

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
9-25-06

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

September 21, 2006

Lawrence Appleton  
Hanson Aggregates  
3000 Busch Road  
P.O. Box 580  
Pleasanton, CA 94566-0808

Subject: Fuel Leak Case No. RO0002858, Hanson Aggregates, 3000 Busch Road, Pleasanton, CA – Request for Work Plan

Dear Mr. Appleton:

In correspondence dated October 6, 2005, Alameda County Environmental Health (ACEH) requested a Work Plan for soil and water investigation at the above-referenced site by December 15, 2005. We reiterated our request for a Work Plan in correspondence dated February 24, 2006. To date, we have not received a Work Plan or a request for a schedule extension. Your site overlies a sensitive drinking water aquifer, and limited progress has been made toward evaluating potential petroleum hydrocarbon impacts. The lateral and vertical extents of subsurface contamination at the site are undefined. **Your site is out of compliance with directives from this agency.**

In order for your site to return to compliance, please submit the previously requested Work Plan within 30 days of the date of this letter (by October 21, 2006). This date is not an extension of your due date, reports for this site are late and your site is out of compliance. Due to the lack of compliance with ACEH requests, ACEH recommends that the Underground Storage Tank Cleanup Fund not reimburse you for work until the site is brought back into compliance.

Please note that we have started the enforcement process on this case by requesting a revocation of your eligibility to receive grant money from the state's Underground Storage Tank Fund (Senate Bill 2004) to reimburse you for the cost of investigation and cleanup. Further delays in investigation, late reports, or enforcement actions may result in referral of 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.

**TECHNICAL REPORT REQUEST**

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

- **October 21, 2006 – Work Plan for Soil and Groundwater Investigation**

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

Effective January 31, 2006, 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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was 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**

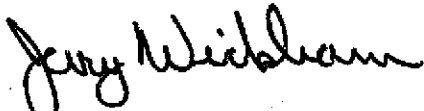
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201  
Zone 7 Water Agency  
100 North Canyons Parkway  
Livermore, CA 94551

Sunil Ramdass  
SWRCB Cleanup Fund  
1001 I Street, 17<sup>th</sup> floor  
Sacramento, CA 95814-2828

Shari Knierem  
SWRCB Cleanup Fund  
1001 I Street, 17<sup>th</sup> floor  
Sacramento, CA 95814-2828

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



sent  
02-27-06

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

February 24, 2006

Mr. Lawrence Appleton  
Hanson Aggregates  
3000 Busch Road  
P.O. Box 580  
Pleasanton, CA 94566-0808

Subject: Fuel Leak Case No. RO0002858, Hanson Aggregates, 3000 Busch Road, Pleasanton, CA – Second Request for Work Plan

Dear Mr. Appleton:

In correspondence dated October 6, 2005, Alameda County Environmental Health (ACEH) requested a Work Plan for soil and water investigation at the above-referenced site by December 15, 2005. To date, we have not received a Work Plan. Your site overlies a sensitive drinking water aquifer, and limited progress has been made toward evaluating potential petroleum hydrocarbon impacts. The lateral and vertical extents of subsurface contamination at the site are undefined. We reiterate the request made in our October 6, 2005 correspondence (copy attached) to evaluate whether groundwater has potentially been affected by a fuel release.

Your soil and water investigation Work Plan is late, and your fuel leak site is not in compliance with ACEH directives. We request that you submit a Work Plan **no later than March 24, 2006**. ACEH makes this request pursuant to California Health & Safety Code Section 25296.10. 23 CCR sections 2652 through 2654, and 2721 through 2728 outline the duties of a responsible party in response to a reportable unauthorized release from a petroleum UST system, and require your compliance with this request.

If it appears as though significant delays are occurring, or reports are not submitted as requested, we will consider referring your case to the County District Attorney or other appropriate agency, for enforcement. California Health and Safety Code, Section 25299.76 authorizes ACEH enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Please note that further delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive cost reimbursement from the State's Underground Storage Tank Cleanup Fund.

If you have any questions, please call me at (510) 567-6791.

Sincerely,

Jerry Wickham  
Hazardous Materials Specialist

Mr. Lawrence Appleton  
February 24, 2006  
Page 2

Attachment: ACEH Correspondence Dated October 6, 2005 Requesting Work Plan

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Matt Katen, QIC 80201  
Zone 7 Water Agency  
100 North Canyons Parkway  
Livermore, CA 94551

Shari Knieriem  
SWRCB-USTCF  
P.O. Box 944212  
Sacramento, CA 94244

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SCW  
10-7-05

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

October 6, 2005

Mr. Lawrence Appleton  
Hanson Aggregates  
3000 Busch Road  
P.O. Box 580  
Pleasanton, CA 94566-0808

Subject: Fuel Leak Case No. RO0002858, Hanson Aggregates, 3000 Busch Road, Pleasanton, CA – Request for Work Plan

Dear Mr. Appleton:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site, including the report entitled, "Report on Tank Removal Activities," dated July 10, 2003. The report, which was prepared on your behalf by Baseline Environmental Consulting, presents the results of tank removal activities conducted at 3000 Busch Road in May 2003. Total petroleum hydrocarbons as diesel were detected in one soil sample collected below one of the fuel dispensers and in one soil sample collected from a soil stockpile. The site is within the Livermore Valley, which is an area where groundwater is actively used as a drinking water supply. Groundwater within the Livermore Groundwater Basin constitutes a valuable current and future resource. Due to the location of your site within a groundwater basin where groundwater is used for drinking water, we request that you collect a minimum of one groundwater sample at the site to evaluate whether groundwater has potentially been affected by a fuel release.

Please submit a work plan detailing your proposal to investigate potential soil and groundwater contamination by **December 16, 2005**. This report is being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code.

**REQUEST FOR INFORMATION**

ACEH's case files for the subject site contains only the report entitled, "Tank Closure Report," dated July 10, 2003. We request that you submit copies of any other reports you have documenting additional investigation activities or other relevant work related to this UST system/site with the work plan requested below.

### TECHNICAL REPORT REQUEST

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

- **December 16, 2005** – Work Plan for Subsurface Investigation

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) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board 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.

### **LANDOWNER NOTIFICATION REQUIREMENTS**

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site. If you have not already submitted a list of record fee title owners in response to the NOR, we require that you submit a complete mailing list of all record fee title owners of the site by **October 28, 2005**, which states, at a minimum, the following:

In the future, for you to meet these requirements when submitting cleanup proposals or requests for case closure, ACEH requires that you:

1. Notify all current record owners of fee title to the site of any cleanup proposals or requests for case closure;
2. Submit a letter to ACEH which certifies that the notification requirement in 25297.15(a) of the Health and Safety Code has been met;
3. Forward to ACEH a copy of your complete mailing list of all record fee title holders to the site; and
4. Update your mailing list of all record fee title holders, and repeat the process outlined above prior to submittal of any additional *Corrective Action Plan* or your *Request for Case Closure*.

Your written certification to ACEH (Item 2 above) must state, at a minimum, the following:

*A. In accordance with Section 25297.15(a) of the Health & Safety Code, I, (name of primary responsible party), certify that I have notified all responsible landowners of the enclosed proposed action. (Check space for applicable proposed action(s)):*

*cleanup proposal (Corrective Action Plan)*

*request for case closure*

*local agency intention to make a determination that no further action is required*

*local agency intention to issue a closure letter*

- OR -

*B. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

**(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)**



Mr. Lawrence Appleton  
October 6, 2005  
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**UNDERGROUND STORAGE TANK CLEANUP FUND**

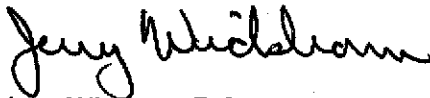
Please be aware that you may be eligible for reimbursement of the costs of investigation from the California Underground Storage Tank Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, I strongly encourage you to call the Fund for an application.

**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.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201  
Zone 7 Water Agency  
100 North Canyons Parkway  
Livermore, CA 94551

Danielle Stefani  
Livermore-Pleasanton Fire Department  
3560 Nevada Street  
Pleasanton, CA 94566

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File