



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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April 6, 2010

Mr. Lee Cover (*Sent via E-mail to: Lee.Cover@hanson.biz*)
Hanson Aggregates West Region
12667 Alcosta Blvd., Suite 400
San Ramon, CA 94583

Mr. Steven Dunn
Legacy Partners
4000 East Third Avenue, Suite 600
Foster City, CA 94404-4805

Subject: SLIC Case RO0002941 and Geotracker Global ID SLT19719376, Hanson Aggregates Radum Plant, 3000 Busch Road, Pleasanton, CA 94566 – Conditional Work Plan Approval for AOC #1

Dear Mr. Cover and Mr. Dunn:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the following items:

- A document prepared by Baseline Environmental entitled, "Closure Plan Report, Radum Plant," and is dated January 25, 2005. This document was previously not in our case files.
- Correspondence dated October 26, 2009 from Hanson Aggregates.
- Correspondence dated November 4, 2009 from Legacy Partners.
- Correspondence dated November 23, 2009 from Hanson Aggregates.
- Correspondence dated January 28, 2010 from the law firm of Allen Matkins Leck Gamble Mallory & Natsis LLP submitted on behalf of Legacy Pleasanton Land, LLC.
- "Revised Closure Plan for the Former Hanson Aggregates Radum Facility," prepared by LFR dated January 29, 2010 submitted by Hanson Aggregates.
- "Area of Concern #1 Additional Soil Investigation Report," prepared by LFR dated February 12, 2010 submitted by Hanson Aggregates.

The Hanson Aggregates (Hanson) correspondence dated October 26, 2009 indicates that closure requirements for AOC#2 and AOC#3 are the responsibility of Legacy Partners (Legacy) while the Legacy correspondence dated November 4, 2009 indicates that Hanson is responsible for closure activities in all areas of the site. Similarly, the cover letter to the January 29, 2010 Revised Closure Plan submitted by Hanson indicates that closure responsibilities for AOC1 belong to Hanson but closure responsibilities for AOCs 2 and 3 belong to Legacy. In contrast, the January 28, 2010 correspondence submitted on behalf of Legacy by the law firm of Allen Matkins Leck Gamble Mallory & Natsis LLP maintains a position that all responsibility for submittal and implementation of a Revised Closure Plan rests with Hanson. The January 28, 2010 correspondence goes on to state that Legacy does not intend to submit any documentation related to a Revised Closure Plan. Based on the above correspondence, neither party is willing to undertake the required work in AOCs 2 and 3.

Mr. Lee Cover
Mr. Steven Dunn
RO0002941
April 6, 2010
Page 2

We wish to clarify that ACEH does not designate specific areas of responsibility between responsible parties and does not arbitrate responsibilities based on any private agreements or contracts. Hanson Aggregates as previous property owner and Legacy Partners as current property owner are both responsible parties and as such the parties have joint and several liability for implementing the required actions at the site. Therefore, the responsible parties must resolve the issue of Revised Closure Plan preparation for AOCs 2 and 3 amongst themselves and submit a Revised Closure Plan for AOCs 2 and 3 accordingly. The Revised Closure Plan for AOCs 2 and 3 is to be submitted to both the Livermore-Pleasanton Fire Department and ACEH.

In the interest of achieving progress in AOC1, this correspondence provides conditions under which the proposed soil excavation in AOC1 may be implemented. These conditions include the following:

1. Removal and disposal of surface features including structures, piping, and liquid or solid chemicals in the proposed area of excavation in AOC1 must be acceptable to the Livermore-Pleasanton Fire Department. Written concurrence regarding removal of the surface features and chemicals in the area of excavation as proposed in the January 29, 2010 Revised Closure Plan must be obtained from Livermore-Pleasanton Fire Department prior to initiating excavation.
2. The proposed soil excavation is to be implemented in accordance with plans presented in the "*Work Plan for Excavation of Petroleum Hydrocarbon-Affected Soil at the Former Hot Mix Asphalt Plant Area (AOC #1)*" dated March 21, 2008 and "*Area of Concern #1 Additional Soil Investigation Report,*" dated February 12, 2010, and the technical comments below.

We want to make it clear that conditional approval of the proposed work in AOC1 is not concurrence that delaying work in AOC2 and AOC3 is acceptable. The January 29, 2010 Revised Closure Plan is deficient in addressing AOCs 2 and 3. Submittal of a Revised Closure Plan for AOC2 and AOC3 remains a requirement for this site that must be addressed by the responsible parties. We request that you address the following technical comments, perform the proposed work, and send us the reports requested below.

TECHNICAL COMMENTS

1. **Areas of Excavation and Confirmation Soil Sampling.** We note that the proposed areas of excavation are square or rectangular areas generally centered upon soil borings. The excavations are to be extended as necessary in any areas where visual inspection or field screening indicates contamination remains in place or the analytical results from confirmation soil samples exceed relevant screening levels. Sidewall confirmation soil samples are to be collected every 20 linear feet from the depth where the highest degree of staining or odor was observed during the soil removal or as directed during field inspection by either ACEH or Livermore-Pleasanton Fire Department. Confirmation soil samples from the base of the excavation are to be collected every 400 square feet directly below the area where the highest degree of staining or odor was observed during the soil removal or as directed during field inspection by either ACEH or Livermore-Pleasanton Fire Department.

Additional confirmation soil samples to those proposed in the March 21, 2008 Excavation Work Plan and January 29, 2010 Revised Closure Plan may be required if requested during field inspection by ACEH or Livermore Pleasanton Fire Department or if the excavations are expanded beyond the currently estimated extent. Please provide 5-days advance notification to both ACEH (e-mail preferred to jerry.wickham@acgov.org) and the Livermore-Pleasanton Fire Department prior to the start of excavation activities.

2. **Confirmation Soil Sampling beneath Surface Structures.** Additional confirmation soil samples to those proposed in the March 21, 2008 Excavation Work Plan and January 29, 2010 Revised Closure Plan are likely to be required beneath the removed surface structures based on field inspections by ACEH or Livermore Pleasanton Fire Department. Please provide 5-days advance notification to both ACEH (e-mail preferred to jerry.wickham@acgov.org) and the Livermore-Pleasanton Fire Department prior to the start of surface structure removal activities.
3. **Stockpile Soil Sampling.** The proposal to use existing stockpiled soil as backfill material is acceptable provided that the stockpiled soils are sampled at a rate of one four-point composite soil sample per 250 cubic yards. The excavated areas and areas beneath removed surface structures are not to be backfilled without concurrence from either ACEH or Livermore-Pleasanton Fire Department.

TECHNICAL REPORT REQUEST

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

- **May 28, 2010** – Revised Closure Plan for AOCs 2 and 3
- **August 6, 2010** – Area of Concern 1 Surface Structure Removal and Soil Excavation 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

Mr. Lee Cover
Mr. Steven Dunn
RO0002941
April 6, 2010
Page 4

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.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 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 case meet this requirement.

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.

Mr. Lee Cover
Mr. Steven Dunn
RO0002941
April 6, 2010
Page 5

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at 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: Danielle Stefani, Livermore Pleasanton Fire Department, 3560 Nevada St, Pleasanton, CA 94566 (Sent via E-mail to: dstefani@lpfire.org)

Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (Sent via E-mail to: cdizon@zone7water.com)

John Rigter, Livermore-Pleasanton Fire Department, 3560 Nevada Street, Pleasanton, CA 94566 (Sent via E-mail to: dstefani@lpfire.org)

Bridget Metz, Legacy Partners, 4000 East Third Avenue, Suite 600
Foster City, CA 94404-4805

Ron Goloubow, LFR, 1900 Powell Street, 12th Floor
Emeryville, CA 94608-1827 (Sent via E-mail to: Ron.Goloubow@lfr.com)

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

Geotracker, File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- 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
 - 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 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.