



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

May15, 2013

Debra Patterson (*Sent via E-mail to: [dpatterson@lionstonegroup.com](mailto:dpatterson@lionstonegroup.com)*)  
Lionstone Group  
100 Waugh, Suite 600  
Houston, TX 77007

Tina Lau (*Sent via E-mail to: [Tina.Lau@heidelbergcement.com](mailto:Tina.Lau@heidelbergcement.com)*)  
Hanson Aggregates West Region  
12667 Alcosta Blvd., Suite 400  
San Ramon, CA 94583

Steven Dunn (*Sent via E-mail to: [dunn@legacypartners.com](mailto:dunn@legacypartners.com)*)  
Legacy Partners  
4000 East Third Avenue, Suite 600  
Foster City, CA 94404-4805

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

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the report entitled, "*Revised Closure Plan, Former Hanson Aggregates Radum Facility, Pleasanton, California*" dated April 23, 2013 (Revised Closure Plan). All activities will take place within Area of Concern 1 (APC 1). The Revised Closure Plan, which was prepared by Haley & Aldrich on behalf of USL Pleasanton Lakes, L.P., is intended to address comments from Livermore-Pleasanton Fire Department (LPFD) and ACEH on a previous version of the Revised Closure Plan dated March 26, 2013. Comments were provided by LPFD and ACEH during a teleconference on April 2, 2013 and by an email from ACEH on April 3, 2013.

The Revised Closure Plan adequately addresses the majority of the technical comments in previous ACEH correspondence. However, we have three technical comments that provide some clarifications regarding the proposed work. Therefore, the proposed scope of work is conditionally approved and may be implemented provided that the technical comments below and those provided in separate conditional work plan approval correspondence from LPFD are incorporated during implementation of the proposed work. Submittal of a revised Work Plan or Work Plan Addendum is not required unless an alternate scope of work outside that described in the Revised Closure Plan and technical comments below is proposed. We have also provided technical comment 4 below which is to be considered during the reporting of results. We request that you address the technical comments, perform the proposed work, and send us the reports described below.

### **TECHNICAL COMMENTS**

1. **Report Title.** The Revised Closure Plan applies to Area of Concern (AOC) 1. Please include the designation AOC 1 in the title of future reports and work plans that apply to this AOC.
2. **Section 5.5 Asbestos Containing Materials and Lead Based Paint Survey.** Any asbestos containing materials (ACM) or materials with lead based paint (LBP) must be handled in a way that prevents disbursement of ACM or LBP to the surrounding area. Pending the results of the ACM and LBP survey, some confirmation sampling or cleanup may be required to assure that previous demolition activities at the site have not caused discharge of ACM or LBP to nearby areas. Please see the LPFD conditional work plan approval correspondence for additional requirements regarding ACM and LBP.
3. **Section 5.7 Soil Stockpiling.** The Revised Closure Plan indicates that stockpiled soil that does not contain primary COCs at concentrations above the proposed cleanup goal can be used as excavation fill. Similar to the criteria described in Section 5.6 for Backfill, we request that analytical results for stockpiled soil be submitted to ACEWH and LPFD for approval prior to use as fill material in the AOC #1 excavations. In addition to the analytical results, factors such as the heterogeneity of the material and variability of sampling results will be considered. No material containing debris is to be used for fill material.
4. **Section 8 Reporting.** Section 8 of the Revised Closure Plan presents a bullet list of items to be included in the report on closure activities. In addition to the listed items we request that the Report include the following at a minimum:
  - Discussion of any variances from Revised Closure Plan
  - Tables of all recent and historic analytical data
  - Detailed figures for each excavation area that shows the confirmation sample locations and results
  - Conclusions and recommendations
  - ACM and LBP Survey Report
  - Analytical reports

### **TECHNICAL REPORT REQUEST**

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

- **November 15, 2013** – Removal Action Report  
File to be named: SWI\_R\_yyyy-mm-dd RO2952

Responsible Parties  
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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). Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

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

Attachments: Responsible Party(ies) Legal Requirements/Obligations

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](mailto:dstefani@lpfire.org))

Colleen Winey (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (Sent via E-mail to: [cwiney@zone7water.com](mailto:cwiney@zone7water.com))

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

Voytek Bajsarowicz, Haley & Aldrich, 2033 North Main Street, Suite 309, Walnut Creek, CA 94596 (Sent via E-mail to: [VBajsarowicz@haleyaldrich.com](mailto:VBajsarowicz@haleyaldrich.com))

Jonathan P. Lowell, City Attorney, City of Pleasanton, P.O. Box 520, Pleasanton, CA 94566 (Sent via E-mail to: [jlowell@ci.pleasanton.ca.us](mailto:jlowell@ci.pleasanton.ca.us))

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

GeoTracker, e-File

## Attachment 1

### Responsible Party(ies) Legal Requirements/Obligations

#### REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

#### ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements. ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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, 7835, 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, late 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST and SCP) 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 [.loptoxic@acgov.org](mailto:.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 <://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 [.loptoxic@acgov.org](mailto:.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.