

From: [Alex Wykoff](#)
To: [Celine Granger](#); [Ward, Robin](#)
Cc: [Ursula Syrova](#)
Subject: [EXTERNAL] RE: Apple Park event follow-up
Date: Friday, March 12, 2021 4:38:39 PM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)
[image007.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image015.png](#)

Thank you for the update Celine. Have a good weekend.



Alex Wykoff

Environmental Programs Specialist

Public Works

AlexW@cupertino.org

(408) 777-3255



From: Celine Granger <celine_granger@apple.com>

Sent: Friday, March 12, 2021 4:31 PM

To: Alex Wykoff <AlexW@cupertino.org>; Ward, Robin <robin.ward@cep.sccgov.org>

Subject: Apple Park event follow-up

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alex and Rob,

I am following up with you regarding the hot water system leak that happened on Tuesday at 10am at our Apple Park facility. As you know, the leak was isolated at 1pm, 3 hours after it was discovered that same day.

We are still working on gathering data, and unfortunately have not been able to get the estimated leak volume for now, but we should know more early next week.

I will let you know as soon as I know more.

Best regards,
Celine

Celine Granger
Apple
EHS Lead - Environmental
One Apple Park Way, MS 319-5EHS

Cupertino, CA 95014

Cell: (408)-204-1687

Celine_granger@apple.com

To report incidents, near misses or unsafe conditions, please go to incidents.apple.com

From: [Ward, Robin](#)
To: ["Alex Wykoff"](#)
Cc: [Ursula Syrova](#); [Pierce, Mickey](#); [Huerta, Allen](#); [Tracey, Joanne](#)
Subject: RE: Hello
Date: Tuesday, March 16, 2021 1:15:00 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)

Hello Mr. Wykoff,

Per my conversation with Celine today, the sample liquid of what was in the system will be sent out for testing to see if it meets hazardous waste criteria. It may take some time to get an answer, as it must be sent off to a state certified lab. I requested that a 96 hour fish bioassay be part of the testing.

Thank you for the additional details on the line break. If the materials is determined to be a hazardous waste, we will have to verify proper clean-up and reporting. If the material is determined to be non-hazardous waste, it will fall out of our jurisdiction. I will keep you updated on any changes, but have requested that Celine cc you on all correspondence.

Regards,

Rob Ward

Sr. Hazardous Materials Specialist

County of Santa Clara Dept. of Environmental Health | Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300 | San Jose, CA 95112
Phone 408-918-1945 | Schedule: Mon – Thurs
<https://www.sccgov.org/sites/hazmat/Pages/hmp.aspx>

Please practice social distancing, wear a face mask, and wash your hands.

[County of Santa Clara Public Health Department COVID19 Information Website](#)

NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return mail.

From: Alex Wykoff <AlexW@cupertino.org>
Sent: Tuesday, March 16, 2021 11:01 AM
To: Ward, Robin <robin.ward@cep.sccgov.org>
Cc: Ursula Syrova <UrsulaS@cupertino.org>; Pierce, Mickey <Mickey.Pierce@cep.sccgov.org>; Huerta, Allen <allen.huerta@cep.sccgov.org>; Tracey, Joanne <Joanne.Tracey@cep.sccgov.org>
Subject: [EXTERNAL] RE: Hello

Hello Rob,

Thank you for the copy of your report. I'm awaiting an update of the information concerning volume of discharge, repairs made, and the site plan of how the boiler lines run and inspections current and future to see if any additional failures have occurred and how they will monitor this for any future line failures. From the drawings I am reviewing, the break occurred adjacent to a French drain which does connect to a storm drain line leading to another nearby bioretention area. I'm not clear on if or where, there would have been soil absorption of the discharge and want Apple to provide that information. Thursday evening after the inspection I did with Allen, I inspected the storm drain manhole on the Homestead side of the property adjacent to the sidewalk just upstream from the connection with our main beneath Homestead Rd. There was very little water in the lateral and with the rain that occurred after they discovered and isolated the leak, without testing, I would have no way to know if there was any contaminant. Will the County be conducting any testing beyond the pH done last Thursday and is their remediation that the County would require of the soil in the area of the line failure?

I'll reach out to Celine later today, if I don't receive anything further from them, but would like to know what steps if any, your department will be taking.

Thank you.

-Alex



Alex Wykoff

Environmental Programs Specialist

Public Works

AlexW@cupertino.org

(408) 777-3255



From: Ward, Robin <robin.ward@cep.sccgov.org>

Sent: Monday, March 15, 2021 3:45 PM

To: Alex Wykoff <AlexW@cupertino.org>

Cc: Ursula Syrova <UrsulaS@cupertino.org>; Pierce, Mickey <Mickey.Pierce@cep.sccgov.org>;

Huerta, Allen <allen.huerta@cep.sccgov.org>; Tracey, Joanne <Joanne.Tracey@cep.sccgov.org>

Subject: RE: Hello

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Wykoff,

I am sending you a copy of the report that was delivered to Celine just now.

Hopefully you will find the additional information in the comments section to be useful.

Please let me know if you have any questions or comments. I have also forwarded the report to Lindsay Morgado (SCCFD) as she is the designated HMBP inspector.

Regards,

Rob Ward

Sr. Hazardous Materials Specialist

County of Santa Clara Dept. of Environmental Health | Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300 | San Jose, CA 95112

Phone 408-918-1945 | Schedule: Mon – Thurs

<https://www.sccgov.org/sites/hazmat/Pages/hmp.aspx>

Please practice social distancing, wear a face mask, and wash your hands.

[County of Santa Clara Public Health Department COVID19 Information Website](#)

NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return mail.

From: Alex Wykoff <AlexW@cupertino.org>

Sent: Thursday, March 11, 2021 3:26 PM

To: Ward, Robin <robin.ward@cep.sccgov.org>

Cc: Ursula Syrova <UrsulaS@cupertino.org>; Pierce, Mickey <Mickey.Pierce@cep.sccgov.org>;

Huerta, Allen <allen.huerta@cep.sccgov.org>; Tracey, Joanne <Joanne.Tracey@cep.sccgov.org>

Subject: [EXTERNAL] Re: Hello

Thank you for the update Rob.

-Alex

Sent from my iPhone

Alex Wykoff

Environmental Programs Specialist

Public Works
AlexW@cupertino.org
[\(408\) 777-3255](tel:(408)777-3255)

On Mar 11, 2021, at 2:02 PM, Ward, Robin <robin.ward@cep.sccgov.org> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Wykoff,

Thank you for your time on the phone today. I have touched base with our hazardous waste team senior and our supervisor to see if anyone can be available for today's meeting. I have provided them with a quick summary of known information and passed on your email and contact information. If they can attend today, I have asked that they coordinate arrival with Celine and that they give you a call to notify you of the plan.

I will be in a meeting for the next hour, but I am still happy to be a point of contact throughout this process.

Again, I appreciate your time today.

Regards,

Rob Ward

Sr. Hazardous Materials Specialist

County of Santa Clara Dept. of Environmental Health | Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300 | San Jose, CA 95112
Phone 408-918-1945 | Schedule: Mon – Thurs
<https://www.sccgov.org/sites/hazmat/Pages/hmp.aspx>

Please practice social distancing, wear a face mask, and wash your hands.

[County of Santa Clara Public Health Department COVID19 Information Website](#)

NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return mail.

From: Alex Wykoff <AlexW@cupertino.org>

Sent: Thursday, March 11, 2021 1:36 PM

To: Ward, Robin <robin.ward@cep.sccgov.org>

Cc: Ursula Syrova <UrsulaS@cupertino.org>

Subject: [EXTERNAL] RE: Hello

Hi Rob,

Got it, thank you. I'll be going out for a site inspection today at 4:15 so if you have anyone available, this may be an opportunity. Do coordinate with Celine if you will be sending someone as there is Covid testing requirements prior to going on-site.

Alex Wykoff

Environmental Programs Specialist

Public Works

AlexW@cupertino.org

(408) 777-3255

From: Ward, Robin <robin.ward@cep.sccgov.org>

Sent: Thursday, March 11, 2021 12:56 PM

To: Alex Wykoff <AlexW@cupertino.org>

Subject: Hello

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rob Ward

Hazardous Materials Specialist

County of Santa Clara

Consumer and Environmental Protection Agency

Hazardous Materials Compliance Division

1555 Berger Drive, Suite 300

San Jose, CA 95112

PH: 408.918.1945 Fax: 408.280.6479

www.ehinfo.org/hazmat

From: [Celine Granger](#)
To: [Ward, Robin](#)
Subject: [EXTERNAL] Apple Park leak - SDSs and chemical concentration
Date: Tuesday, March 16, 2021 10:43:19 AM
Attachments: [Trac_109_SDS.pdf](#)
[Nalco 3DT199 SDS.pdf](#)

Hi Rob,

I know I had provided you with the names of the chemicals that are added to the hot water closed loop system that leaked on Tuesday last week as well as their concentration in the system when we discussed over the phone, but I had not sent you the SDSs. Please find them attached.

Trac109

Based off the current concentration, there is approximately 0.46 gallons of Trac 109 per 1,000 gallons.

3DT199

Based off the current concentration, there is approximately 0.012 gallons of 3DT199 per 1,000 gallons.

I look forward to talking with you again soon.

Thanks,

Celine

Celine Granger
Apple
EHS Lead - Environmental
One Apple Park Way, MS 319-5EHS
Cupertino, CA 95014

Cell: (408)-204-1687

Celine_granger@apple.com

To report incidents, near misses or unsafe conditions, please go to incidents.apple.com

County of Santa Clara

Department of Environmental Health

Hazardous Materials Compliance Division (HMCD)

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

Phone (408) 918-3400 Fax (408) 280-6479 www.EHinfo.org/hazmat



OFFICIAL NOTICE OF INSPECTION

Facility ID: FA0275715

Inspection Date: 03/15/2021

Facility Name: 1 APPLE PARK WAY

Site Address: 1 APPLE PARK WY, CUPERTINO, CA 95014

HW Generator Type:

RCRA LQG

Consent to Inspect Granted By: CELINE GRANGER, EHS LEAD

Pictures Taken

Samples Taken

Summary of Violations & Notice to Comply

Program: PR0416657 - HAZARDOUS WASTE GENERATOR - 2206

Inspection Type: LIMITED INSPECTION

VC	Class	Violation	Corrective Actions Taken
G010	II	HAZARDOUS WASTE DETERMINATION [3030005] Facility failed to determine whether a waste is a hazardous waste. <i>Facility failed to document a hazardous waste determination in writing of a spilled material (now a "waste" as defined in 22CCR, section 66261.2) that was released to the environment. Facility must provide chemical names of both chemicals that were spilled from facility boilers, along with SDS information, and document in writing their determination on whether the released material meets the hazardous waste characteristic of aquatic toxicity. Provide written determination to HMCD for review. Documentation must include chemical identification, SDS sheets, and specific information used to make the determination or laboratory analysis of unspilled materials conducted in accordance with SW-846 and/or Title 22, CCR, section 66261.24(a)(6).</i> <i>NOTE: See comments section below for information regarding aquatic toxicity. Calculations to determine the aquatic toxicity LC50 of a diluted material do not exist.</i> Determine whether the waste is hazardous using generator knowledge, or by having the waste analyzed by a state-certified environmental laboratory. Submit the results of your determination, including any laboratory reports, to HMCD. A list of state-certified laboratories is available at www.waterboards.ca.gov/drinking_water/certlic/labs/documents/elap_certified_hazardous_waste_labs.pdf . Cease any disposal of the waste as non-hazardous waste until the determination is complete. Keep all hazardous waste determination documents for at least 3 years from the date the waste was last shipped. [CCR 66262.11, 66262.40]	

Comments: The following report details information related to a spill of materials at 1 Apple Park Way. Inspection commenced on 3/10/2021 and concluded today with issuance of this report.

Summary of Events:

HMCD received word from County Communications on 3/10/2021 that a spill of potentially hazardous materials was reported at 1 Apple Park Way. HMCD Supervisors notified the designated inspector for this location, Robin Ward, at 4:52 PM. Robin Ward immediately contacted Apple Environmental Contact, Celine Granger, via phone, to get more information of the spill. Ms. Granger relayed that the spill was discovered on the previous day (3/9/2021) and was stopped within 3 hours of discovery. The spill was reportedly from the chillers onsite, though this information was later clarified during and onsite visit that the spill originated from the boilers. Celine stated that the spill had occurred from piping and soaked into the landscaping. She stated that the dilution factor or the chemical in the boiler piping (NalcoTrac 109) was not known. She also stated the total quantity released and the length of the release was not known. While there are storm drains in the vicinity, Ms. Granger could not verify if the release had reached a storm drain due the recent heavy rains. She was also uncertain if samples of the spilled material had been collected. Inspector Ward advised Ms. Granger to report the spill to CalOES and verified the spill reporting number. Inspector Ward noted that the facility was required to report any release or threatened release of a hazardous substance. Inspector Ward also advised Apple to collect a sample of the spilled material and immediately ascertain if it is a hazardous material or a hazardous waste. Inspector Ward also requested copies of the SDS sheet for the spilled chemical, and a full written report from Apple, as soon as possible.

OFFICIAL NOTICE OF INSPECTION

Facility ID: FA0275715
Facility Name: 1 APPLE PARK WAY
Site Address: 1 APPLE PARK WY, CUPERTINO, CA 95014

Inspection Date: 03/15/2021

Summary of Violations & Notice to Comply

On 3/11/2021, Inspector Ward coordinated with Alex Wykoff (Cupertino City Public Works Storm Water Inspector) to arrange for access to Apple to review known information, as no spill reporting information had been received to date from CalOES. During a phone call, Mr. Wykoff stated that Apple contacts indicated that two chemicals may have been present in the boiler, but no specific chemical names were provided. Mr. Wykoff also stated that Apple contacts had notified him that the dilution ratio of chemicals to water in the boiler was 0.12 gallons/1000 gallons of water, and 0.46 gallons/100 gallons of water. Mr. Wykoff stated that he would be meeting with Apple contact, Justin Burks, at 4:15 the same day. Inspector Allen Huerta, of HMCD, arranged to meet Mr. Wykoff and Mr. Burks on location.

Upon arrival on 3/11/2021, Mr. Huerta viewed and photographed the area of the release (landscaping outside of 1 Apple Park Way) and the boilers in the Central Utility Plant (at 4 Apple Park Way). Ms. Granger was available via speakerphone during Mr. Huerta's visit. He did not see any standing liquid at the opening of the storm drain. Ms. Granger indicated via phone call that ACT Environmental representatives had been onsite to assess the landscaping area after discovery of release and had placed the orange stake flags in the affected area. Apple could not provide the full details of ACT's activities, but Mr. Huerta observed an area of disturbed soil. Apple provided a sample of the boiler liquid for Mr. Huerta to sample with a pH strip. Mr. Huerta used one colorimetric pH strip (photographed 3 times) to determine that the boiler liquid had a pH of approximately 9. Mr. Huerta stated that the materials in the boiler did not meet hazardous waste characteristics for corrosivity, but that they may still meet hazardous waste characteristics for toxicity. Ms. Granger indicated via phone conversation that Apple council had advised against reporting the release to CalOES as they did not believe the material was a hazardous substance. Mr. Huerta advised that they make a hazardous waste determination on the material and advised that the spill be reported to CalOES. At the time of Mr. Huerta's visit, no SDS information had been provided by Apple.

On 3/12/2021, Celine Granger sent an email to Inspector Ward to notify that Apple did not yet have an update on the total leak volume.

Additional of Relevant Information:

A review of an SDS sheet for NalcoTrac 109 indicated that the material contains 1-5% (w/w) of Sodium Hydroxide and 20-40% (w/w) of Sodium Nitrite, with a pH of 13. SDS sheet indicates that dried product residue can act as an oxidizer. (SDS obtained from: <http://77pdfs.com/view/67168>) The SDS sheet notes that the concentrated material is "very toxic to aquatic organisms". Aquatic toxicity data for the material for a 96 hour test with rainbow trout shows an LC50 value of 100.83 mg/L.

Nitrite concentration (and subsequent toxicity) in fish is partially dependent of pH of the solution and concentration of chloride ions. Typical nitrite concentrations in water are approximately 0.005 mg/L. Testing data under various conditions for rainbow trout list the LC50 for nitrite to be between 0.15 and 12.6 mg/L and between 3.6 and 13.6 mg/L (for chloride ion concentrations of 10 mg/L). (<https://cires.colorado.edu/limnology/sites/default/files/pubs/Pub079.pdf>)

Per 22CCR 66261.24 (a)(6), any waste with an LC50 of less than 500 mg/L meets the definition of toxic, and may therefore meet the definition of a hazardous waste. Per 22CCR66261.24 (b), aquatic toxicity for diluted materials cannot be calculated using equations listed in this section.

Release Reporting Requirements Pertaining to Hazardous Materials Business Plan (HMBP) Facilities:

The following information has been provided to Apple for informational purposes only. It is strongly advised that Apple independently verify the information included below. HMCD does not conduct HMBP inspections at this location.

Authority Having Jurisdiction over Hazardous Materials Business Plan at 1 Apple Park Way:

Santa Clara County Fire Department (SCCFD)

Facility CERS ID: 10807354

Designated Inspector at SCCFD: Lindsay Morgado

Facility was provided with code sections relevant to HMBP release reporting requirements with this report.

Immediately correct any violation designated as a Class I or Class II violation. Correct all other violations no later than 04/14/2021, unless otherwise noted by the inspector.

Using the space provided, write a brief description of the actions taken by the facility to correct each violation. Attach additional pages if more space is needed. Within 5 days of achieving compliance or within 35 days of the inspection date, whichever comes first, sign the certification statement below and return a copy of this report to HMCD. Time granted for correction of violations does not preclude any enforcement action by HMCD or other agencies. This facility may be subject to reinspection at any time. [Authority: HSC 25185(c), 25187.8, 25404.1.2(c)]

OFFICIAL NOTICE OF INSPECTION

Facility ID: FA0275715
Facility Name: 1 APPLE PARK WAY
Site Address: 1 APPLE PARK WY, CUPERTINO, CA 95014

Inspection Date: 03/15/2021

Summary of Violations & Notice to Comply

Facility would not sign for report but acknowledged receipt in email below. -RW
3/22/21

Received By:



Inspected By: EE0010436 - ROBIN WARD

Certification of Compliance

I certify under penalty of perjury that this facility has complied with directives specified in this Notice to Comply.

Signature of Owner/Operator

Date

Printed Name of Owner/Operator

Title

OFFICIAL NOTICE OF INSPECTION - SUPPLEMENTAL INFORMATION

This Official Notice of Inspection (NOI) documents the results of an inspection by HMCD, including a list of alleged violations, evidence in support of the alleged violations, corrective actions that must be taken by the facility, and general observations.

What am I supposed to do upon receiving a NOI?

- Correct the violations within 30 days of the inspection date, unless otherwise noted.
- In the "Corrective Actions Taken" column, write a brief description of the actions taken by the facility to correct each violation. Attach additional pages if more space is needed.
- Certify that the facility has returned to compliance by signing and dating the certification statement at the end of the report.
- Make a photocopy of the NOI and any attachments for your records.
- Within 5 days of achieving compliance or 35 days of the inspection date, whichever comes first, return the original copy of the report and any attachments to HMCD at 1555 Berger Drive, Suite 300, San Jose, CA 95112-2716 or via e-mail to the inspector noted on the "Inspected By" line of the report.

What if there are violations that cannot be corrected within 30 days?

For each violation that cannot be corrected within 30 days, submit a written Compliance Plan describing the corrective actions you propose to take and the date by which the actions will be completed. State law grants up to 30 days to correct minor violations without penalty. Minor violations that are uncorrected after 30 days, and class I and II violations may be subject to enforcement action. To lessen the possibility of enforcement action, correct all violations as soon as possible.

What if I disagree with a violation on the NOI?

If you disagree with any violation listed in this NOI, you must submit a written Notice of Disagreement to HMCD within 30 days of the inspection date. Address such notices to the attention of the inspector who cited the violation. In your Notice of Disagreement, explain in detail why you believe the alleged violation was incorrectly cited.

What about photographs or samples taken during the inspection?

A co-located sample will be given to you upon request if adequate sample volume is available. Photographs and sample analytical results will not generally be available until after the inspection has been concluded. A copy of photographs and/or analytical results will be provided to you upon written request. Photographs and sample analytical results may be withheld in the event of a criminal investigation or other ongoing investigation.

Key to Acronyms and Regulatory Terms

XX CCR	California Code of Regulations, Title XX
XX CFR	Code of Federal Regulations, Title XX
Class	Violation classification: I = Class I violation, II = Class II violation, M = Minor violation, C = Corrected minor violation [HSC §25110.8.5, HSC §25117.6, CCR §66260.10]
CERS	California Environmental Reporting System (cers.calepa.ca.gov)
DTSC	California Department of Toxic Substances Control
EPA	U.S. Environmental Protection Agency
HMCD	County of Santa Clara, Department of Environmental Health, Hazardous Materials Compliance Division
HSC	California Health and Safety Code
RCRA	Resource Conservation and Recovery Act
SCCO	Santa Clara County Ordinance Code
TSDF	Hazardous waste treatment, storage or disposal facility
UST	Underground storage tank
VC	HMCD violation code

Warning:

- It is a violation of State law to make a false statement that a facility has returned to compliance [HSC §25404.1.2(c)(2)].
- Making a false statement regarding a hazardous waste violation is punishable by a fine of not less than \$2,000 or more than \$50,000 and/or imprisonment in the county jail for up to one year [HSC §25191(b)].
- Making a false statement regarding an underground storage tank violation is punishable by a fine of not less than \$500 or more than \$5,000 [HSC §§25299(a)(8), 25299(b)(7)].
- HMCD has the right to require the submittal of reasonable and necessary documentation in support of any claim of compliance made by your facility [HSC §25187.8(i), 25289(b)].

From: [Celine Granger](#)
To: [Ward, Robin](#)
Cc: [Alex Wykoff](#)
Subject: [EXTERNAL] Re: Report signature
Date: Friday, March 19, 2021 5:34:37 PM
Attachments: [Please DocuSign FA0275715 NOI 2021-03-15UNSI.pdf](#)

Hi Rob,

In follow up to our discussion on Tuesday, I am acknowledging receipt of the notice of inspection you issued to Apple regarding the inspection, which took place on 3/15/2021 at our Apple Park facility (see notice attached).

As we discussed, it is important that we provide some clarifications to the summary of events included in the notice, as there were some inaccuracies.

- Chemicals concentration in the water that was released from the closed loop heat water system:

Trac109

Based off the current concentration, there is approximately 0.46 gallons of Trac 109 per 1,000 gallons.

3DT199

Based off the current concentration, there is approximately 0.012 gallons of 3DT199 per 1,000 gallons.

- We reviewed the information collected to date with Nalco, the vendor that maintains the water closed loop system, and have concluded that based on the very low concentrations of active components in the potential chemicals of concern in the water released, as well as our knowledge of the system and the extensive path through which the released water has to go through before it would be able to reach the City Storm Water system, we have concluded that it is not likely that the release posed any significant present or potential hazard to human health and safety, property of the environment and as such, no reporting to the State OES is required.

- However, Apple is still investigating the release and once all information is available, we will be in a better position to complete our review of this matter including being able to make a waste determination of the water.

Once we have completed our review, we will share the additional information along with a summary of the incident.

Let me know if you have any other questions in the meantime.

Thanks,

Celine

Celine Granger
Apple

EHS Lead - Environmental
One Apple Park Way, MS 319-5EHS
Cupertino, CA 95014

Cell: (408)-204-1687
Celine_granger@apple.com

To report incidents, near misses or unsafe conditions, please go to incidents.apple.com

On Mar 18, 2021, at 5:48 PM, Ward, Robin <robin.ward@cep.sccgov.org> wrote:

Hello Celine,
As discussed, please return a signed copy of the report, or an email acknowledging receipt. Thank you.
Regards,

Rob Ward
Hazardous Materials Specialist

County of Santa Clara
Consumer and Environmental Protection Agency
Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300
San Jose, CA 95112
PH: 408.918.1945 Fax: 408.280.6479
www.ehinfo.org/hazmat





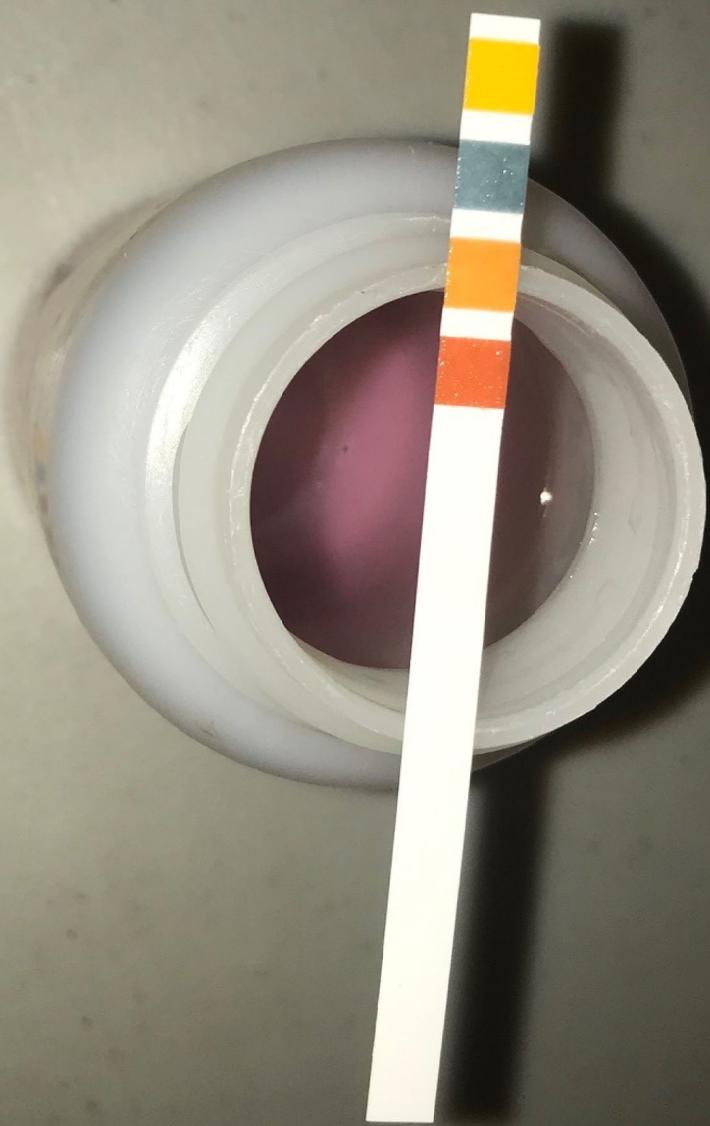
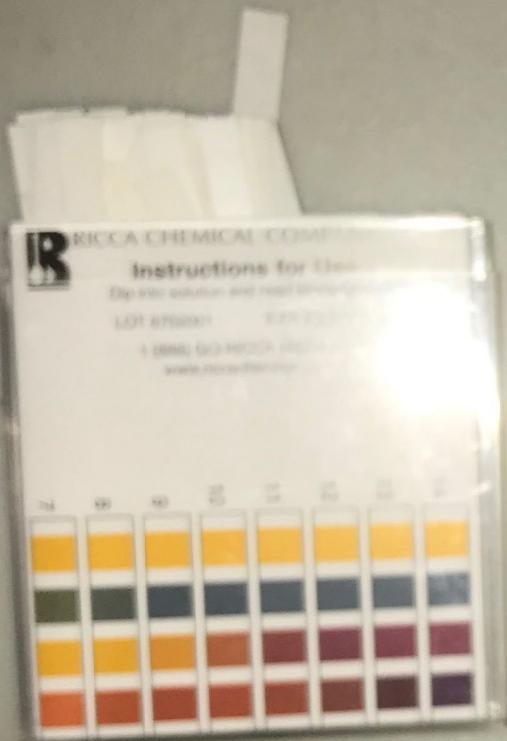


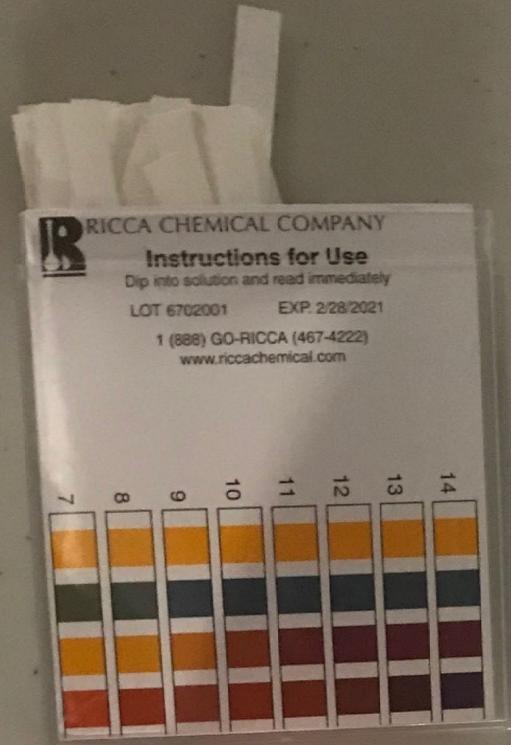


INDUSTRIAL COLD WATER

HEATING HOT WATER SYSTEM









1
2
3
4
5
6
7
8
9

1
2
3
4
5
6
7
8
9

From: [Celine Granger](#)
To: [Ward, Robin](#)
Cc: [Debra Rubenstein](#)
Subject: [EXTERNAL] Apple response to the Notice of Inspection dated March 15, 2021
Date: Thursday, April 8, 2021 4:18:56 PM
Attachments: [AP Water boiler lab report - 4-2-2021.pdf](#)

Hi Rob,

Please accept this information in response to the notice of inspection dated March 15, 2021 and our follow up discussions on this subject. The Notice alleged that the facility failed to determine whether a waste is a hazardous waste.

As previously provided, the heating hot water system contains additives including Trac109 and 3DT199 that have three active components - sodium hydroxide, sodium tetraborate and sodium benzotriazole. Apple worked with the vendor (Nalco) that maintains the heating hot water system and based on their evaluation of the water in the system at the time of the leak contained Trac109 at a concentration of 0.46 gallons per 1,000 gallons and 3DT199 at a concentration of 0.012 gallons per 1,000 gallons. Nalco also confirmed that neither of these chemicals has been added into the system since 2019.

On March 16, 2021, a sample of the water from the heating hot water system was collected. The pH of the water was field-measured at 9.8, which is below the pH level that would classify the water as hazardous. The water sample was sent under standard chain of custody protocols to Pacific EcoRisk Laboratory, located in Fairfield, California for testing. Pacific EcoRisk performed the 96-hour static Title 22 Hazardous Waste Screening Bioassay. The attached laboratory report demonstrates that the the boiler water sample collected is not acutely toxic to aquatic organisms. Therefore the water, which was released from the heating hot water system is not classified as hazardous waste.

Based on the information provided above and the determination that the water released was not hazardous, the County should be able to close this matter without the need for further enforcement. Should you have any questions or require any information in order to resolve this matter please don't hesitate to contact me.

Best regards,
Celine

Celine Granger
Apple
EHS Lead - Environmental
One Apple Park Way, MS 319-5EHS
Cupertino, CA 95014

Cell: (408)-204-1687
Celine_granger@apple.com

To report incidents, near misses or unsafe conditions, please go to incidents.apple.com

County of Santa Clara

Department of Environmental Health

Hazardous Materials Compliance Division (HMCD)

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

Phone (408) 918-3400 Fax (408) 280-6479 www.EHinfo.org/hazmat



OFFICIAL NOTICE OF INSPECTION

Facility ID: FA0275715

Inspection Date: 03/15/2021

Facility Name: 1 APPLE PARK WAY

Site Address: 1 APPLE PARK WY, CUPERTINO, CA 95014

HW Generator Type:

RCRA LQG

Consent to Inspect Granted By: CELINE GRANGER, EHS LEAD

Pictures Taken

Samples Taken

Summary of Violations & Notice to Comply

Program: PR0416657 - HAZARDOUS WASTE GENERATOR - 2206

Inspection Type: LIMITED INSPECTION

VC	Class	Violation	Corrective Actions Taken
G010	II	HAZARDOUS WASTE DETERMINATION [3030005] Facility failed to determine whether a waste is a hazardous waste. <i>Facility failed to document a hazardous waste determination in writing of a spilled material (now a "waste" as defined in 22CCR, section 66261.2) that was released to the environment. Facility must provide chemical names of both chemicals that were spilled from facility boilers, along with SDS information, and document in writing their determination on whether the released material meets the hazardous waste characteristic of aquatic toxicity. Provide written determination to HMCD for review. Documentation must include chemical identification, SDS sheets, and specific information used to make the determination or laboratory analysis of unspilled materials conducted in accordance with SW-846 and/or Title 22, CCR, section 66261.24(a)(6).</i> <i>NOTE: See comments section below for information regarding aquatic toxicity. Calculations to determine the aquatic toxicity LC50 of a diluted material do not exist.</i> Determine whether the waste is hazardous using generator knowledge, or by having the waste analyzed by a state-certified environmental laboratory. Submit the results of your determination, including any laboratory reports, to HMCD. A list of state-certified laboratories is available at www.waterboards.ca.gov/drinking_water/certlic/labs/documents/elap_certified_hazardous_waste_labs.pdf . Cease any disposal of the waste as non-hazardous waste until the determination is complete. Keep all hazardous waste determination documents for at least 3 years from the date the waste was last shipped. [CCR 66262.11, 66262.40]	

Comments: The following report details information related to a spill of materials at 1 Apple Park Way. Inspection commenced on 3/10/2021 and concluded today with issuance of this report.

Summary of Events:

HMCD received word from County Communications on 3/10/2021 that a spill of potentially hazardous materials was reported at 1 Apple Park Way. HMCD Supervisors notified the designated inspector for this location, Robin Ward, at 4:52 PM. Robin Ward immediately contacted Apple Environmental Contact, Celine Granger, via phone, to get more information of the spill. Ms. Granger relayed that the spill was discovered on the previous day (3/9/2021) and was stopped within 3 hours of discovery. The spill was reportedly from the chillers onsite, though this information was later clarified during and onsite visit that the spill originated from the boilers. Celine stated that the spill had occurred from piping and soaked into the landscaping. She stated that the dilution factor or the chemical in the boiler piping (NalcoTrac 109) was not known. She also stated the total quantity released and the length of the release was not known. While there are storm drains in the vicinity, Ms. Granger could not verify if the release had reached a storm drain due the recent heavy rains. She was also uncertain if samples of the spilled material had been collected. Inspector Ward advised Ms. Granger to report the spill to CalOES and verified the spill reporting number. Inspector Ward noted that the facility was required to report any release or threatened release of a hazardous substance. Inspector Ward also advised Apple to collect a sample of the spilled material and immediately ascertain if it is a hazardous material or a hazardous waste. Inspector Ward also requested copies of the SDS sheet for the spilled chemical, and a full written report from Apple, as soon as possible.

OFFICIAL NOTICE OF INSPECTION

Facility ID: FA0275715
Facility Name: 1 APPLE PARK WAY
Site Address: 1 APPLE PARK WY, CUPERTINO, CA 95014

Inspection Date: 03/15/2021

Summary of Violations & Notice to Comply

On 3/11/2021, Inspector Ward coordinated with Alex Wykoff (Cupertino City Public Works Storm Water Inspector) to arrange for access to Apple to review known information, as no spill reporting information had been received to date from CalOES. During a phone call, Mr. Wykoff stated that Apple contacts indicated that two chemicals may have been present in the boiler, but no specific chemical names were provided. Mr. Wykoff also stated that Apple contacts had notified him that the dilution ratio of chemicals to water in the boiler was 0.12 gallons/1000 gallons of water, and 0.46 gallons/100 gallons of water. Mr. Wykoff stated that he would be meeting with Apple contact, Justin Burks, at 4:15 the same day. Inspector Allen Huerta, of HMCD, arranged to meet Mr. Wykoff and Mr. Burks on location.

Upon arrival on 3/11/2021, Mr. Huerta viewed and photographed the area of the release (landscaping outside of 1 Apple Park Way) and the boilers in the Central Utility Plant (at 4 Apple Park Way). Ms. Granger was available via speakerphone during Mr. Huerta's visit. He did not see any standing liquid at the opening of the storm drain. Ms. Granger indicated via phone call that ACT Environmental representatives had been onsite to assess the landscaping area after discovery of release and had placed the orange stake flags in the affected area. Apple could not provide the full details of ACT's activities, but Mr. Huerta observed an area of disturbed soil. Apple provided a sample of the boiler liquid for Mr. Huerta to sample with a pH strip. Mr. Huerta used one colorimetric pH strip (photographed 3 times) to determine that the boiler liquid had a pH of approximately 9. Mr. Huerta stated that the materials in the boiler did not meet hazardous waste characteristics for corrosivity, but that they may still meet hazardous waste characteristics for toxicity. Ms. Granger indicated via phone conversation that Apple council had advised against reporting the release to CalOES as they did not believe the material was a hazardous substance. Mr. Huerta advised that they make a hazardous waste determination on the material and advised that the spill be reported to CalOES. At the time of Mr. Huerta's visit, no SDS information had been provided by Apple.

On 3/12/2021, Celine Granger sent an email to Inspector Ward to notify that Apple did not yet have an update on the total leak volume.

Additional of Relevant Information:

A review of an SDS sheet for NalcoTrac 109 indicated that the material contains 1-5% (w/w) of Sodium Hydroxide and 20-40% (w/w) of Sodium Nitrite, with a pH of 13. SDS sheet indicates that dried product residue can act as an oxidizer. (SDS obtained from: <http://77pdfs.com/view/67168>) The SDS sheet notes that the concentrated material is "very toxic to aquatic organisms". Aquatic toxicity data for the material for a 96 hour test with rainbow trout shows an LC50 value of 100.83 mg/L.

Nitrite concentration (and subsequent toxicity) in fish is partially dependent of pH of the solution and concentration of chloride ions. Typical nitrite concentrations in water are approximately 0.005 mg/L. Testing data under various conditions for rainbow trout list the LC50 for nitrite to be between 0.15 and 12.6 mg/L and between 3.6 and 13.6 mg/L (for chloride ion concentrations of 10 mg/L). (<https://cires.colorado.edu/limnology/sites/default/files/pubs/Pub079.pdf>)

Per 22CCR 66261.24 (a)(6), any waste with an LC50 of less than 500 mg/L meets the definition of toxic, and may therefore meet the definition of a hazardous waste. Per 22CCR66261.24 (b), aquatic toxicity for diluted materials cannot be calculated using equations listed in this section.

Release Reporting Requirements Pertaining to Hazardous Materials Business Plan (HMBP) Facilities:

The following information has been provided to Apple for informational purposes only. It is strongly advised that Apple independently verify the information included below. HMCD does not conduct HMBP inspections at this location.

Authority Having Jurisdiction over Hazardous Materials Business Plan at 1 Apple Park Way:

Santa Clara County Fire Department (SCCFD)

Facility CERS ID: 10807354

Designated Inspector at SCCFD: Lindsay Morgado

Facility was provided with code sections relevant to HMBP release reporting requirements with this report.

Immediately correct any violation designated as a Class I or Class II violation. Correct all other violations no later than 04/14/2021, unless otherwise noted by the inspector.

Using the space provided, write a brief description of the actions taken by the facility to correct each violation. Attach additional pages if more space is needed. Within 5 days of achieving compliance or within 35 days of the inspection date, whichever comes first, sign the certification statement below and return a copy of this report to HMCD. Time granted for correction of violations does not preclude any enforcement action by HMCD or other agencies. This facility may be subject to reinspection at any time. [Authority: HSC 25185(c), 25187.8, 25404.1.2(c)]

OFFICIAL NOTICE OF INSPECTION

Facility ID: FA0275715
Facility Name: 1 APPLE PARK WAY
Site Address: 1 APPLE PARK WY, CUPERTINO, CA 95014

Inspection Date: 03/15/2021

Summary of Violations & Notice to Comply

Facility would not sign for report but acknowledged receipt in email below. -RW
3/22/21

Received By:



Inspected By: EE0010436 - ROBIN WARD

Certification of Compliance

I certify under penalty of perjury that this facility has complied with directives specified in this Notice to Comply.

Signature of Owner/Operator

Date

Printed Name of Owner/Operator

Title

OFFICIAL NOTICE OF INSPECTION - SUPPLEMENTAL INFORMATION

This Official Notice of Inspection (NOI) documents the results of an inspection by HMCD, including a list of alleged violations, evidence in support of the alleged violations, corrective actions that must be taken by the facility, and general observations.

What am I supposed to do upon receiving a NOI?

- Correct the violations within 30 days of the inspection date, unless otherwise noted.
- In the "Corrective Actions Taken" column, write a brief description of the actions taken by the facility to correct each violation. Attach additional pages if more space is needed.
- Certify that the facility has returned to compliance by signing and dating the certification statement at the end of the report.
- Make a photocopy of the NOI and any attachments for your records.
- Within 5 days of achieving compliance or 35 days of the inspection date, whichever comes first, return the original copy of the report and any attachments to HMCD at 1555 Berger Drive, Suite 300, San Jose, CA 95112-2716 or via e-mail to the inspector noted on the "Inspected By" line of the report.

What if there are violations that cannot be corrected within 30 days?

For each violation that cannot be corrected within 30 days, submit a written Compliance Plan describing the corrective actions you propose to take and the date by which the actions will be completed. State law grants up to 30 days to correct minor violations without penalty. Minor violations that are uncorrected after 30 days, and class I and II violations may be subject to enforcement action. To lessen the possibility of enforcement action, correct all violations as soon as possible.

What if I disagree with a violation on the NOI?

If you disagree with any violation listed in this NOI, you must submit a written Notice of Disagreement to HMCD within 30 days of the inspection date. Address such notices to the attention of the inspector who cited the violation. In your Notice of Disagreement, explain in detail why you believe the alleged violation was incorrectly cited.

What about photographs or samples taken during the inspection?

A co-located sample will be given to you upon request if adequate sample volume is available. Photographs and sample analytical results will not generally be available until after the inspection has been concluded. A copy of photographs and/or analytical results will be provided to you upon written request. Photographs and sample analytical results may be withheld in the event of a criminal investigation or other ongoing investigation.

Key to Acronyms and Regulatory Terms

XX CCR	California Code of Regulations, Title XX
XX CFR	Code of Federal Regulations, Title XX
Class	Violation classification: I = Class I violation, II = Class II violation, M = Minor violation, C = Corrected minor violation [HSC §25110.8.5, HSC §25117.6, CCR §66260.10]
CERS	California Environmental Reporting System (cers.calepa.ca.gov)
DTSC	California Department of Toxic Substances Control
EPA	U.S. Environmental Protection Agency
HMCD	County of Santa Clara, Department of Environmental Health, Hazardous Materials Compliance Division
HSC	California Health and Safety Code
RCRA	Resource Conservation and Recovery Act
SCCO	Santa Clara County Ordinance Code
TSDF	Hazardous waste treatment, storage or disposal facility
UST	Underground storage tank
VC	HMCD violation code

Warning:

- It is a violation of State law to make a false statement that a facility has returned to compliance [HSC §25404.1.2(c)(2)].
- Making a false statement regarding a hazardous waste violation is punishable by a fine of not less than \$2,000 or more than \$50,000 and/or imprisonment in the county jail for up to one year [HSC §25191(b)].
- Making a false statement regarding an underground storage tank violation is punishable by a fine of not less than \$500 or more than \$5,000 [HSC §§25299(a)(8), 25299(b)(7)].
- HMCD has the right to require the submittal of reasonable and necessary documentation in support of any claim of compliance made by your facility [HSC §25187.8(i), 25289(b)].

From: [Celine Granger](#)
To: [Ward, Robin](#)
Cc: [Alex Wykoff](#)
Subject: [EXTERNAL] Re: Report signature
Date: Friday, March 19, 2021 5:34:37 PM
Attachments: [Please DocuSign FA0275715 NOI 2021-03-15UNSI.pdf](#)

Hi Rob,

In follow up to our discussion on Tuesday, I am acknowledging receipt of the notice of inspection you issued to Apple regarding the inspection, which took place on 3/15/2021 at our Apple Park facility (see notice attached).

As we discussed, it is important that we provide some clarifications to the summary of events included in the notice, as there were some inaccuracies.

- Chemicals concentration in the water that was released from the closed loop heat water system:

Trac109

Based off the current concentration, there is approximately 0.46 gallons of Trac 109 per 1,000 gallons.

3DT199

Based off the current concentration, there is approximately 0.012 gallons of 3DT199 per 1,000 gallons.

- We reviewed the information collected to date with Nalco, the vendor that maintains the water closed loop system, and have concluded that based on the very low concentrations of active components in the potential chemicals of concern in the water released, as well as our knowledge of the system and the extensive path through which the released water has to go through before it would be able to reach the City Storm Water system, we have concluded that it is not likely that the release posed any significant present or potential hazard to human health and safety, property of the environment and as such, no reporting to the State OES is required.

- However, Apple is still investigating the release and once all information is available, we will be in a better position to complete our review of this matter including being able to make a waste determination of the water.

Once we have completed our review, we will share the additional information along with a summary of the incident.

Let me know if you have any other questions in the meantime.

Thanks,

Celine

Celine Granger
Apple

EHS Lead - Environmental
One Apple Park Way, MS 319-5EHS
Cupertino, CA 95014

Cell: (408)-204-1687
Celine_granger@apple.com

To report incidents, near misses or unsafe conditions, please go to incidents.apple.com

On Mar 18, 2021, at 5:48 PM, Ward, Robin <robin.ward@cep.sccgov.org> wrote:

Hello Celine,
As discussed, please return a signed copy of the report, or an email acknowledging receipt. Thank you.
Regards,

Rob Ward
Hazardous Materials Specialist

County of Santa Clara
Consumer and Environmental Protection Agency
Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300
San Jose, CA 95112
PH: 408.918.1945 Fax: 408.280.6479
www.ehinfo.org/hazmat