



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

April 5, 2010

Ms. Ann Marie Holland Tiers  
Estate of Jack Holland  
1498 Hamrick Lane  
Hayward, CA 94544

Ms. Barbara Holland  
P.O. Box 5  
Kentfield, CA 94914

Mr. Lawrence Lepore (*Sent via E-mail to: [lepl@haywardrec.org](mailto:lepl@haywardrec.org)*)  
Hayward Area Recreation and Park District  
1099 E Street  
Hayward, CA 94541

Subject: Fuel Leak Case No. RO0000212 and Geotracker Global ID T0600100709, Holland Oil, 16301 East 14<sup>th</sup> Street, San Leandro, CA 94580 – Soil Management Plan

Dear Ms. Tiers, Ms. Holland, and Mr. Lepore:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site including the recently submitted documents entitled, "*Soil Management Plan Implementation, HARD-RDA Holland Park Property, 16301 East 14<sup>th</sup> Street, San Leandro, California,*" dated February 5, 2010 (SMP) and received by ACEH on March 22, 2010.

The SMP proposes actions to monitor the excavation and grading activities prior to and during planned park construction in order to evaluate and manage known conditions and unknown environmental features that might be encountered during site excavation, grading, and development. Soils containing petroleum hydrocarbons and polychlorinated biphenyls (PCBs) were encountered in shallow soils during remedial excavation throughout a portion of the site. There is a high likelihood that contaminated soils will be encountered during excavation and grading for the planned park. Due to the residual soil contamination that remains in place at the site, the soils that were exposed during remedial excavation must be covered by a continuous hard surface such as concrete or asphalt or a minimum of one foot of clean fill or landscaped materials. The surface cap is part of the site remedy and emplacement of the surface cap must be verified and documented as discussed in the technical comments below.

The SMP is generally acceptable for implementation provided that the technical comments below are incorporated. We request that you address the technical comments below, perform the proposed work, and submit the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Verification and Documentation of Fill Thickness and Surface Cover and Oversight during Excavation and Grading.** As part of park construction, the soils that were exposed during excavation must be covered by a continuous hard surface such as concrete or asphalt or a minimum of one foot of clean fill or landscaped materials. A SMP field coordinator who is a California Professional Geologist or Engineer or is under the direct supervision of a California Professional Geologist or Engineer must be on-site during excavation and grading activities to conduct the actions outlined in the SMP. These activities include but are not limited to management of contaminated soils

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that will be encountered during excavation and grading, monitoring of conditions in areas of known impact, observation and reporting of unknown environmental features and conditions, visual monitoring for dust and vapor hazards during construction, soil sampling if and when needed, and recording and mapping of surface cover emplacement. Based on the observations and recording conducted by the SMP field coordinator, we request that you submit an Excavation, Grading, and Surface Cap Construction Report that documents the surface cover emplaced during grading and construction activities for the park. The documentation is to include a map showing the areas of hard cover and the thickness of clean fill emplaced over the soil that was exposed during remedial excavation. Please provide 5-days advance notification to ACEH (e-mail preferred to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)) prior to the start of excavation activities in order to schedule site inspection.

2. **Deed Restriction.** As previously noted, a deed restriction is required to prevent exposure during future activities that may disturb the protective surface cap and for long-term management of residual contamination at the site. We note that a deed restriction was to be included as an appendix to the SCM but was not ready for submittal with the SMP. Please submit a deed restriction to ACEH for review. ACEH approval and signing of the deed restriction will be required prior to consideration of case closure.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **September 23, 2010** – Excavation, Grading, and Surface Cap Construction Report

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

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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.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

#### 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.

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If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org).

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Markus Niebanck, Amicus, 580 Second Street, Suite 260, Oakland, CA 94607 (*Sent via E-mail to:*  
[markus@amicusenv.com](mailto:markus@amicusenv.com))

Kris Larson, Ninyo & Moore, 1956 Webster Street, Suite 400, Oakland, CA 94612 (*Sent via E-mail*  
*to:* [klarson@ninyoandmoore.com](mailto:klarson@ninyoandmoore.com))

Judy Reid, State Water Resources Control Board, Division of Financial Assistance, P.O. Box 944212  
Sacramento, CA 94244-2120 (*Sent via E-mail to:* [JREID@waterboards.ca.gov](mailto:JREID@waterboards.ca.gov))

Donna Drogos, ACEH (*Sent via E-mail to:* [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Jerry Wickham, ACEH

Geotracker, File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

#### 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)
    - Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
  - 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 and Firefox browsers will not open the FTP site.
  - b) Click on File, then on Login As.
  - 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.