

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
REBECCA GEBHART, Acting Director



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

June 1, 2016

Griffin Capital Investors, LLC
C/O Julie Treinen
1520 E. Grand Avenue
El Segundo, CA 90245
Phone: 310-469-6100
(Sent via electronic mail to: jtreinen@griffincapital.com)

Subject: **Request for Property Access 6601 - 6603 Shellmound Street, Emeryville**; SCP Case RO000548 and Geotracker Global ID T0600100894, Mike Roberts Color Production 6707 Bay (Shellmound) Street, Emeryville, CA 94608

Dear Ms. Treinen:

Alameda County Department of Environmental Health (ACDEH) understands that Ms. Rachel Green of the Anton Development Company (Anton; a party interested in redeveloping the adjacent site under the listed case number) and her consultant, Mr. Kyle Flory with PES Environmental, Inc, (PES) have contacted you to request access to these two adjacent parcels (**6601 and 6603 Shellmound Street**) in Emeryville to investigate the extent of chlorinated solvent contamination (including trichloroethene, cis- and trans-1,2-dichloroethene, and vinyl chloride) in soil, groundwater, or soil vapor that has been documented near the southern property line of the former Mike Roberts Color Production facility referenced above. The site referenced above is immediately north of these two properties. Delineation of the lateral extent of the contamination has been required by ACDEH. It is the understanding of ACDEH that an access agreement has been generated; however, Ms. Green and Mr. Flory have informed ACDEH that it has not been forwarded pending initial communications which have slow to be established and have not been established to date, including the reasons for the access. The purpose of this letter is to advise you in your decision to allow access.

An apparent surface release of chlorinated solvents at the 6707 Shellmound Street property has contaminated soil, groundwater, or soil vapor beneath that site. As a party interested in redeveloping the adjacent site, Anton has been requested to investigate the extent of this contamination, and to clean up the contamination at that site, in order for the redevelopment to proceed. Anton and its consultant PES have requested access to understand the extent the contamination extends on to the two properties managed by the Griffin Capital Investors, LLC.

ACDEH encourages you to work with Ms. Green, and her consultant, Mr. Flory, and agree upon the terms necessary (i.e. your signature on an access agreement) to allow them temporary access to these two properties to explore the extent the contamination extends on to them. The redevelopment project has tight time constraints. If you deny access or do not respond by the date specified below, then this Agency and the Regional Water Quality Control Board can hold you legally responsible for investigating any soil or groundwater contamination beneath your property. You may then be required to conduct an investigation at your own expense. Since the costs for such investigations are often high, allowing access is clearly more reasonable and cost effective. Please consider the request for temporary access your property and sign and return the access agreement. Please respond to the undersigned within 12 working days from the date of this letter (**June 1, 2016**) with your decision.

Please contact me with any questions you may have 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

Julie Treinen
RO0000548
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Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Ms. Rachel Green, Anton Development Company, 1415 L Street, Suite 450, Sacramento, CA 95814; (Sent via electronic mail to: rgreen@anton.co)

John Nady, Nady Systems, Inc., 11 Glen Alpine Road, Piedmont, CA 94611

Kyle Flory, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(Sent via electronic mail to: kflory@pesenv.com)

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

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Mark Detterman, ACDEH, (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.