

# County of Santa Clara

Department of Environmental Health

1555 Berger Drive, Suite 300  
San Jose, California 95112-2716  
(408) 918-3400  
www.EHinfo.org



April 30, 2014

Mr. Brian Kelleher  
Kelleher & Associates  
5655 Silver Creek Valley Rd., PMB 281  
San Jose, CA 95138

Subject: Fuel Leak Investigation for Former Commercial Fueling Systems, 1170 North Fourth Street, San Jose, CA, Case No. 10-091, SCVWDID #06S1E31Q07f.

Dear Mr. Kelleher

The Department of Environmental Health (DEH) spoke to your environmental consultant over the phone on April 29, 2014 regarding the current site conditions. Your consultant stated their opinion that additional soil vapor assessment was needed and that the work would be used to evaluate potential human health risk.

The DEH agrees that additional soil vapor assessment will provide information that can be used to evaluate potential human health risk. The proposed scope of work should be submitted to the DEH in a workplan according to the schedule listed below.

The No Further Action letter prepared by the DEH and dated April 23, 2014 is rescinded. The DEH will evaluate the site for potential closure after the soil vapor assessment work is completed.

## Technical Document Request

Please submit the required document to the DEH (Attention: Mr. Gerald O'Regan), by the date listed below.

- Soil Vapor Assessment Workplan – **June 13, 2014**

Reports are requested pursuant to our authority under Sections 25289 and 25296.10 of the California Health and Safety Code. Each report shall include conclusions and recommendations for the next phases of work required to protect water resources, human health and safety, and the environment at the site. We request that all required work be performed in a prompt and timely manner. Revisions to the schedule shall be requested in writing at least two weeks prior to the due date with appropriate justification for the anticipated delays and a proposed revised schedule. The California Business and Professions Code (Sections 6735, 7835, and 7835.1) require that

work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments must be performed under the direction of an appropriately registered or certified professional.

### **Technical Report Submittal Process Change**

Effective April 1, 2014, the DEH will no longer be updating the LUSTOP website (electronic case files). Effective April 1, 2014, LUSTOP will be a historical case record only for all cases prior to that date. All reports and correspondence should be uploaded directly to Geotracker and notification provided to the caseworker via email of the upload. The assigned caseworker will accept and review all documents in Geotracker. Do not submit paper copies of reports to this office.

### **Perjury Statement**

All proposals and reports submitted to this office must be accompanied by a cover letter from the responsible party which states, at a minimum, the following:

"I declare, under penalty of perjury, that the information and/or recommendations contained in the attached proposal 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.

If you have any questions, please contact me at (408) 918-1974.

Sincerely,



Gerald O'Regan, PG  
Environmental Health Geologist  
Local Oversight Program  
Gerald.O'Regan@deh.sccgov.org

cc: Matthew Paulus, RRM, (MPaulus@RRMsc.com)  
Bill Cameron, SCVWD (BCameron@ValleyWater.org)  
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