



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

May 9, 2012

Mr. Dave Kawahara  
Kawahara Nursery  
698 Ashland Avenue  
Morgan Hill, CA 95037

Subject: Fuel Leak Case No. RO0000291 and GeoTracker Global ID T0600101605, Kawahara Nursery, 16550 Ashland Avenue, San Lorenzo, CA 94580

Dear Mr. Kawahara:

Alameda County Environmental Health (ACEH) staff has reviewed the recently submitted document entitled, *Former UST Location Investigation for the Kawahara Nursery* dated December 9, 2011, which was prepared by Environmental Forensics and Hydrogeological Consulting (EFHC) for the subject site. ACEH staff has reviewed the case file including the above-mentioned report. The report describes work performed to meet one of the six data gaps identified in both ACEH's petition response dated March 30, 2011 and the Site Conceptual Model (SCM) meeting on October 27, 2011 with the State Water Resources Control Board (SWRCB), ACEH, Kawahara Nursery, Trinity Source Group and EFCH. A work plan was not submitted or approved for the reported work, nor was the required 72 hour advance notification of field work provided. Once the former tank pit was thought to have been discovered, ACEH should also have been notified to observe the work and direct sidewall sampling. These are all part of the long-established industry standard environmental sampling and documentation protocol that were not performed by the consultant and subsequently require additional work

In addition to not having an approved scope of work and proper field notification, the above-mentioned report does not address the other five identified data gaps. Therefore, additional work must be performed before site closure can be considered. ACEH requests that you address the following technical comments and send us a work plan as requested below.

#### **TECHNICAL COMMENTS**

1. **Excavation of the Magnetic Anomaly and Sampling** – The report states that the former 1,000-gallon gasoline UST pit was discovered during the excavation conducted on November 30, 2011. However, ACEH was not notified of pending field work and no samples were collected from what was reported to be the sidewall and the bottom of the UST pit despite the presence of black clay soil on the sidewall and olive green clayey silt on the bottom of the trench. A review of the boring logs does not reveal any soil with either color in any of the site boring logs. This may be an indication that the soil observed during the 2011 excavation was stained, and that confirmation sampling should have been performed. Sampling of the sidewall and bottom of the tank pit is required to determine if a secondary source is present at the site. The presence of a secondary source of hydrocarbons impacting groundwater is

also a remaining data gap. Please present a work plan to determine if residual contamination is present in soil in the tank pit area.

2. **Soil Vapor Survey** – Residential exposure to soil vapor was identified as a significant remaining data gap. Please present a work plan to evaluate the vapor intrusion pathway by the date requested below.
3. **Irrigation well** – Additional information on the use, condition and contaminant concentration was identified as a remaining data gap. We understand that the well is currently not in use but please present information in the report that indicates if the well is intact and submit a plan to sample this well on a one-time basis, in the work plan requested below.
4. **Extent of Contamination Characterization** – An additional data gap is that the downgradient extent of hydrocarbons has not been defined. Please submit a work plan to define the downgradient extent of hydrocarbons by the due date requested below.
5. **Preferential Pathway Study** – A preferential pathway study has not been performed for the site and is a remaining data gap. Please perform a preferential pathway survey including a utility survey and well survey as described below. The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the NAPL and/or plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

a. Utility Survey

An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please include maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.

b. Well Survey

The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. As part of your well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of

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unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Please review and submit copies of historical maps, such as Sanborn maps, aerial photographs, etc., when conducting the background study.

6. **Upload Report to ACEH ftp Site** – ACEH has yet to receive a complete report for the excavation. The report was uploaded to Geotracker but ACEH also requires that reports be submitted to the ACEH ftp site as described in detail in the enclosures. In addition, a perjury statement was not included with the document as also described in the Responsible Party(ies) Legal Requirements/Obligations enclosure. Please upload the requested document by the due date below.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Barbara Jakub), according to the following schedule:

- **May 18, 2012** – Upload Missing Report with perjury statement
- **July 9, 2012** – Soil and Water Investigation Work Plan with Results of the Preferential Pathway Study

Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org).

Sincerely,

Barbara J. Jakub, P.G.  
Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations  
ACEH Electronic Report Upload (ftp) Instructions

cc: Franklin Goldman, EFHC, PI Box, 224, Roseville, CA 95661 (*Sent via E-mail to: [fjgoldmanchg@yahoo.com](mailto:fjgoldmanchg@yahoo.com)*)  
Debra Moser, Trinity Source Group, Inc., 500 Chestnut St., Suite 225, Santa Cruz, CA 95060 (*Sent via E-mail to: [djm@tsgcorp.net](mailto:djm@tsgcorp.net)*)  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (*Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com)*)  
Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Barbara Jakub, ACEH (*Sent via E-mail to: [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org)*)  
Benjamin Henningburg, SWRCB, 1001 I St., 17<sup>th</sup> Floor, Sacramento, CA (*Sent via E-mail to: [BHenningburg@waterboards.ca.gov](mailto:BHenningburg@waterboards.ca.gov)*)  
GeoTracker, 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.