future.

The public is invited to review and comment on the potential closure of the fuel leak case. This notice is being sent to the current occupants and landowners of the site and adjacent properties and other known interested parties. The entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Please send written comments to Mark Detterman at the address below; all comments will be forwarded to the responsible parties. Comments **received by October 13, 2014** will be considered and responded to prior to a final determination on the proposed case closure.

If you have comments or questions regarding this site, please contact the ACEH caseworker, Mark Detterman at 510-567-6876 or by email at mark.detterman@acgov.org. Please refer to ACEH case RO0000440 in any correspondence.

BAY CENTER ASSOCIATES
Parcel #: 49-1533-1
6475 CHRISTIE AVE #500
EMERYVILLE CA 94608-2261

BAY CENTER INVESTOR LLC
Parcel #: 49-1491-11
6475 CHRISTIE AVE #550
EMERYVILLE CA 94608-2262

BAY CENTER INVESTOR LLC
Parcel #: 49-1491-8
6475 CHRISTIE AVE #550
EMERYVILLE CA 94608-2262

GRIFFIN CAPITAL (SHELLMOUND) INVESTORS I
Parcel #: 49-1490-1
6601-6603 SHELLMOUND
EMERYVILLE CA 94608-1021

GRIFFIN CAPITAL (SHELLMOUND) INVESTORS I
Parcel #: 49-1490-3
6601-6603 SHELLMOUND
EMERYVILLE CA 94608-1021

GRIFFIN CAPITAL ATRIUM INVESTOR 1 LLC & G
Parcel #: 49-1490-4
P.O. BOX 543185
DALLAS TX 75354-3185

OCCUPANT
Parcel #: 49-1490-4
1690 65TH ST
EMERYVILLE CA 94608

OCCUPANT
Parcel #: 49-1490-1
6603 BAY ST
EMERYVILLE CA 94608

OCCUPANT
Parcel #: 49-1490-3
6601 BAY ST
EMERYVILLE CA 94608

OCCUPANT
Parcel #: 49-1490-5
6501 BAY ST
EMERYVILLE CA 94608

OCCUPANT
Parcel #: 49-1511-16
66TH ST
EMERYVILLE CA 94608

OCCUPANT
Parcel #: 49-1510-4
65TH ST
EMERYVILLE CA 94608

OCCUPANT
Parcel #: 49-1533-1
65TH ST
EMERYVILLE CA 94608

OCCUPANT
Parcel #: 49-1491-8
6455 CHRISTIE AVE
EMERYVILLE CA 94608

PUBLIC STORAGE INSTITUTIONAL FUND II
Parcel #: 49-1490-5
PO BOX 25025
GLENDALE CA 91221-5025

S P CO 872-1-9F-18
Parcel #: 49-1510-4
PO BOX 2500
BROOMFIELD CO 80038

S P CO 872-1-9F-20
Parcel #: 49-1511-16
PO BOX 2500
BROOMFIELD CO 80038

East Bay Municipal Utility District
Chandra Johannesson
P.O. Box 24055,
Oakland, CA 94623

cjohanne@ebmud.com

City Of Emeryville, Public Works Department
Michael Roberts
1333 Park Avenue
Emeryville CA 94608

mroberts@emeryville.org

Cherie McCaulou
Engineering Geologist
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay St, Ste 1400
Oakland, CA 94612

cmccaulou@waterboards.co.gov

LIST OF LANDOWNERS FORM

County of Alameda
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Emery Bay Plaza
Address: 1650 65th Street
City, State, Zip: Emeryville, CA 94608
Record ID #: RO0000440

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, _____ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: _____
Address: _____
City, State, Zip: _____
E-mail Address: _____

Name: _____
Address: _____
City, State, Zip: _____
E-mail Address: _____

Name: _____
Address: _____
City, State, Zip: _____
E-mail Address: _____

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I _____, certify that I am the sole landowner for the above site.

Sincerely,

Signature of Primary Responsible Party Printed Name Date E-mail Address