



AGENCY

Certified Mail #: 7009 2820 0001 4372 7703

April 09, 2012

NOTICE OF RESPONSIBILITY

Site Name & Address:

**KAITZ RESIDENTIAL
40 CROCKER AVE
PIEDMONT, CA 94611**

**Local ID: RO0003081
Related ID: NA
RWQCB ID: NA
Global ID: T10000003416**

Responsible Party:

SPENCER & ROBERTA KAITZ

**2811 CASTRO VALLEY BLVD STE 111
CASTRO VALLEY CA 94546**

**Date First Reported: 11/2/2010
Substance: 12034 Diesel fuel oil and additives, Nos.1-D, 2-D,
2-4
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 NA 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 DETTERMAN, MARK, at this office at (510)567-6876 if you have questions regarding your site.


ARIU LEVI, Director
Contract Project Director

Date: 4/9/12

Action: Add
Reason: NEW

Attachment A: Responsible Parties Data Sheet
Attachment 2: March 30, 2012 ACEH Correspondence

cc: Jenniffer Jorden, SWRCB, D. Drogos (Sent via electronic mail to donna.drogos@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

April 09, 2012

Site Name & Address:

**KAITZ RESIDENTIAL
40 CROCKER AVE
PIEDMONT, CA 94611**

**Local ID: RO0003081
Related ID: NA
RWQCB ID: NA
Global ID: T10000003416**

All Responsible Parties

RP has been named a Primary RP - SPENCER & ROBERTA KAITZ

2811 CASTRO VALLEY BLVD STE 111 | CASTRO VALLEY, CA 94546 | Phone (510) 681-6976

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."

ACEH has named the responsible parties for this site as detailed below.

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

April 09, 2012

Responsible Party Identification

Existence of Unauthorized Release

On April 13, 2010 one 1,500-gallon steel underground storage tank (UST) was removed from the subject site. The UST is reported to have contained diesel. The UST was found to be in poor condition with at least one visible hole. Groundwater was present in the excavation and a groundwater sample was collected from the UST pit. The sample detected a maximum concentration of 1,640 micrograms per liter ($\mu\text{g/L}$) TPHd and 2.3 $\mu\text{g/L}$ benzene in the tank pit groundwater sample. The data indicate that an unauthorized release has occurred at the site.

Responsible Party Identification

Spencer and Roberta Kaitz are the current property owners associated with the UST, having purchased the property in July 1981. Spencer and Roberta Kaitz are responsible parties for the site because they owned a UST used for the storage of a hazardous substance (Definition 1), owned the property where an unauthorized release has occurred (Definition 3) and had control over the UST at a time following an unauthorized release of a hazardous substance (Definition 4).



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-933

March 30, 2012

Spencer and Roberta Kaitz
Kaitz Residence
40 Crocker Avenue
Piedmont, CA 94611

Subject: Request for Site Investigation Work Plan; Fuel Leak Case No. RO0003081 and GeoTracker Global ID T10000003416, Kaitz Residential, 40 Crocker Avenue, Piedmont, CA 94611

Dear Mr. & Mrs. Kaitz:

Alameda County Environmental Health (ACEH) has reviewed the case file, including the April 23, 2010 *Tank Closure Report* generated by Golden Gate Tank Removal, Inc (Golden Gate). The report documents the April 13, 2010 removal of one 1,500-gallon underground storage tank (UST) at the subject site. The UST is reported to have contained diesel and at least one hole is reported. A confirmation soil sample could not be collected at the base of the UST due to the rockiness of the soil. Following removal of the UST, a groundwater sample was collected in lieu of a soil sample and 1,640 micrograms per liter ($\mu\text{g/L}$) TPHd, 2.3 $\mu\text{g/L}$ benzene, 1.4 ppb toluene, and 0.93 ppb xylenes were documented to be present in the tank pit groundwater sample. Product piping was not found, and was assumed to have been previously removed.

Based on the elevated levels of TPHd in the groundwater sample, there is evidence of a potential petroleum release to the subsurface. Further work is required to assess the extent of contamination around the area of the former UST. Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **Request for a Work Plan** – In order to determine the magnitude of residual contamination in soil and groundwater beneath the excavation, ACEH requests the submittal of a work plan by a consultant qualified to undertake the work by the date identified below.
2. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates the site has not yet been claimed. Because this is a state requirement, ACEH requests that the site be claimed in GeoTracker by the date identified below.

Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all

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.