



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

June 28, 2013

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

Mr. John Kawahara
Kawahara Nursery
698 Burnett Avenue
Morgan Hill, CA 95037
(Sent via E-mail to:
JKawahara@KawaharaNurseries.com)

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 case file for the above-referenced site including the following documents prepared by Environmental Forensics & Hydrogeological Consulting (EFHC) on your behalf:

- *Soil Gas and Down Gradient Groundwater Grab Sampling Investigation (SVI)*, dated March 12, 2013. The SVI presents details of the soil vapor and soil sampling investigation that was performed for the site in February 2013. In this report, EFHC concludes that "The laboratory results along with the strategic placement of recent confirmation soil borings has identified very low concentrations of hydrocarbons that are not a significant threat to health", and therefore recommends abandonment of the six on-site groundwater monitoring wells and site closure.
- *Subsurface Investigation Report (SWI)*, dated October 16, 2012. The SWI report presents data from advancement of eight confirmation soil borings "in the vicinity of the former underground storage tank (UST) location" and installation of one on-site "down gradient" groundwater monitoring well (MW-6). EFHC concludes that "Laboratory results of soil sampling demonstrate that the area investigated has very little residual gasoline contamination and the residual gasoline identified is an insignificant threat to human health, the waters of the state, and the environment." EFHC further states "This site should be closed and the groundwater monitoring wells abandoned without further delay."
- *Former UST Location Investigation for the Kawahara Nursery (Excavation Report)*, dated December 9, 2011. The Excavation Report describes "a backhoe trenching subsurface investigation [that] was performed at the suspected location of the former gasoline UST located at the north end of the Kawahara Nursery". In this report EFHC concludes that "after completion of the backhoe trenching excavation, multiple lines of evidence demonstrated that the former gasoline UST had been removed at sometime in the past." EFHC further concludes that "Given that the former location of the gasoline UST was the only remaining obstacle to site closure, and that the former location has been verified, this site should be closed, immediately", and the groundwater monitoring wells be abandoned.

The above listed documents were prepared by EFHC and submitted on your behalf subsequent to the October 27, 2011 Site Conceptual Model (SCM) meeting with representatives of the State Water Resources Control Board (SWRCB), ACEH, Kawahara Nursery, Trinity Source Group, and EFHC. The SCM meeting was held to discuss your November 10, 2010 letter to the SWRCB to Petition for Case Closure, and ACEH's comments in our March 30, 2011 Petition Response letter. At the conclusion of this meeting, the SWRCB and ACEH agreed that the SCM was incomplete and that additional investigation was required to address remaining data gaps prior to considering the site for case closure.

ACEH has evaluated the data and recommendations presented in the above-mentioned reports, in conjunction with the case files, and the SWRCB's Low Threat Underground Storage Tank Case Closure Policy (LTCP). Prior to making a LTCP case closure determination, ACEH would like to invite you and your consultants to attend an SCM meeting at our office to discuss the data presented in the reports listed above and resolve the issues identified in the technical comments provided below. Please contact us by July 10, 2013 to schedule a meeting to strategize about the most efficient path to closure of your site.

TECHNICAL COMMENTS

1. **Confirmation Sampling in the UST Area** – The purpose of the excavation conducted by EFHC in November 30, 2011 was to confirm whether the former gasoline UST had been removed from the site as discussed in the October 27, 2011 SCM meeting. Please note, that no confirmation samples were collected during this investigation. Additionally, a work plan was not submitted to or approved by ACEH for the reported work, nor was the required 72 hour advance notification of field work provided. During the investigation, EFHC should have notified ACEH to observe the work and direct sidewall sampling in the suspected location of the former UST.

In the Excavation Report, EFHC observed "black clay soil on the sidewall and olive green clayey silt on the bottom of the trench". Based on this observation ACEH requested that confirmation soil samples be collected from beneath the excavated area in the suspected tank location and particularly the black and olive stained soil. This request was based on ACEH's review of soil boring logs from the site where no other on-site soil was noted to be these colors.

In September 2012, EFHC advanced "confirmation" soil borings Z-1 through Z-4. However, ACEH's review of the data presented in the SWI does not clearly indicate that the samples were collected from the areas of the stained soil as requested by ACEH. In addition, the boring were advanced only to a maximum depth of 9 feet. No deeper samples were obtained from the borings and no samples were collected from the bottom of the tank pit as requested in ACEH's letter dated May 9, 2012.

2. **Groundwater Contaminant Plume Delineation** – During the September 2012 investigation, EFHC installed groundwater monitoring well MW-6 to help delineate the groundwater contaminant plume. Installation of well MW-6 was not requested or approved by ACEH. This well appears to be located in the upgradient or cross-gradient direction of the source and area that was specifically identified as a data gap in both the October 27, 2011 SCM meeting and ACEH's May 9, 2012 directive letter and therefore

does not provide useful data for downgradient plume delineation. Additionally, ACEH's review of the GeoTracker database indicates that this well has not been surveyed.

Grab groundwater samples were collected during the SVI investigation in February 2013 downgradient of borings SB-4 and SB-5 in an additional attempt to delineate the extent of the groundwater contaminant plume. The grab groundwater sample collected from boring GW-grab3 contained 72,000 micrograms per liter ($\mu\text{g/L}$) total petroleum hydrocarbons as gasoline (TPHg) and 920 $\mu\text{g/L}$ of naphthalene. Although TPHg and naphthalene concentrations in the grab groundwater sample collected downgradient from GW-grab3 from boring GW-grab1 were below the laboratory detection limits, ACEH is concerned that this limited data set does not adequately define the downgradient extent of the plume.

3. **Preferential Pathway Study** – Depth to groundwater at the site has historically ranged from 5.76 feet below ground surface (bgs) to 12.34 feet bgs. Therefore, ACEH is concerned that there is a potential for groundwater to intersect utility trenches at the site. A preferential pathway study has not been performed for the site to address this data gap. The purpose of a preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the non-aqueous phase liquid (NAPL) and/or plume encountering preferential pathways and conduits that could spread contamination both vertically and laterally.

Additionally, five wells have been identified in the vicinity of the site during a previous well survey; however, the locations of these wells have not been identified on a map. These wells could act as preferential pathways for vertical migration of contaminants and/or potentially expose sensitive receptors in the site vicinity to contaminants through the use of groundwater from these wells. The irrigation well located on-site has not been destroyed. This well must be properly destroyed before closure can be considered.

4. **Electronic Submittal of Information (ESI) Compliance** – A review of the GeoTracker database indicates that requisite boring logs (GEO_BORE) and survey data (GEO_xy and GEO_z) have not been uploaded or have been uploaded incorrectly. Please upload this information as per the State Water Quality Control Board requirements.
5. **SCM** – Although additional data has been collected, as discussed above, to address the data gaps identified in the October 27, 2011 SCM meeting, this data has been presented in a piecemeal fashion. As a result an appropriate analysis cannot be conducted to determine whether the data gaps have been adequately addressed, as described in Technical Comments 1 through 3 above. Therefore, ACEH requests your attendance at an SCM meeting. The objective of this meeting will be to determine the most efficient path forward for closure of your site. Please come prepared to present an updated SCM that synthesizes the recent data presented in the Excavation Report, the SWI, and the SVI to address ACEH's concerns as described above.

Mr. Kawahara
RO0000291
June 28, 2013, Page 4

TECHNICAL REPORT REQUEST

Please contact ACEH by the date below to schedule the SCM meeting:

- **July 10, 2013** – Contact ACEH to schedule SCM meeting
- **July 28, 2013** – ESI Compliance – Upload to GeoTracker Database

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.

Sincerely,

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

Enclosure: Attachment 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*)
Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Dilan Roe, ACEH (*Sent via E-mail to: dilan.roe@acgov.org*)
Barbara Jakub, ACEH (*Sent via E-mail to: barbara.jakub@acgov.org*)
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/).

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: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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.