



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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April 13, 2011

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*)
Hayward Area Recreation and Park District
1099 E Street
Hayward, CA 94541

Ms. Linda Gardner (*Sent via E-mail to: linda.gardner@acgov.org*)
Alameda County HCD
224 West Winton Avenue, Room 108
Hayward, CA 94544

Subject: Fuel Leak Case No. RO0000212 and GeoTracker Global ID T0600100709, Holland Oil, 16301 East 14th Street, San Leandro, CA 94580

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

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site including the most recent document entitled, "*Excavation, Grading, and Surface Cap Construction Report, HARD-RDA Holland Park Property, 16301 East 14th Street, San Leandro, California,*" dated March 2, 2011 and received by ACEH on March 18, 2011. Remedial activities have been completed and the case is under review for possible case closure. The site currently consists of two property parcels, Parcel 80C-479-6-21, which is owned by the Hayward Area Recreation and Park District (HARD) and Parcel 80C-479-6-20, which is owned by the County of Alameda. A bulk fuel storage and distribution facility that formerly occupied the site was the source of contamination over a wide area of the site. The former bulk fuel storage facility included eight underground storage tanks and numerous aboveground tanks. Although the bulk fuel storage and distribution facility was primarily located on the larger parcel owned by HARD (80C-479-6-21), the northwestern and southwestern portions of Parcel 80C-479-6-21 extend into the area formerly used as a bulk fuel storage and distribution facility. Remedial excavation has been conducted in these areas. In addition, a cap has been constructed as part of park construction to prevent exposure to residual contamination left in place.

In order to prevent potential future exposure to residual contamination and move the site towards case closure, a Covenant and Environmental Restriction on Property (Deed Restriction) along with an updated Site Management Plan (SMP) is needed for both parcels. The specific requirements are described in the technical comments below. We request that you address the technical comments below, perform the proposed work, and submit the documents requested below.

TECHNICAL COMMENTS

1. **Site Management Plan.** In order to prevent future site users and workers from potential exposure to residual contamination, a site-specific Site Management Plan (SMP) is required. A "*Soil Management Plan*," dated February 5, 2010 was submitted on behalf of HARD by Ninyo & Moore. The February 5, 2010 Soil Management Plan was a draft document provided for contractor use during the excavation, grading, and development of the park site. We request that you prepare an updated SMP that describes long-term site management requirements for the park site that will prevent or minimize exposure to shallow residual contamination during and following any future activities that may disturb the protective surface cover at the site. The SMP is to include but not be limited to the following:

- Site Background.
- Summary of Remedial Actions and Current Environmental Conditions. This section is to include a series of site figures that clearly illustrate the expected concentrations of residual contamination left in place below the cap at depths of approximately 2 feet below current ground surface and 4 feet below current ground surface. The isoconcentration maps and analytical results for TPHg and TPHd in the report entitled, "Subsurface Exploration and Monitoring Well Installation," dated May 4, 2001 should be utilized and supplemented with more recent soil data. The locations of the remedial excavation cells, former USTs and ASTs, and former buildings are to be overlain on the base maps for each figure.
- Summary of Human Health Risks.
- Description of the Surface Cap.
- Institutional Controls (primarily from the Covenant and Environmental Restrictions on Property).
- Requirement for ACEH notification and approval of proposed activities that will disturb the cap.
- Requirements for a health and safety plan for all subsurface work.
- Protocols for Excavation or Grading and Management of Excavated Materials (to include odor and dust control). This section should also describe common procedures for repairing buried utilities that require trenching below the base of the cap.
- Inspection and Maintenance of the Cap.
- Contingency Plan for Discovery of Unknown Features of Environmental Concern.

The SMP is to address requirements for both parcels 80C-479-6-20 and 80C-479-6-21. Alternately, you may submit a separate SMP for each parcel.

2. **Finalization of Covenant and Environmental Restriction for Property for Parcel 80C-479-6-21.** HARD previously submitted a Draft Covenant and Environmental Restriction on Property. We request that Article III, Section 3.1.I be modified to the following: "No Owner or User of the Burdened Property shall grow fruits or vegetables for consumption using site soils. Gardening on the Burdened Property shall only be permitted using imported soil within raised beds that do not allow direct contact between plant roots and the underlying site soil." Following submittal of an updated SMP as requested in technical comment 1, incorporation of a legal description of the property, and approval of the Covenant and Environmental Restriction on Property and SMP by ACEH management, the Covenant

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and Environmental Restriction on Property will need to be signed and notarized by ACEH and HARD and then recorded with the Alameda County Recorder.

3. **Covenant and Environmental Restriction for Property for Parcel 80C-479-6-20.** Due to the residual contamination remaining in portions of Parcel 80C-470-6-20, a Covenant and Environmental Restriction on Property is required. We request that you use the Alameda County template to prepare a draft Covenant and Environmental Restriction on Property for ACEH review. You may request an electronic copy of the Alameda County Covenant and Environmental Restriction on Property template by sending an email with your request to jerry.wickham@acgov.org.

TECHNICAL REPORT REQUEST

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

- **June 13, 2011** – Site Management Plan and Covenant and Environmental Restrictions on Property

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

Attachment: Responsible Party(ies) Legal Requirements/Obligations
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)

Kris Larson, Ninyo & Moore, 1956 Webster Street, Suite 400, Oakland, CA 94612 (*Sent via E-mail to:* 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)

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

GeoTracker, 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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
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

- **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
 - 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 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.