

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY

COLLEEN CHAWA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP)  
For Hazardous Materials Releases  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

March 14, 2018

Neishi Brothers Nursery  
c/o: Dan S. Neishi Trust &  
Mitsugi Neishi Heirs of Estate et al.  
357 105<sup>th</sup> Avenue  
Oakland, CA 94603

Subject: Fuel Leak Case No. RO0003156 and GeoTracker Global ID T10000006426, Neishi Brothers Nursery, 357 105<sup>th</sup> Avenue, Oakland, CA 94603

Dear Neishi Brothers Nursery:

Alameda County Department of Environmental Health (ACDEH) is providing regulatory oversight of the leaking underground storage tank (LUST) case at the subject site. As you know, on August 26, 2016, Almar Environmental (Almar) submitted the *Groundwater Investigation Report, Well Survey, and Request for Closure* (RFC), on your behalf for the subject site. On June 29, 2017, ACDEH issued a directive letter presenting our findings that the case is not eligible for closure as the site fails to meet the State Water Board's Low-Threat Underground Storage Tank Closure Policy (LTCP) General Criteria e – Site Conceptual Model, and Media-Specific Criteria for Groundwater, Vapor Intrusion to Indoor Air and Direct Contact.

Subsequent to issuance of our June 29, 2017 directive letter, ACDEH reviewed the case closure denial with the State Water Resources Control Board (State Water Board). The State Water Board concurred with ACDEH that the site does not meet the LTCP criteria for closure as a low risk site and issued their findings in a letter dated December 8, 2017.

ACDEH also met with you and your consultant Almar on August 28, 2017 to discuss the data gaps at the site as detailed in ACDEH's June 29, 2017 letter and a path forward to advance the case to closure. Subsequent to the meeting, Almar submitted a proposed scope of work in an email correspondence to ACDEH on October 4, 2017. The proposed scope of work includes the following activities:

1. Soil Sampling – Collection of shallow soil samples at depths of 2 and 5 feet below ground surface (bgs) from four (4) boring locations within and immediately adjacent to the former tank pit and analysis of total petroleum hydrocarbons as gasoline and diesel (TPHg and TPHd, respectively). The purpose of these samples is to collect data to determine if a bioattenuation zone exists at the site in the vicinity of the former tank pit where residual contamination remains in soil and concentrations of benzene and ethylbenzene in soil gas exceed the residential and commercial LTCP vapor intrusion criteria for sites without a bioattenuation zone.
2. Soil Gas Sampling – Installation of a temporary soil gas sampling point located directly adjacent to the unoccupied on-site residential structure and collection of one soil gas sample for analysis of TPHg, volatile organic compounds (VOCs), percent oxygen and helium. The purpose of this sample point is to further delineate the soil vapor plume at the site to determine if there are potential soil vapor intrusion concerns to the site building, which is located approximately 30 feet from the former tank pit.
3. Grab Groundwater Sampling – Collection of one grab groundwater sample from a temporary boring south of the former tank pit and analysis of TPHg, benzene, ethylbenzene, toluene and xylenes (BTEX), methyl tertiary butyl ether (MTBE), and naphthalene. The purpose of this sample is to

further define the groundwater plume in the downgradient direction where previous samples collected near this point had elevated laboratory detections limits.

4. **Well Sampling** – Collection of one sample from the onsite water supply well located less than 100 feet from the former tank pit and analysis for the same constituents as those for grab groundwater samples. Almar notes that two offsite wells previously identified in their Well Survey appear to be monitoring wells left over from a former fuel release case previously associated with 342 – 344 105<sup>th</sup> Ave and thus does not propose to sample these wells.

ACDEH generally concurs with the proposed scope of work and therefore, at this juncture requests that you address the technical and administrative comments provided below, formalize the scope of work in a Work Plan, upload a signed copy of the Work Plan to the State Water Board's Geotracker database, conduct the work, and submit a technical report documenting the results of the investigations.

### **TECHNICAL COMMENTS**

1. **Groundwater Sampling.** According to the Underground Tank Technical Closure Report prepared by Environmental Restoration Services for the subject site, the UST material last stored in the tank was diesel. In the Initial Soil and Water Investigation Workplan and Site Conceptual Model dated May 4, 2015, Almar states that UST was originally believed to have contained diesel but during the removal activities was found to contain gasoline. Results of previously collected samples document both TPHg and TPHd in soil and groundwater. Therefore, please include TPHd in the list of analytes for the groundwater samples collected from the onsite well and the grab groundwater sample. Also please review the suite of analysis for previous groundwater samples collected at the site to verify that fuel oxygenates associated with TPHg have been evaluated. If data gaps are identified please include those analytes that have not been previously been tested for in the list of analytes.
2. **Soil Vapor Sampling.** Please install a permanent soil vapor probe rather than a temporary probe to facilitate collection of additional data if warranted by the results of the proposed soil vapor sampling. Please analyze soil gas samples for VOCs, fixed gases including oxygen, nitrogen, methane and carbon dioxide, and the leak detection compound.

### **ADMINISTRATIVE COMMENTS**

1. **Secondary Source Removal.** During the August 28, 2017 meeting we discussed the LTCP criteria for removal of contamination in the immediate vicinity of the former UST pit. During the meeting we discussed the possibility of leaving the secondary source material in place if the results of additional field investigation activities demonstrated that it did not pose risk to human health or the environment under the existing site configuration. Please note that if secondary source remains at the site after case closure, ACDEH may require appropriate administrative and/or institutional controls including but not limited to a Site Management Plan to address residual risk at the site.
2. **Soil, Soil Vapor and Groundwater Investigation Report.** Please document the results of the soil, groundwater and soil vapor investigation in a report and submit to ACDEH for review. Please update the Conceptual Site Model and address ACDEH's comments provided in our June 29, 2017 directive letter.
3. **GeoTracker Compliance.** A review of the State Water Board's GeoTracker website indicates requisite information has not been uploaded to the case file including laboratory analytical data in electronic deliverable format (edf), boring logs, site maps, etc. Your site is currently out of compliance with ACDEH's June 29, 2017 directive regarding GeoTracker compliance. Please upload the requisite data and submit documentation certifying successful upload of the data in accordance with the timeline presented below.

### **COMPLIANCE DATES**

Please submit the following documents to ACDEH by the specified compliance date by uploading them to the case file on the State Water Board's GeoTracker database (refer to Attachment 1).

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- **April 14, 2018** – Geotracker Compliance Certification
- **July 13, 2018** – Soil, Groundwater and Soil Vapor Investigation Report

If you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6767 or send me an electronic mail message at [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org).

Dilan Roe, PE, PE  
Chief – Land Water Division

Attachments:

Attachment 1 – Responsible Party(ies) Legal Requirements / Obligations

cc: Forrest Cook, Almar Environmental, 407 Almar Avenue, Santa Cruz, CA 95060 (Sent via E-mail to: [cook.forrest@gmail.com](mailto:cook.forrest@gmail.com))

Dilan Roe, ACDEH, (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Paresh Khatri, ACDEH; (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))

Electronic File; GeoTracker

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 14, 2017
	<b>ISSUE DATE:</b> July 25, 2012
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

#### REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

#### Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

#### Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

#### ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO\_MAP, GEO\_XY, GEO\_Z, GEO\_BORE, GEO\_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/))

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

#### GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values<sup>1</sup> as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

#### **GeoTracker Upload Table Example**

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
<b>2016 Subsurface Investigation Report</b>	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
<b>2012 Site Assessment Work Plan</b>	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2010 GW Investigation Report</b>	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

<sup>1</sup> GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> NA
	<b>ISSUE DATE:</b> December 14, 2017
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

**ACKNOWLEDGEMENT STATEMENT**

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

**PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS**

The California Business and Professions Code (Sections 6731, 6735, and 7835) 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 licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

**UNDERGROUND STORAGE TANK CLEANUP FUND**

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: [https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/](https://www.waterboards.ca.gov/water_issues/programs/ustcf/)

**AGENCY OVERSIGHT**

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.