



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

January 18, 2012

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

Mr. 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: Filling Activities at the Busch Pit, SLIC Case RO0002952 and GeoTracker Global ID SL0600101555, Hanson Aggregates Radum Plant, 3000 Busch Road, Pleasanton, CA 94566

Dear Mr. Cover and Mr. Dunn:

Alameda County Environmental Health (ACEH) staff has learned that filling activities were conducted at the location referred to as the "Busch Pit." The "Busch Pit" is also known as Area of Concern #6 and is part of Spills, Leaks, Investigations, and Cleanups (SLIC) case RO0002952, which remains an open case with this agency. On December 16, 2011, a consultant to the Alameda County Community Development Agency (CDA) observed and visually documented the placement of fill into the "Busch Pit." ACEH did not approve any filling activities at the "Busch Pit" and was not aware that any activities were planned. In correspondence dated January 5, 2012, CDA notified Legacy Partners to cease and desist further earthmoving activities until such time as both CDA and ACEH approve such activities. ACEH concurs with this requirement and adds that no disturbance should likewise occur to other Areas of Concern.<sup>1</sup>

In order to have a complete set of information in our case files and for ACEH to consider filling of the "Busch Pit," ACEH requests that you address all of the technical comments below. These requirements are separate from and in addition to any requirements that CDA may establish for CDA approval.

#### **TECHNICAL COMMENTS**

- 1. Document Submittal.** It appears that some documents that may be pertinent to the SLIC case for the "Busch Pit," may not have been submitted to ACEH. The January 5, 2012 CDA correspondence refers to documents entitled, "Busch Pond-Surface Water and Shallow Soil Characterization Results, Former Hanson Radum Site, Pleasanton, California," dated February 11, 2009 and "Proposal for Performing Soil and Water Characterization of Busch Pond, Former Hanson Radum Site, Pleasanton, California," dated January 14, 2009. Neither of these documents are in the ACEH case files or in GeoTracker. In order to assure that the case file is complete, we request that you submit the following:

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<sup>1</sup> CDA informs ACEH that AOC #7 and a portion of AOC #3 are located within Surface Mining Permit and Reclamation Plan Nos. 31/36.

- All correspondence, regulatory submittals, or technical submittals relating to environmental review, investigations, or sampling of the "Busch Pit," that are not currently in ACEH case files and GeoTracker. This includes Phase I environmental site assessment reports conducted for potential real estate transactions.
- All correspondence, regulatory submittals, or technical submittals relating to excavation, modification, infilling, or future use of the "Busch Pit."
- All correspondence, regulatory submittals, or technical submittals relating to surface water discharges into the "Busch Pit."
- Any other documents that may be pertinent to review of the proposed infilling of the "Busch Pit," or the open SLIC case.

Please note that you are required to submit documents to the ACEH case files per the attached instructions and to GeoTracker. ACEH case files may be reviewed online using the ACEH website (<http://www.acgov.org/aceh>).

- 2. History of the Site.** We request that you submit a history of the "Busch Pit," that includes the following:
  - History of the construction and operation of the "Busch Pit."
  - Types and sources of discharges to the "Busch Pit."
  - Time periods over which discharges occurred.
  - Any correspondence or analytical data not in ACEH files related to the operation of the "Busch Pit."
  - Any other pertinent facts related to the history and environmental conditions of the site.
- 3. Description of Filling Activities.** We request that you provide the following items describing the recent filling activities at the "Busch Pit:"
  - Timeline describing the actions that led up to and included the placement of fill in the "Busch Pit" during December 2011 and any previous time period since the establishment of SLIC Case RO0002952.
  - Description of the fill placement including maps showing areas and thickness of fill placed.
  - A full description of the type and source of the fill material including sampling protocols and analytical results for the fill material.
  - Volume of material placed in the "Busch Pit."
  - Description of the removal or disposal of any water, soil, or sediment removed from the "Busch Pit."
- 4. Plans for Filling.** Please present detailed plans for the infilling of the Busch Pit. This should include a discussion of the sources of any fill material to be used. All proposed fill material must be approved by ACEH and must meet the criteria presented in the "*Information Advisory, Clean Imported Fill Material*," prepared by the California Department of Toxic Substances Control and dated October 2001. The plans must also discuss whether contaminated sediments in the bottom of the "Bush Pit" will be removed. If no removal is planned, a complete justification of why contaminated soil will be left in place will be needed. This justification must include an evaluation of the quality and representativeness of the site data and an evaluation of potential impacts on groundwater quality. Any additional soil and/or sampling necessary to achieve this objective is to be

presented in a Sampling Plan. Please note that a comparison of existing data to screening levels is NOT a sufficient evaluation. Lastly, please note that ACEH will coordinate the review of the materials required above with CDA to ensure that requirements of each agency are taken into consideration and so that subsequent actions by each regulatory agency are consistent to the extent practicable.

### **TECHNICAL REPORT REQUEST**

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

- **March 22, 2012** – All Items Identified in this Correspondence

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

Attachment: 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))

James Gilford, Alameda County Development Agency, 224 W. Winton Avenue, Room 205, Hayward, CA 94544 (Sent via E-mail to: [james.gilford@acgov.org](mailto:james.gilford@acgov.org))

Kevin Colin, Lamphier-Gregory, 1944 Embarcadero, Oakland, CA 94606 (Sent via E-mail to: [kcolin@lamphier-gregory.com](mailto:kcolin@lamphier-gregory.com))

Voytek Bajsarowicz, Haley & Aldrich, 9040 Friars Road, Suite 220, San Diego, CA 92108-5860 (Sent via E-mail to: [VBajsarowicz@haleyaldrich.com](mailto:VBajsarowicz@haleyaldrich.com))

Ron Goloubow, ARCADISFR, 1900 Powell Street, 12<sup>th</sup> Floor  
Emeryville, CA 94608-1827 (Sent via E-mail to: [Ron.Goloubow@lfr.com](mailto:Ron.Goloubow@lfr.com))

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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 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<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 (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

- **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 [deh.loptoxic@acgov.org](mailto:deh.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 <ftp://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 [deh.loptoxic@acgov.org](mailto:deh.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.