

ALAMEDA COUNTY  
HEALTH CARE SERVICES



ENVIRONMENTAL HEALTH DEPARTMENT  
OFFICE OF THE DIRECTOR  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

AGENCY

ALEX BRISCOE, Agency Director

Certified Mail #: 7009 2820 0001 4359 7337

April 7, 2015

**NOTICE OF RESPONSIBILITY**

Site Name & Address:

**NEISHI BROTHERS NURSERY**  
**357 105TH AVE**  
**OAKLAND, CA 94603**

Local ID: **RO0003156**  
Related ID: **NA**  
RWQCB ID: **NA**  
Global ID: **T10000006426**

Responsible Party:

**NEISHI BROTHERS NURSERY**  
**C/O: NEISHI, DAN S. TRUST &**  
**NEISHI, MITSUGI HEIRS OF ESTATE, ET AL.**  
**359 105TH AVENUE**  
**OAKLAND CA 94603**

Date First Reported: 12/8/2014  
Substance: 12034, 8006619 Multiple Releases  
Funding for Oversight: LOPS - LOP State Fund  
Multiple RPs?: No

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified NEISHI BROTHERS NURSERY (C/O: NEISHI, DAN S. TRUST & NEISHI, MITSUGI HEIRS OF ESTATE, ET AL. as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency, within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5752.

Pursuant to section 25296.10(c)(6) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the designation process.

Please contact your caseworker MATTHEW SOBY at this office at (510) 567-6725 if you have questions regarding your site.



Date: 04-07-2015

RONALD BROWDER, Acting Director  
Contract Project Director

Action: Add  
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

April 7, 2015

Site Name & Address:

**NEISHI BROTHERS NURSERY**  
**357 105TH AVE**  
**OAKLAND, CA 94603**

Local ID: RO0003156  
Related ID: NA  
RWQCB ID: NA  
Global ID: T10000006426

**All Responsible Parties**

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**RP has been named a Primary RP - NEISHI BROTHERS NURSERY**  
**C/O: NEISHI, DAN S. TRUST & NEISHI, MITSUGI HEIRS OF ESTATE, ET AL.**  
359 105TH AVENUE | OAKLAND, CA 94603 | Phone (650) 352-3216

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**Responsible Party Identification Background**

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

April 7, 2015

### Responsible Party Identification

#### Existence of Unauthorized Release

On November 25, 2014, one 1,000-gallon underground storage tank (UST), related product piping, and dispenser were removed from the site. The UST historically contained either gasoline or diesel. The Underground Storage Tank Closure/Removal Field Inspection Report noted that the tank was corroded, obvious soil discoloration and odors were noted in the tank bed, and holes was observed in the tank. During tank excavation, concentrations up to 106 milligrams per kilogram (mg/kg) ethylbenzene, 48.3 mg/kg total xylenes, 497 mg/kg Total Petroleum Hydrocarbons as gasoline (TPH-g) were detected in soil taken from beneath the UST at depths of 7.5 and 8 feet below ground surface. These data indicate that an unauthorized release occurred at this site.

#### Responsible Party Identification

Neishi, Dan S. Trust & Neishi, Mitsugi Heirs of Estate, et al. (aka Neishi Brothers Nursery) purchased the property, or acquired the title, on July 18, 2012 and Neishi, Dan S. Trust & Neishi, Mitsugi Heirs of Estate, et al. (aka Neishi Brothers Nursery) is a responsible party because they owned or operated an underground storage tank used for the storage of any hazardous substance (Definition 1); they currently own the property where an unauthorized release has occurred (Definition 3); and they had control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance (Definition 4).