SITE MANAGEMENT PLAN
HARD-RDA HOLLAND PARK PROPERTY
16301 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA

PREPARED FOR:
Hayward Area Recreation and Park District
1099 E Street
Hayward, California 94541

PREPARED BY:
Ninyo & Moore
Geotechnical and Environmental Sciences Consultants
1956 Webster Street, Suite 400
Oakland, California 94610

May 24, 2011
Project No. 401314007

May 24, 2011
Project No. 401314007

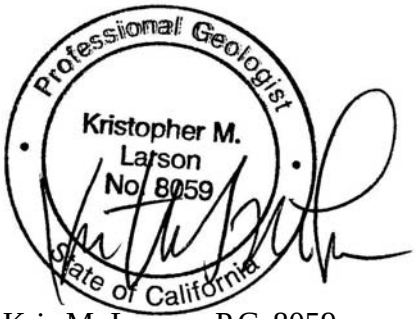
Mr. Lawrence R. Lepore
Park Superintendent
Hayward Area Recreation and Park District
1099 E Street
Hayward, California 94541

Subject: Site Management Plan
HARD-RDA Holland Park Property, 16301 East 14th Street
San Leandro, California

Dear Mr. Lepore:

Ninyo & Moore has prepared the enclosed Site Management Plan, as directed by the Alameda County Environmental Health, in order to move the site towards case closure and to prevent potential future exposure of park users/workers to residual contamination at the HARD-RDA Holland Park property located at 16301 East 14th Street in the City of San Leandro, California. We appreciate the opportunity to provide service on this project.

Sincerely,
NINYO & MOORE



Melissa Terry
Senior Staff Scientist

Kris M. Larson, P.G. 8059
Principal Environmental Geologist

MAT/KML/csj

Distribution: (1) Addressee
(1) Mr. Jerry Wickham

TABLE OF CONTENTS

Page

Figures

Appendices

1. INTRODUCTION

This Site Management Plan (SMP) has been prepared to provide procedures and requirements for long-term site management in order to prevent or minimize exposure of park users/workers to shallow residual contamination during and following any future activities that may disturb the protective surface cap at Holland Park, located at 16301 East 14th Street in San Leandro, California (Figure 1).

This SMP summarizes potential human health risks associated with the residual contaminants; describes the surface cap and the requirements necessary prior to conducting work that will disturb the cap; provides protocols for excavation or grading and management of excavated materials; provides instructions for inspection and maintenance of the cap; summarizes institutional controls put in place by a deed restriction on the property; and provides a contingency plan for discovery of unknown features of environmental concern. This SMP incorporates comments issued by Alameda County Environmental Health (ACEH) in a directive dated April 13, 2011. A copy of this document is included as Appendix A. A series of figures showing potential concentrations of residual contamination left in place below the cap are provided as Figures 3 through 6. The figures are based on laboratory data from soil borings and stockpile samples and are only an estimate of concentrations of contaminants remaining beneath the cap.

The site is now known as Holland Park and includes a skate park in the northern section, a dog park and picnic area in the western section, an outdoor theatre in the southern section and asphalt parking lots in the northwestern, southern, and southeastern sections of the site. A youth center is proposed for the eastern section of the site. A copy of the current Holland Park configuration is presented as Figure 2.

2. SITE BACKGROUND

The site was utilized as a bulk fuel storage and distribution facility from the 1960s to the mid 1980s. Eight underground storage tanks (USTs) were located on site; three contained gasoline, two contained diesel, two contained kerosene, and one contained stoddard solvent. The USTs were removed in 1998 and the excavated overburden soil was placed back in the UST

excavation. Additionally, two former structures, a warehouse located in the southwestern section and a small garage located in the central section of the site were reportedly used for vehicle maintenance.

A series of environmental evaluations of soil and groundwater have been conducted on site since 1990. These evaluations reported the presence of a broad array of potential use-related chemicals at several locations on the site including total petroleum hydrocarbons as gasoline (TPHg), total petroleum hydrocarbons as diesel (TPHd), and kerosene-range petroleum hydrocarbons [constituents of concern (COCs)], primarily in areas where the former USTs were located.

A total of 12 groundwater monitoring wells were installed on the property and in the immediate vicinity. Three of the wells were properly destroyed prior to excavation activities. The remaining six monitoring wells were sampled for one quarter after excavation activities and have since been destroyed per Alameda County Public Works Agency guidelines. The most recent groundwater monitoring data, from the third quarter of 2009, showed maximum concentrations of TPHd at 3,800 µg/L in MW-4 and TPHg at 910 µg/L in MW-1. A brief discussion of groundwater contamination and associated soil vapors can be found in Section 4.

In 2009, a Correction Action Plan (CAP) was prepared which described proposed site remediation activities. The preferred remediation alternative proposed in the CAP was source removal of COC-impacted soils through cellular excavation. A Soil Management Plan (SMP) was prepared in 2010 to provide procedures for grading and cellular excavation activities during the removal of COC-impacted soils. The 2010 SMP is included as Attachment B. A summary of remedial actions to date is provided in the next section.

3. SUMMARY OF REMEDIAL ACTIONS

3.1. Drum and Tank Removal – August/September 1998

In August and September 1998, Environmental Bio-Systems, Inc. (EBS) directed site mitigation activities which were divided into two tasks. During the first task, the contents of 143 55-gallon steel drums and approximately 60 smaller containers were inventoried and

removed from the site via vacuum truck. Approximately 4,636 gallons of oily water were taken to a recycling facility and 650 gallons of oily water contaminated with halogenated constituents were taken away for disposal. All empty drums and containers were removed for recycling and/or disposal.

The second task of site mitigation was tank removal. A total of approximately 7,890 gallons of liquid/sludge were removed from the above ground storage tanks (ASTs) and underground storage tanks (USTs) and transported off site via vacuum truck. Twenty ASTs were dismantled and eight USTs were excavated, demolished and hauled off for recycling.

Three of the USTs were observed to have severe pitting and large holes. Soil samples collected from the five tank pits at depths of approximately 10 feet below ground surface (ft bgs) contained up to 6,900 mg/kg TPHg; up to 21, 28, 69 and 130 mg/kg benzene, toluene, ethylbenzene and xylene (BTEX), respectively; up to 3,200 mg/kg TPHd; up to 9,600 mg/kg to total petroleum hydrocarbons as stoddard solvent (TPHss); and up to 11 mg/kg Pb. Water samples collected from the tank pits contained up to 78,000 µg/L TPHg; up to 1,500, 8,400, 1,900 and 14,000 µg/L BTEX, respectively; up to 1,600,00 TPHd; and 490,000 µg/L TPHss.

Soil overburden was placed back into the tank pits with the concurrence of ACHCSA. No soil compaction was performed, per the property owner's request.

3.2. Source-Area Excavation – September 2009

In May 2009, a Corrective Action Plan (CAP) was prepared by Amicus Strategic Environmental Consulting. The CAP's preferred remediation alternative was source removal through cellular excavation of COC-impacted soils. The ACEH approved the CAP and set a cleanup goal (CG) of 83 mg/kg for both TPHg and TPHd-impacted soils. Excavation was to take place in four specific areas (cells) where elevated concentrations of TPHg and TPHd were found in soils during previous site investigations. These cells were designated A1, A2, B1 and B2. A larger area, outside the boundaries of the other cells, was known to contain elevated levels of COCs in shallow soils; this area was designated Area C (Figures 3 – 5).

From September 2 through September 25, 2009, Ninyo & Moore oversaw the excavation of approximately 4,352 tons of COC-impacted soil from cells A1, A2, B1, B2 and Area C. Cells A1 and A2 were excavated to a depth of 10 ft bgs, and cells B1 and B2 were excavated to a depth of 6 ft bgs. Area C was excavated with a scraper to a depth of 1 ft bgs. The COC-impacted soils were hauled off site to a Class II Landfill and the non-impacted soils were stockpiled on site and reused as backfill for the excavations, along with soil excavated from the northern corner of the site.

After backfilling activities were complete, geotechnical compaction testing was performed. Although the soils did not meet 95 percent relative compaction, further compaction was not conducted, as it was not deemed critical to future site development by HARD personnel.

3.3. Excavation, Grading and Surface Cap Construction

In February 2010 a Soil Management Plan (SMP) was prepared by Ninyo & Moore to address residual COCs that remained on site and proposed monitoring of excavation and grading activities during park construction. The SMP was approved by the ACEH, provided that the thickness of the fill and surface cover (the "cap soils") were verified and documented, and excavation and grading activities were overseen by the consultant.

Park construction activities occurred between March 2010 and February 2011. Previously excavated cells A1 and A2 were re-excavated and compacted to appropriate geotechnical standards. The excavations were backfilled with on site soils. Construction of the asphalt and concrete portions of the site, as well as the unpaved landscaped portions, took place during this time. Excess soils created from on site grading activities, along with imported organic soil amendments, were used to construct the landscaped areas of the site. Because the cap soils used to construct the landscaped areas of the site were not from a documented clean fill source, confirmation samples were collected from this area. After evaluation of the analytical results, the ACEH determined that the concentrations of COCs made the soil unsuitable as cap material, as they exceeded the ACEH's approved cleanup goals.

In January 2011, approximately 580 cubic yards of soil deemed unsuitable as cap material were excavated and removed from the site. Ninyo & Moore personnel were on site and verified soils were excavated to the appropriate depth. A source of clean fill material was located and sampled. ACEH evaluated the sample results and determined the soil was suitable for use as cap material. Backfilling with the clean fill material took place between January 28 and March 1, 2011. A total of 500 cubic yards of clean fill and 60 cubic yards of compost materials were used to backfill and reconstruct the landscaped areas of the site. Sod and planters were then added to the landscaped areas, completing the ACEH requirement of a one-foot cap over soil containing residual levels of COCs.

4. SUMMARY OF HUMAN HEALTH RISKS

A full-scale Risk Assessment has not been performed for the site. However, general human health risks can be estimated for recreational park users, based on the potential for exposure to residual concentrations of COCs that remain in site soils. The pathways for exposure to these soils are direct contact/absorption and inhalation of dust/soil particles. Because COC-impacted soils on site are now covered with a cap composed of either one foot of clean fill or hardscape materials, the potential for recreational park users to be exposed to COC-impacted soil is unlikely. Additionally, residual soil contamination is mostly heavier phase TPH compounds which are likely to degrade and naturally attenuate, and aren't volatile in nature.

Potential exposure is more likely to happen to park maintenance/construction workers who may be required to conduct work that disturbs the surface cap. When this occurs, exposure via absorption and/or inhalation is possible. To estimate the health risks to park maintenance/construction workers, the RWQCB's Direct Exposure Environmental Screening Levels (ESLs) for Commercial, Residential and Trench Worker exposure rates to petroleum hydrocarbon constituents (Tables K1-K3) were used. The ESLs and the maximum residual concentrations of COCs are provided in the table below.

Chemicals	Maximum Concentrations Remaining in Site Soils (mg/kg)		Final Screening Level for Residential ESLs (mg/kg)	Final Screening Level for Commercial ESLs (mg/kg)	Final Screening Level for Construction/Trench Worker ESLs (mg/kg)
	2 fbg	5 fbg			
TPHd	1,000	8,200	110	450	4,200
TPHg	770	4,400	110	450	4,200

As noted in the table, maximum concentrations of COCs in soils at 5 ft bgs are above ESLs. Because of this, extra measures to protect park maintenance/construction workers should be conducted during any work which may disturb the surface cap. Extra measures include, but are not limited to:

- Preparation of a Health and Safety Plan
- Monitoring of the air in the breathing zone of the workers
- Utilizing appropriate BMPs (dust suppression, covering stockpiles)
- Following soil management procedures discussed in the 2010 Soil Management Plan

A copy of the 2010 SMP is presented in Appendix B, and Soil Management Plan information is included specifically in Section 8 and throughout this SMP.

Although less likely, there is also the potential for exposure to volatile organic compounds (VOCs) in the form of soil vapors. Groundwater monitoring data from September 2009 showed slight concentrations of benzene, toluene, ethylbenzene and xylene (BTEX). The concentrations are all below the RWQCB's Groundwater Screening Levels for Evaluation of Potential Vapor Intrusion Concerns (Table E-1). The ESLs and the maximum concentrations of BTEX compounds from the most recent groundwater data are provided in the table below.

Chemicals	Maximum Concentrations in Groundwater in micrograms per liter (µg/L), as of September 2009	Groundwater Screening Levels for Residential Use (µg/L)	Groundwater Screening Levels for Commercial Use (µg/L)
Benzene	0.6 (MW-1)	540	1,800
Toluene	<1.0	380,000	530,000
Ethylbenzene	1.0 (MW-1)	170,000	170,000
Xylene	<1.0	160,000	160,000

As noted in the table above, maximum concentrations of BTEX in groundwater beneath the site are below ESLs for both commercial and residential property use. Therefore, the potential for vapor intrusion into indoor structures on site (two bathrooms and a maintenance shed) is unlikely.

5. DESCRIPTION OF THE SURFACE CAP

Construction of the surface cap was completed in March 2011 and its emplacement was verified and documented by Ninyo & Moore personnel. The cap is designed to prevent park users and workers from coming into direct contact with soils that contain residual COCs. The cap covering the north, the northwest and the south areas of the site consists of an asphalt cover atop 12 inches of aggregate base, and is now used as a parking lot. The cap covering the north/northeast and a small portion of the center of the site consists of a concrete cover atop 8 inches of aggregate base. These areas are now used as a skate park, circular entry and end plazas and a sidewalk. The cap covering the east side and the center areas of the site consists of at least 2 inches of grass/sod atop 10 inches of clean soil and at least 3 inches of landscape cover atop 9 inches of clean soil.

The minimum thickness of the cap is one foot. A figure showing the current configuration of the surface cap is included as Figure 2.

6. INSTITUTIONAL CONTROLS

In addition to engineering controls (source removal and a one-foot thick surface cap) enacted to prevent park users/workers from coming in contact with residual COCs in on site soils, institutional controls have also been implemented, by way of a deed restriction. Essentially, the property can only be used as a public park. Other restrictions include:

- No homes, hospitals, schools or day care centers may be developed on the property
- Excavating, boring, drilling, equipment installation and any activity that may disturb the integrity of the cap cannot be conducted without written permission from the County
- Groundwater beneath the property cannot be extracted for any use unless written permission is obtained from the County
- The property cannot be used to grow fruits or vegetables for consumption

A copy of the deed restriction, titled "Covenant and Environmental Restriction on Property" is included as Appendix C.

7. REQUIREMENTS FOR FUTURE EXCAVATIONS

As mentioned above, written permission must be obtained from the County prior to conducting any work which may disturb the integrity of the cap. Per Provision i of Article III of the deed restriction:

"The Owner shall notify the County of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed, and of the groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the County, which could affect the ability of such cap or remedial measures, remedial equipment, or monitoring system to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the County shall be made by registered

mail within (10) working days of both the discovery of such disturbance and the completion of repairs;"

Additionally, a site specific Health and Safety Plan (HSP) must be prepared by a Certified Industrial Hygienist (CIH) for all subsurface work conducted on the property in order to protect workers from residual COCs that may be encountered. The HSP shall include action levels for COCs, and engineering controls shall be established to mitigate site workers exposure to the COCs if the action levels are exceeded.

8. PROTOCOLS FOR EXCAVATION/GRADING AND MANAGEMENT OF EXCAVATED MATERIALS

If it is necessary to perform excavation and/or grading activities on the property, and after the County has approved the work and granted written permission to the property owner to conduct subsurface work, protocols will be followed as outlined in the 2010 Soil Management Plan presented in Appendix B. A summary of specific protocols includes the following:

- **Dust and Odor Control**

  The general contractor performing the work will monitor excavation and/or grading operations for fugitive dust and take such measures, as needed, such as the application of water or a change in operations or equipment in order to inhibit dust from leaving the site. Stockpiled soil will be covered with plastic sheeting, or other similar tarp material, at the end of each workday.

- **Storm Water Control**

  Storm water pollution can occur when surface water contacts disturbed soils in excavation areas, exposed wastes, or soil stockpiles and subsequently flows off the site or into storm drain systems. Best Management Practices (BMPs) will be implemented to contain storm-water within the site perimeter and prevent uninhibited storm water runoff into storm drains, which often discharge directly to the Bay.

During the dry season, dust control measures will be monitored to minimize excess application of water to the site and soil stockpiles on the site. Excess dust control watering can produce sediment laden runoff water and can result in stormwater pollution.

Throughout the duration of any subsurface work on the property, (regardless of dry or wet season activities), BMPs will be implemented and may include silt fences, straw bales, diversion dikes, storm drain inlet protection, outlet protection, visqueen covers, sediment traps, and/or sediment basins to control storm water flow. Additionally, structural practices may be used to divert flows from exposed impacted soils, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site containing impacted soil.

- **Stockpile Sampling for Soil Disposal**

If COC-impacted soil is encountered during excavation and grading activities and cannot be reused on site, it will be placed on, and covered with, visqueen plastic and sampled for disposal purposes. Stockpiles left overnight will also be covered with visqueen plastic. If excavated soil is to be transported off site for disposal, waste profiling for the soil will include profiling criteria set forth by a disposal/recycling facility. The number of stockpile samples per volume of soil will include one four-point composite sample per 400 cubic yards (CY) of soil, or as directed by the disposal facility. Sampling methodology will consist of collecting individual soil samples in glass containers, placing them in a cooler with ice, and shipping them, via courier to a certified analytical laboratory under completed chain of custody documentation. Upon sample receipt laboratory personnel will composite the samples. The composite samples will be analyzed using EPA Methods 8015M/8021 for TPHd/TPHg, and 8082 for polychlorinated biphenyls (PCBs), and additional Methods if requested by the disposal facility.

- **Laboratory Analysis**

A California state-certified laboratory shall be used to perform chemical analyses on soil samples collected during excavation and/or grading activities and for soil disposal profiling purposes.

- **COC-Impacted Soil Disposal, Loading, and Transport**

COC-impacted soil that will be transported to a licensed disposal facility will be stored on plastic sheeting during excavation activities on site. Analytical results from composite samples collected from soil stockpiles will determine the classification of the soil or whether it can be reused on site. Impacted soil will be transported to either a Class I or Class II landfill facility.

The soil transport vehicles will be equipped with plastic sheeting and will be loaded using a standard front-end loader. The loading will be conducted in a manner to reduce the potential to generate dust and vapor. Dust suppression during the loading will be performed by limiting the height of soil drop from the loader to the truck and by lightly spraying or misting the stockpiles with water. After the soil is loaded into the transport trucks, the soil will be covered with tarps to prevent soil from spilling out of the trucks during transport to the disposal facility. Prior to departure, the trucks will have loose soil debris removed via dry brushing the tires and truck body.

Department of Transportation approved, placarded end-dump, or bottom dump trucks will transport excavated soil to the appropriate off-site disposal facility. The number of vehicles to be used for soil loading and transport will be minimized to avoid generating excess decontamination wastes. Waste haulers will be required to provide proof of valid registrations, and permits for hazardous waste transport if soil is transported to a Class I facility. The vehicles will be properly registered, operated, and placarded in compliance with local, state, and federal requirements.

9. INSPECTION AND MAINTENANCE OF THE CAP

To ensure the integrity of the cap is maintained over the long term, the cap will be inspected on a regular basis by HARD personnel and/or park personnel/caretakers during routine maintenance activities such as weeding, mowing and pruning. Maintenance activities that may disturb the surface cap include the repair of utilities and replacement of dead/damaged trees. These activities are considered non-routine, but would still require notification of the property owner and the ACEH.

On an annual basis the cap will be visually inspected for evidence of exposed cap soils, settlement, subsidence, and erosion. The surface will be inspected for evidence of cracks, localized depressions or low-lying areas, and water ponding. Should cap soils become exposed through excessive erosion or if surficial slumping or ponded water are noted, the property owner and the ACEH will be notified and measures such as adding ACEH-approved cap material will be implemented to correct the problem.

HARD personnel will address preventative and corrective repairs as promptly after identification as possible. It is anticipated that corrective measures will be implemented within 30 days of identification of the needed repair. Repaired areas will be documented in the annual site inspection report. A checklist to be used during the Annual Inspection is presented in Appendix D.

Additionally, the deed restriction mandates that the County and/or anyone representing the County shall have reasonable access to the property for purposes of inspection, surveillance, maintenance or monitoring.

10. CONTINGENCY PLAN FOR DISCOVERY OF UNKNOWN FEATURES OF ENVIRONMENTAL CONCERN

If the general contractor performing any subsurface work observes previously unknown environmental features including but not limited to stained and/or odorous soil, or subsurface features, they are to contact the property owner or owner's representative. The owner or owner's representative will in turn contact the ACEH. Following notifications and discussions, appropriate actions will be taken to assess the magnitude and extent of impact. Additional information regarding unknown environmental features is included in Section 8.3.2 of the Soil Management Plan presented in Appendix B.

11. LIMITATIONS

The environmental services described in this report have been conducted in general accordance with current regulatory guidelines and the standard-of-care exercised by environmental consultants performing similar work in the project area. No warranty, expressed or implied is made regarding the professional opinions presented in this report.

Our recommendations and opinions are based on an analysis of the observed site conditions and the referenced literature. If conditions different from those described in this report are encountered, our office should be notified and additional recommendations, if warranted, will be provided upon request. It should be understood that the conditions of a site could change with time as a result of natural processes or the activities of man at the subject site or nearby sites. In addition, changes to the applicable laws, regulations, codes, and standards of practice may occur due to government action or the broadening of knowledge. The findings of this report may, therefore, be invalidated over time, in part or in whole, by changes over which Ninyo & Moore has no control.

This document is intended to be used only in its entirety. No portion of the document, by itself, is designed to completely represent any aspect of the project described herein. Ninyo & Moore should be contacted if the reader requires any additional information or has questions regarding the content, interpretations presented, or completeness of this document. This report is intended

exclusively for use by the client. Any use or reuse of this report by parties other than the client is undertaken at said parties' sole risk.

12. REFERENCES

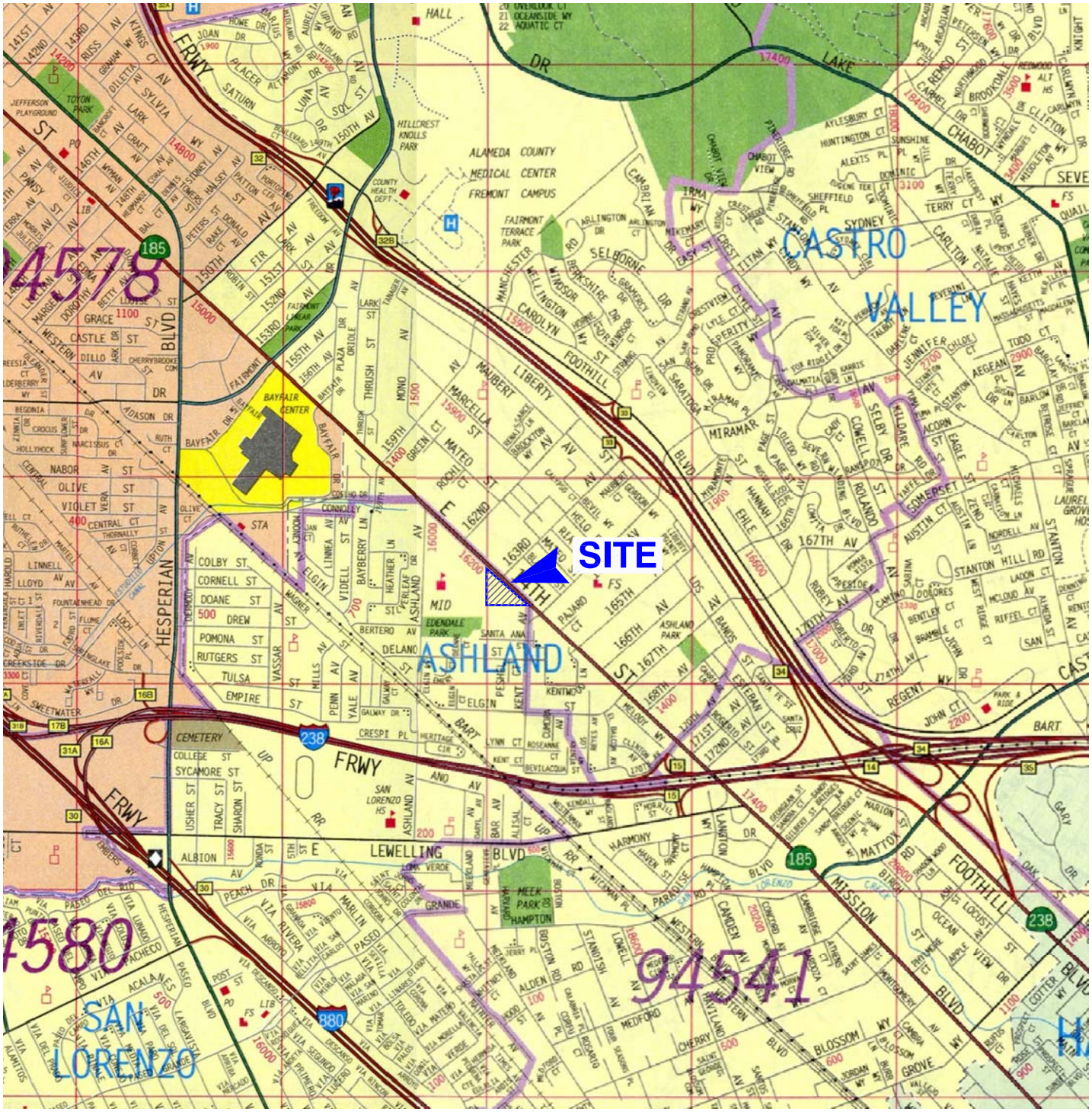
Amicus - Strategic Environmental Consulting, 2009 Corrective Action Plan, HARD-RDA Holland Park Property, 16301 E. 14th Street, San Leandro (Ashland District), California, dated May 28.

Environmental Bio-Systems, Inc. - 2001 Subsurface Exploration and Monitoring Well Installation, Estate of J. Holland Sr., 16301 East 14th Street, San Leandro, California, dated May 4.

Ninyo & Moore - 2010 Soil Management Plan, HARD-RDA Holland Park Property, 16301 E. 14th Street, San Leandro (Ashland District), California, dated June 22.

Ninyo & Moore - 2011 Excavation, Grading and Surface Cap Construction Report, HARD-RDA Holland Park Property, 16301 E. 14th Street, San Leandro (Ashland District), California, dated May 2.

San Francisco Bay Regional Water Quality Control Board, May 2008 Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater.



REFERENCE: 2005 THOMAS GUIDE FOR ALAMEDA, CONTRA COSTA, MARIN, SAN FRANCISCO, SAN MATEO AND SANTA CLARA COUNTIES, STREET GUIDE AND DIRECTORY.

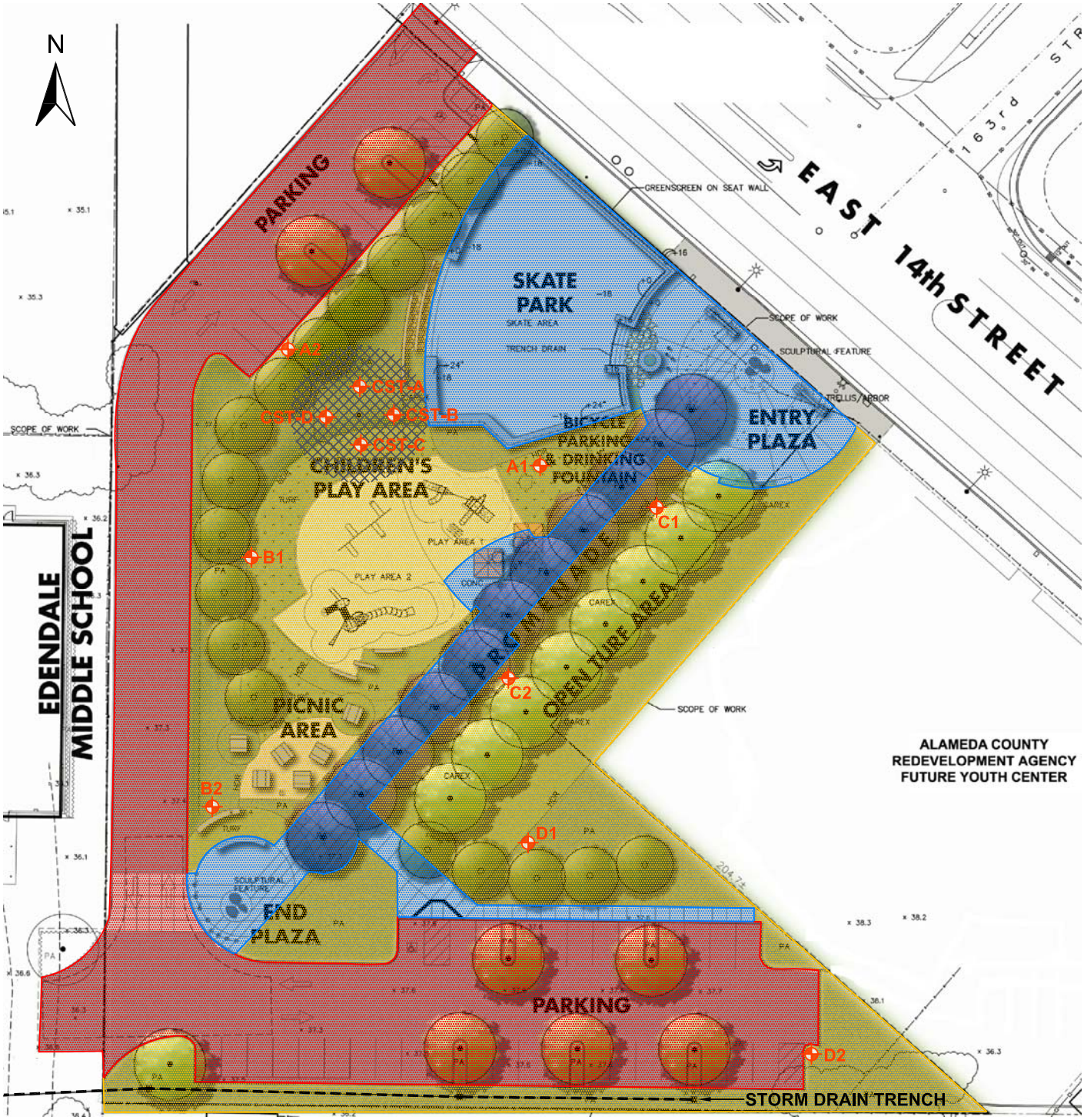
N

SCALE IN FEET

0 1900 3800

NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

Ninyo & Moore	SITE LOCATION	FIGURE
PROJECT NO. 401314007 / DATE 5/11	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	1



REFERENCE: SITE PLAN PROVIDED BY AEDIS ARCHITECTURE & PLANNING, COVER SHEET, NOVEMBER 2009.

LEGEND	
D1 SOIL SAMPLE LOCATIONS	*GRASS & LANDSCAPE COVER OVER 10 & 9 INCHES OF CLEAN SOIL
CONCRETE COVER, 8 INCHES OF AGGREGATE BASE	NO RE-EXCAVATION IN TREE & DRIP LINE AREA
ASPHALT COVER, 12 INCHES OF AGGREGATE BASE	* AREA OF RE-EXCAVATION

SCALE IN FEET

0 50 100

NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

Ninyo & Moore	CURRENT HOLLAND PARK CONFIGURATION	FIGURE
PROJECT NO. 401314007 / DATE 5/11	HARD - RDA HOLLAND PARK PROPERTY 16301 EAST 14TH STREET SAN LEANDRO, CALIFORNIA	2

LEGEND

ESSV-3	APPROXIMATE LOCATION OF SOIL VAPOR BORING ADVANCED IN APRIL 2009
MW-12	APPROXIMATE LOCATION OF EXISTING GROUNDWATER MONITORING WELL
B-3	APPROXIMATE LOCATION OF EXPLORATORY BORING ADVANCED IN JULY 2007
SB-12	APPROXIMATE LOCATION OF BORING ADVANCED IN OCTOBER 2008
DB-3	APPROXIMATE LOCATION OF DEEP BORING ADVANCED IN OCTOBER 2008
SV-1	APPROXIMATE LOCATION OF SOIL VAPOR SAMPLE BORING ADVANCED IN OCTOBER 2008
T1	APPROXIMATE LOCATION OF FORMER USTs
NEB1	APPROXIMATE LOCATION OF SOIL CONFIRMATORY SAMPLE
	TPHd CONCENTRATIONS BETWEEN 100 mg/kg - 1000 mg/kg
	ISOLATED AREA OF TPHd CONCENTRATION OF <1000

FORMER ABT CONTENTS

1- waste oil/kerosene
2- waste oil/kerosene
3- waste oil/kerosene
4- waste oil/kerosene
5- waste oil/kerosene
6- waste oil/kerosene
7- waste oil/kerosene
8- virgin motor oil/automatic trans. fluid/pale stock
9- virgin motor oil/automatic trans. fluid/pale stock
10- virgin motor oil/automatic trans. fluid/pale stock
11- virgin motor oil/automatic trans. fluid/pale stock
12- virgin motor oil/automatic trans. fluid/pale stock
13- virgin motor oil/automatic trans. fluid/pale stock
14- virgin motor oil/automatic trans. fluid/pale stock
15- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
16- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
17- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
18- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
19- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
20- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene

FORMER UST CONTENTS

T1- gasoline
T2- gasoline
T3- gasoline
T4- stoddard solvent
T5- kerosene
T6- kerosene
T7- diesel
T8- diesel

APPROXIMATE PROPERTY BOUNDARY
APPROXIMATE LOCATION OF PROPOSED GYMNASIUM
APPROXIMATE LOCATION OF AREA C STOCKPILE
APPROXIMATE AREA C BOUNDARY
APPROXIMATE LOCATION OF HYDRAULIC CYLINDER
APPROXIMATE LOCATION OF AREA A&B STOCKPILE
AREA C
CELL A1
CELL A2
CELL B1
CELL B2
FLOOR A1
FLOOR A2
FLOOR B1
FLOOR B2
UNPAVED
ESSV-1
ESSV-2
ESSV-3
MW-1
MW-2
MW-3
MW-4
MW-5
MW-6
MW-7
MW-8
MW-9
MW-10
MW-11
MW-12
B-1
B-2
B-3
B-4
B-5
B-6
B-7
B-8
B-11
DB-1A
DB-1B
DB-2
DB-3
SB-9
SB-10
SB-11
SB-12
SV-1
SV-2
SV-3
SV-4
SV-5
SV-6
EA1
EA2
WA1
WA2
NA1
NA2
SA1
SA2
NEB1
NEB2
NWB1
NWB2
SEB1
SEB2
SWB1
SWB2

N

SCALE IN FEET
0 50 100

NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

REFERENCE: VIRGIL CHAVEZ LAND SURVEYING 2008, ENVIRONMENTAL BIO-SYSTEM, INC 2003.

Ninyo & Moore	RESIDUAL CONCENTRATIONS OF TPHd IN SOILS AT 2 FEET BGS	FIGURE
PROJECT NO. 401314007 / DATE 5/11	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	3

LEGEND

ESSV-3	APPROXIMATE LOCATION OF SOIL VAPOR BORING ADVANCED IN APRIL 2009
MW-12	APPROXIMATE LOCATION OF EXISTING GROUNDWATER MONITORING WELL
B-3	APPROXIMATE LOCATION OF EXPLORATORY BORING ADVANCED IN JULY 2007
SB-12	APPROXIMATE LOCATION OF BORING ADVANCED IN OCTOBER 2008
DB-3	APPROXIMATE LOCATION OF DEEP BORING ADVANCED IN OCTOBER 2008
SV-1	APPROXIMATE LOCATION OF SOIL VAPOR SAMPLE BORING ADVANCED IN OCTOBER 2008
T1	APPROXIMATE LOCATION OF FORMER USTs
NEB1	APPROXIMATE LOCATION OF SOIL CONFIRMATORY SAMPLE
	TPHd CONCENTRATIONS >500 mg/kg
	TPHd CONCENTRATIONS OF 1000 - 8200 mg/kg

FORMER ABT CONTENTS

1- waste oil/kerosene
2- waste oil/kerosene
3- waste oil/kerosene
4- waste oil/kerosene
5- waste oil/kerosene
6- waste oil/kerosene
7- waste oil/kerosene
8- virgin motor oil/automatic trans. fluid/pale stock
9- virgin motor oil/automatic trans. fluid/pale stock
10- virgin motor oil/automatic trans. fluid/pale stock
11- virgin motor oil/automatic trans. fluid/pale stock
12- virgin motor oil/automatic trans. fluid/pale stock
13- virgin motor oil/automatic trans. fluid/pale stock
14- virgin motor oil/automatic trans. fluid/pale stock
15- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
16- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
17- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
18- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
19- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
20- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene

FORMER UST CONTENTS

T1- gasoline
T2- gasoline
T3- gasoline
T4- stoddard solvent
T5- kerosene
T6- kerosene
T7- diesel
T8- diesel

APPROXIMATE PROPERTY BOUNDARY
APPROXIMATE LOCATION OF PROPOSED GYMNASIUM
APPROXIMATE LOCATION OF AREA C STOCKPILE
APPROXIMATE AREA C BOUNDARY
APPROXIMATE LOCATION OF HYDRAULIC CYLINDER
APPROXIMATE LOCATION OF AREA A&B STOCKPILE
EAST 14TH STREET
AREA C
UNPAVED
CELL A1
CELL A2
CELL B1
CELL B2
FLOOR A1
FLOOR A2
FLOOR B1
FLOOR B2
B-1
B-2
B-3
B-4
B-5
B-6
B-7
B-8
B-9
B-10
B-11
DB-1A
DB-1B
DB-2
DB-3
EA1
EA2
ESSV-1
ESSV-2
ESSV-3
MW-1
MW-2
MW-3
MW-4
MW-5
MW-6
MW-7
MW-8
MW-9
MW-10
MW-11
MW-12
NA1
NA2
NEB1
NEB2
NWB1
NWB2
SA1
SA2
SB-9
SB-10
SB-11
SB-12
SEB1
SEB2
SV-1
SV-2
SV-3
SV-4
SV-5
SV-6
SWB1
SWB2
WA1
WA2

N

SCALE IN FEET
0 50 100

NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

REFERENCE: VIRGIL CHAVEZ LAND SURVEYING 2008, ENVIRONMENTAL BIO-SYSTEM, INC 2003.

Ninyo & Moore	RESIDUAL CONCENTRATIONS OF TPHd AT 5 FEET BGS	FIGURE
PROJECT NO. 401314007 / DATE 5/11	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	4

LEGEND

- ESSV-3 — APPROXIMATE LOCATION OF SOIL VAPOR BORING ADVANCED IN APRIL 2009
- MW-12 — APPROXIMATE LOCATION OF EXISTING GROUNDWATER MONITORING WELL
- B-3 — APPROXIMATE LOCATION OF EXPLORATORY BORING ADVANCED IN JULY 2007
- SB-12 — APPROXIMATE LOCATION OF BORING ADVANCED IN OCTOBER 2008
- DB-3 — APPROXIMATE LOCATION OF DEEP BORING ADVANCED IN OCTOBER 2008
- SV-1 — APPROXIMATE LOCATION OF SOIL VAPOR SAMPLE BORING ADVANCED IN OCTOBER 2008
- T1 — APPROXIMATE LOCATION OF FORMER USTs
- NEB1 — APPROXIMATE LOCATION OF SOIL CONFIRMATORY SAMPLE
- TPHg CONCENTRATION >1000 mg/kg

FORMER ABT CONTENTS

1- waste oil/kerosene
2- waste oil/kerosene
3- waste oil/kerosene
4- waste oil/kerosene
5- waste oil/kerosene
6- waste oil/kerosene
7- waste oil/kerosene
8- virgin motor oil/automatic trans. fluid/pale stock
9- virgin motor oil/automatic trans. fluid/pale stock
10- virgin motor oil/automatic trans. fluid/pale stock
11- virgin motor oil/automatic trans. fluid/pale stock
12- virgin motor oil/automatic trans. fluid/pale stock
13- virgin motor oil/automatic trans. fluid/pale stock
14- virgin motor oil/automatic trans. fluid/pale stock
15- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
16- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
17- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
18- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
19- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
20- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene

FORMER UST CONTENTS

T1- gasoline
T2- gasoline
T3- gasoline
T4- stoddard solvent
T5- kerosene
T6- kerosene
T7- diesel
T8- diesel

APPROXIMATE PROPERTY BOUNDARY
APPROXIMATE LOCATION OF PROPOSED GYMNASIUM
APPROXIMATE LOCATION OF AREA C STOCKPILE
APPROXIMATE AREA C BOUNDARY
APPROXIMATE LOCATION OF HYDRAULIC CYLINDER
APPROXIMATE LOCATION OF AREA A&B STOCKPILE
EAST 14TH STREET
AREA C
CELL A1
CELL A2
CELL B1
CELL B2
FLOOR A1
FLOOR A2
FLOOR B1
FLOOR B2
UNPAVED
ESSV-1
ESSV-2
ESSV-3
MW-1
MW-2
MW-3
MW-4
MW-5
MW-6
MW-7
MW-8
MW-9
MW-10
MW-11
MW-12
B-1
B-2
B-3
B-4
B-5
B-6
B-7
B-8
B-9
B-10
B-11
DB-1A
DB-1B
DB-2
DB-3
NA1
NA2
SA1
SA2
WA1
WA2
EA1
EA2
NWB1
NEB1
SWB1
SEB1
NWB2
NEB2
SWB2
SEB2
SB-9
SB-10
SB-11
SB-12
SV-1
SV-2
SV-3
SV-4
SV-5
SV-6

N

SCALE IN FEET
0 50 100

NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

REFERENCE: VIRGIL CHAVEZ LAND SURVEYING 2008, ENVIRONMENTAL BIO-SYSTEM, INC 2003.

Ninyo & Moore		RESIDUAL CONCENTRATIONS OF TPHg AT 2 FEET BGS	FIGURE
PROJECT NO.	DATE	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	5
401314007	5/11		

LEGEND

ESSV-3	APPROXIMATE LOCATION OF SOIL VAPOR BORING ADVANCED IN APRIL 2009
MW-12	APPROXIMATE LOCATION OF EXISTING GROUNDWATER MONITORING WELL
B-3	APPROXIMATE LOCATION OF EXPLORATORY BORING ADVANCED IN JULY 2007
SB-12	APPROXIMATE LOCATION OF BORING ADVANCED IN OCTOBER 2008
DB-3	APPROXIMATE LOCATION OF DEEP BORING ADVANCED IN OCTOBER 2008
SV-1	APPROXIMATE LOCATION OF SOIL VAPOR SAMPLE BORING ADVANCED IN OCTOBER 2008
T1	APPROXIMATE LOCATION OF FORMER USTs
NEB1	APPROXIMATE LOCATION OF SOIL CONFIRMATORY SAMPLE
	TPHg CONCENTRATIONS OF 300 - 4400 mg/kg

FORMER ABT CONTENTS
1- waste oil/kerosene
2- waste oil/kerosene
3- waste oil/kerosene
4- waste oil/kerosene
5- waste oil/kerosene
6- waste oil/kerosene
7- waste oil/kerosene
8- virgin motor oil/automatic trans. fluid/pale stock
9- virgin motor oil/automatic trans. fluid/pale stock
10- virgin motor oil/automatic trans. fluid/pale stock
11- virgin motor oil/automatic trans. fluid/pale stock
12- virgin motor oil/automatic trans. fluid/pale stock
13- virgin motor oil/automatic trans. fluid/pale stock
14- virgin motor oil/automatic trans. fluid/pale stock
15- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
16- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
17- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
18- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
19- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
20- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene

FORMER UST CONTENTS
T1- gasoline
T2- gasoline
T3- gasoline
T4- stoddard solvent
T5- kerosene
T6- kerosene
T7- diesel
T8- diesel

APPROXIMATE PROPERTY BOUNDARY
APPROXIMATE LOCATION OF PROPOSED GYMNASIUM
APPROXIMATE LOCATION OF AREA C STOCKPILE
APPROXIMATE AREA C BOUNDARY
APPROXIMATE LOCATION OF HYDRAULIC CYLINDER
APPROXIMATE LOCATION OF AREA A&B STOCKPILE
EAST 14TH STREET
AREA C
CELL A1
CELL A2
CELL B1
CELL B2
FLOOR A1
FLOOR A2
FLOOR B1
FLOOR B2
UNPAVED
B-1 B-2 B-3 B-4 B-5 B-6 B-7 B-8 B-9 B-10 B-11
DB-1A DB-1B DB-2 DB-3
ESSV-1 ESSV-2 ESSV-3
MW-1 MW-2 MW-3 MW-4 MW-5 MW-6 MW-7 MW-8 MW-9 MW-10 MW-11 MW-12
NA1 NA2 NEB1 NEB2 NWB1 NWB2 SA1 SA2 SEB1 SEB2 SWB1 SWB2 WA1 WA2 EA1 EA2
SB-9 SB-10 SB-11 SB-12
SV-1 SV-2 SV-3 SV-4 SV-5 SV-6

N

SCALE IN FEET
0 50 100

NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

REFERENCE: VIRGIL CHAVEZ LAND SURVEYING 2008, ENVIRONMENTAL BIO-SYSTEM, INC 2003.

Ninyo & Moore	RESIDUAL CONCENTRATIONS OF TPHg AT 5 FEET BGS	FIGURE
PROJECT NO. / DATE	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	6
401314007 / 5/11		

APPENDIX A

ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH LETTER

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Director

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

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.l 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

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.

APPENDIX B

2010 SOIL MANAGEMENT PLAN

SOIL MANAGEMENT PLAN
HARD-RDA HOLLAND PARK PROPERTY
16301 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA

PREPARED FOR:
Hayward Area Recreation and Park District
1099 E Street
Hayward, California 94541

PREPARED BY:
Ninyo & Moore
Geotechnical and Environmental Sciences Consultants
1956 Webster Street, Suite 400
Oakland, California 94610

June 22, 2010
Project No. 401314005

June 22, 2010
Project No. 401314005

Mr. Lawrence R. Lepore
Park Superintendent
Hayward Area Recreation and Park District
1099 E Street
Hayward, California 94541

Subject: Soil Management Plan
HARD-RDA Holland Park Property, 16301 East 14th Street
San Leandro, California

Dear Mr. Lepore:

Ninyo & Moore has prepared the enclosed Soil Management Plan for excavation and grading activities at the HARD-RDA Holland Park property located at 16301 East 14th Street in the City of San Leandro, California. We appreciate the opportunity to provide service on this project.

Sincerely,
NINYO & MOORE

Kris M. Larson, P.G. 8059
Senior Environmental Geologist

GDR/KML/dhi

Distribution: (1) Addressee
(1) Mr. Jerry Wickham

TABLE OF CONTENTS

Figures

Appendices

1. INTRODUCTION

This Soil Management Plan (SMP) has been prepared to provide procedures and criteria to guide grading operations at the Former Holland Oil Site property located at 16301 East 14th Street in San Leandro, California (site, Figure 1). This SMP outlines the steps needed for excavation in areas where contaminated soil and/or groundwater potentially exist on site. This is a final SMP, and incorporates comments from Alameda County Department of Environmental Health (ACDEH) issued in a letter on April 5, 2010. A copy of this document is included in Appendix A.

The proposed use for the site is a park facility, which will include a skate park in the northern section, a dog park in the western section, a youth center in the eastern section, and asphalt parking lots in the northwestern, southern, and southeastern sections of the site. The northwestern and southeastern parking lots will be located directly adjacent to East 14th Street, and a driveway will connect the northeastern and southern lots. A copy of the Park Redevelopment Plan is presented in Appendix B.

2. BACKGROUND

The site was utilized as a bulk fuel storage and distribution facility from the 1960s to the mid 1980s. Eight underground storage tanks (USTs) were located on site; three contained gasoline, two contained diesel, two contained kerosene, and one contained Stoddard solvent. The USTs were removed in 1998 and the excavated overburden soil was placed back in the UST excavation. Additionally, two former structures, a warehouse located in the southwestern section and a small garage located in the central section of the site, were reportedly used for vehicle maintenance.

A series of environmental evaluations of site soil and groundwater have been conducted on site since 1990. These evaluations reported the presence of a broad array of potential use-related chemicals at several locations on the site including gasoline, diesel, and kerosene-range petroleum hydrocarbons [constituents of concern (COCs)], primarily in areas where the former USTs were located (Figure 2). Ultimately, a Correction Action Plan (CAP) was prepared by Amicus -Strategic Environmental Consulting in May 2009 (Amicus, 2009) based on total

petroleum hydrocarbons as gasoline (TPH-g) and diesel (TPH-d) impacts to site soil and groundwater reported in previous site investigations. The CAP described proposed site remediation activities including the preferred remediation alternative, which was described in detail. The preferred remediation alternative was source removal through cellular excavation of COC impacted soils. A cleanup goal (CG) of 83 mg/kg was also recommended for both TPH-d and TPH-g impacted soils. A summary of remediation, confirmation sampling, and backfilling and compaction activities is below.

2.1. Remediation Activities

The excavation activities were conducted September 2 through September 25, 2009. The excavation activities included the destruction of several groundwater monitoring wells on site (Figure 2), which were permitted through the Alameda County Public Works Agency (ACPWA).

The excavation included four specific areas (cells) where elevated concentrations of TPH-g and TPH-d where reported in soils during previous site investigations. The cells were designated A1, A2, B1, and B2 (Figure 2). Cells A1 and A2 cells had a planned excavation depth of 10 feet bgs and Cells B1 and B2 had a planned excavation depth of 6 feet bgs. Previous site investigations indicated the shallow soil located outside of Cells A1, A2 and B1, B2 contained elevated levels of residual hydrocarbons. In order to be conservative and protective of future park users, the area was designated as Area C, and was scraped to a depth of 1 foot bgs.

During excavation activities in Cells A1, A2, and B1, B2 soils were segregated into stockpiles containing potentially hydrocarbon-impacted soils and non-impacted soils based on field observations. The obviously impacted stockpiles were placed on and covered with plastic sheets to minimize dust and petroleum odors migrating offsite. Subsequent to excavation and/or over-excavation activities, confirmation soil samples were collected from the excavations bottoms and each of the four sidewalls and analyzed for TPH-d and TPH-g using EPA Method 8015B to evaluate whether areas of impacted soil had been sufficiently removed to achieve the CG.

Cell A1 was excavated to a depth of approximately 10 feet bgs in the planned area of excavation and approximately 345 cubic yards (yds^3) of soil was placed in the impacted soil stockpile located adjacent to the northeast of excavation cells B1 and B2 (Figure 3). Obvious petroleum contamination was present on the west wall of the cell upon reaching the planned excavation limit. The west wall was over-excavated one additional foot to a depth of 10 feet bgs.

Cell A2 was excavated to approximately 10 feet bgs in the planned area of excavation and approximately 1,000 yds^3 of soil was placed in the impacted soil stockpile located adjacent to the northeast of excavation cells B1 and B2. There was no obvious contamination found along the walls and floor of this excavation cell, and in accordance with the CAP, no further excavation was needed.

Cell B1 was excavated to approximately 6 feet bgs in the planned area of excavation and approximately 200 yds^3 of soil was placed in the impacted soil stockpile, located adjacent to the northeast of the excavation.

Cell B2 was excavated to approximately 6 feet bgs in the planned area of excavation and approximately 200 yds^3 of soil was placed in the impacted soil stockpile, located adjacent to the northeast of the excavation.

The area designated Area C was located southwest of the boundary indicated on Figure 3 and outside of the excavation cells A1, A2, B1, and B2. A scraper was used to excavate this area of the site to a depth of 1 foot below grade. Approximately 400 yds^3 of soil was excavated from Area C. Large portions of Area C contained what appeared to be a degrading oily asphalt material within the top 1 foot. This material was placed into the impacted soil stockpile generated from excavation Cells A1, A2, B1, and B2 located northeast of excavation Cell B1. Discolored and odorous soil was observed in several sections of the southern portion of Area C once the excavation was completed. Ninyo & Moore field personnel determined by visual and physical inspection whether the soil being scraped would be placed in the impacted or non-impacted soil stockpile. Area C soil that was not

observed to be impacted was stockpiled in the northern section to ultimately be sampled and analyzed for reuse on site.

2.2. Confirmation Sampling

Initial confirmation sample analytical results did not reveal COC concentrations that exceeded their respective CGs, with the exception of a concentration of 210 mg/kg TPH-d detected in sample floor B2. Due to the low concentration relative to the CG of 83 mg/kg for TPH-d, and after concurring with the Alameda County Department of Environmental Health (ACDEH), a second sample was collected and labeled floor B2-B to confirm the original sample result. This sample was collected near the original sample location in the center of the excavation from a depth of approximately 6 inches below the excavation floor. The sample was analyzed for TPH-d using EPA Method 8015B. TPH-d concentrations in sample floor B2-B were detected at 8.1 mg/kg, below its CG of 83 mg/kg. This sample data was accepted by the ACDEH as an alternative confirmation sample to Floor B2.

2.3. Fill Material Source

All materials used to backfill the excavation cells were provided from other on-site areas of the property. Approximately one third of the backfill material came from the Area C soil stockpile stored in the northern section of the site. Laboratory results from the clean stockpile soil sampling indicated that TPH-d concentrations in the top one-half of the stockpile exceeded their respective CGs. Concentrations of polychlorinated biphenyls (PCBs) that exceeded San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (RWQCB ESLs for residential use) (RWQCB, 2008) were also detected in this section of the stockpile. This soil was removed from the site and transported to a Class II landfill for proper disposal. Soils from the bottom half of the Area C clean stockpile contained TPH-d concentrations that exceeded the CG of 83 mg/kg, which the highest concentration reported at 210 mg/kg. PCBs were also detected in this section of the stockpile, however the concentrations were below the RWQCB ESLs used for comparison. These

soils were authorized for re-use as backfill by the ACDEH, with recommendations that soil exceeding TPH CGs be placed in the bottom of the excavation.

The remaining backfill material was excavated from the northern corner of the site (after all impacted stockpiled material was transported off site), which was historically a separate property, and operated as a used car dealership at the time Holland was in operation. Because historical documentation reviewed for this property indicated no environmental concern from past use, no soil samples were collected prior to soil excavation. Approximately two thirds of the material used for backfilling Areas A, B and C was excavated from this section of the site.

2.4. Fill Material Geotechnical Test Results

Geotechnical compaction testing was performed by Ninyo & Moore personnel on September 24, 2009, for backfilled cells A1, A2, B1, and B2. The testing was only performed on the upper most lift only. The test results did not meet 95 percent relative compaction. At the direction of HARD personnel, the compaction testing was not deemed critical due to future site development plans, and further compaction of backfilled soils was not conducted.

3. PHYSICAL SETTING

Site sedimentology information is based on observation of soil samples collected during investigation activities conducted by Ninyo & Moore. Much of the site shallow subsurface is composed of approximately 1 to 2 feet of brown clayey, gravely sand fill material. Underlying the fill are layers of brown and grey silty sandy clay to approximately 5 feet below ground surface (bgs). From approximately 5 to 14 feet bgs, several layers of clayey sand and clean sand were observed in several site borings. A deeper unit of silty sand was observed at approximately 34 to 37 feet bgs, which was underlain by grey silty clay from approximately 37 to the total depth explored of 40 feet bgs. Groundwater

Shallow groundwater was consistently encountered between approximately 8 and 9 feet bgs in previous investigations. The shallow groundwater was observed in a unit of sand with minor percentages of fine grained soils. Various additional saturated lenses of sand and sandy clay were observed during investigation activities by Ninyo & Moore personnel between 8 and 14 feet bgs. Static groundwater elevations measured in site monitoring wells ranged from 9.01 feet below top of casing (ft toc) during 2009 groundwater monitoring events. During the 2008 site investigation, a deeper water bearing zone consisting of clean sand was encountered between approximately 34 and 37 feet bgs.

4. REMOVAL OF SUBSURFACE FEATURES

On September 4, 2009, a previously discovered hydraulic cylinder was removed from the ground in Area C near the center of the site. This cylinder remained in the ground following the demolition of previously existing buildings. No physical signs of petroleum contamination were observed for the soil surrounding the cylinder, so no further excavation was conducted. The soil adjacent to the cylinder did not have a petroleum odor and further excavation was not necessary. The approximate location of the cylinder is indicated on Figure 3.

5. PURPOSE

The purpose of this SMP is to monitor the excavation and grading activities in order to evaluate and manage known conditions and unknown environmental features that might be encountered during site excavation, grading, and development. This SMP provides procedures for the effective and prompt communication of the discovery of said environmental features to the RWQCB during site grading and development. This SMP and Health and Safety Plan (HSP) will discuss areas of the site presently impacted with constituents of concern and ways to limit the exposure of site workers and the general public to dust, vapors, and/or odors associated with the site grading operations.

6. PROGRAM PARTICIPANTS

6.1. Ninyo & Moore Participants

Ninyo & Moore will act as the environmental consultant and provide field oversight and management services if and when petroleum hydrocarbon impacted soils are encountered during site grading activities. Ninyo & Moore personnel will include a program manager and field coordinator.

The SMP field coordinator for this project is:

- To be determined, Ninyo & Moore (510) 633-5640

The alternate SMP field coordinator for this project is:

- To be determined, Ninyo & Moore (510) 633-5640

The SMP program manager for this project is:

- Ms. Lise Bisson, Ninyo & Moore (510) 633-5640

The alternate SMP program manager for this project is:

- Mr. Blair Bridges, Ninyo & Moore (510) 633-5640

6.2. Owner's Participants

The owner’s project director is:

- Mr. Lawrence R. Lepore, Hayward Area Recreation and Park District

6.3. General Contractor's Participants

The general contractor’s project manager is:

- To be determined

The general contractor’s project site superintendent is:

- To be determined

The general contractor’s field health and safety field monitor is:

- To be determined

6.4. Regulatory Agency Participants

- Mr. Jerry Wickham, ACDEH

7. INDIVIDUAL RESPONSIBILITIES

7.1. Ninyo & Moore SMP Field Coordinator

The SMP field coordinator shall be responsible for the following tasks in the event that petroleum hydrocarbon impacted soil is encountered during site excavation and grading activities:

- Attend a pre-construction meeting with the owner's participant and General Contractor to discuss areas where petroleum hydrocarbon impacted soil may be encountered.
- Monitor excavation and grading operations visually if and when petroleum impacted soils are encountered during site excavation and grading activities;
- Visually monitor for hazards such as vapor and dust exposure, heat stress and noise.
- If encountered, report suspected unknown features and other unknown environmental conditions to the SMP program manager, and the owner's project director. The owner's project director or a designee will initiate all non-emergency correspondence, including contacting the ACDEH. As directed and after having been permitted (if required), supervise activities related to unknown features and other unknown environmental conditions;
- If and when needed, collect samples and arrange for laboratory analyses; and
- Maintain record of soil sample locations.

7.2. Ninyo & Moore SMP Program Manager

The SMP Program Manager will be a California Professional Geologist and shall be responsible for the following tasks in the event that petroleum hydrocarbon impacted soil is encountered during site excavation and grading activities:

- Monitor the work of the SMP field coordinator;
- Communicate field activities to the owner's project director;

- Communicate with the SMP field coordinator to investigate unknown features and other unknown environmental conditions, if encountered;
- Notify the ACDEH by phone if unknown features, other unknown environmental conditions, hazards or deviations are encountered during field activities;
- Evaluate results of soil sampling in accordance with the protocols and criteria set forth in Section 6;
- Characterize, and delineate unknown features and other unknown environmental conditions after consultation with the SMP field coordinator and the owner's project director, and
- Prepare reports of field activities.

7.3. General Responsibilities

It will be the responsibility of the owner's participant and the SMP Program Manager to inform the ACDEH the redevelopment plan and any environmental activities conducted on site during excavation and grading activities.

Ninyo & Moore personnel working at the site will have current HAZWOPER health and safety training. Ninyo & Moore will implement a HSP that covers Ninyo & Moore's employees only.

Meetings and conference calls with both the owner's participant and ACDEH will occur when requested by the owner's participant or ACDEH when unknown conditions of environmental concern are encountered.

8. ENVIRONMENTAL ACTIVITIES FOR SITE GRADING AND EXCAVATION

The following presents the activities that will be performed prior to, during, and following the on-site grading and excavation activities.

8.1. Pre-Excavation and Grading Activities

Pre-excavation and grading activities will be conducted on site to minimize down time and interruptions of grading activities if unknown environmental features are encountered.

Pre-grading activities are intended to evaluate health and safety issues, and prepare and coordinate site individuals with their respective responsibilities. Prior to commencement of any grading activities on site, The ACDEH will need five days notification in order to schedule a site inspection.

8.1.1. Health and Safety Plan

Ninyo & Moore will prepare a HSP to protect Ninyo & Moore's workers from COCs that might be encountered. Action levels for COCs will be established in the HSP. If these action levels are exceeded during excavation and grading activities, engineering controls will be established to mitigate site workers exposure to the constituents of concern.

8.1.2. Pre-Grading Meeting

The SMP program manager, the general contractor and the owner's representative will be requested to attend a pre-grading meeting. The agenda of the meeting will include an oversight of the historical land use, environmental investigations, and remedial activities performed at the site. The meeting will also be held to discuss the procedure if unknown environmental features are encountered. Additionally, program participant information will be confirmed and updated as needed by the SMP program manager.

8.2. During Grading and Excavation Activities

Once grading and/or excavation have begun, the following activities will be performed.

8.2.1. Dust and Odor Control

The general contractor will monitor grading operations for fugitive dust and take such measures, as needed, such as the application of water or a change in operations or equipment in order to inhibit dust from leaving the site. Stockpiled soil will be covered with plastic sheeting, or other similar tarp material, at the end of each workday.

8.2.2. Storm Water Control

Storm water pollution can occur when surface water contacts disturbed soils in excavation areas, exposed wastes, or soil stockpiles and subsequently flows off the site or into storm drain systems. Best Management Practices (BMPs) will be implemented to contain stormwater within the site perimeter and prevent uninhibited storm water runoff into storm drains, which often discharge directly to the Bay.

During the dry season, dust control measures will be monitored to minimize excess application of water to the site and soil stockpiles on the site. Excess dust control watering can produce sediment laden runoff water and can result in stormwater pollution.

Throughout the duration of the project (regardless of dry or wet season activities), BMPs will be implemented and may include silt fences, straw bales, diversion dikes, storm drain inlet protection, outlet protection, visqueen covers, sediment traps, and/or sediment basins may be used to control storm water flow. Additionally, structural practices may be used to divert flows from exposed impacted soils, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site containing impacted soil.

8.2.3. Stockpile Sampling

If COC impacted soil is encountered during excavation and grading activities, it will be placed on, and covered with, visqueen plastic. Stockpiles left overnight will also be covered with visqueen plastic. Waste profiling for off site disposal of the soil will include profiling critereia set forth by a disposal/recycling facility. The number of stockpile samples per volume of soil will include one four-point composite sample per 400 cubic yards (CY) of soil, or as directed by the disposal facility. Sampling methodology will consist of collecting individual soil samples in glass containers, placing them in a cooler with ice, and shipping them, via courier to a certified analytical laboratory under completed chain of custody documentation. Upon sample receipt laboratory personnel will composite the samples. The composite samples will be analyzed using EPA

Methods 8015M/8021 for TPH-d/TPH-g, and 8082 for polychlorinated biphenyls (PCBs), and additional Methods if requested by the disposal facility.

8.2.4. COC Impacted Soil Disposal, Loading, and Transport

COC impacted soil that will be transported to a licensed disposal facility will be stored on plastic sheeting during excavation activities on site. Analytical results from composite samples collected from soil stockpiles will determine the classification of the soil or whether it can be reused on site. Impacted soil will be transported to either a Class I or Class II landfill facility.

The soil transport vehicles will be equipped with plastic sheeting and will be loaded using a standard front-end loader. The loading will be conducted in a manner to reduce the potential to generate dust and vapor. Dust suppression during the loading will be performed by limiting the height of soil drop from the loader to the truck and by lightly spraying or misting the stockpiles with water. After the soil is loaded into the transport trucks, the soil will be covered with tarps to prevent soil from spilling out of the trucks during transport to the disposal facility. Prior to departure, the trucks will have loose soil debris removed via dry brushing the tires and truck body.

Department of Transportation approved, placarded end-dump, or bottom dump trucks will transport excavated soil to the appropriate off-site disposal facility. The number of vehicles to be used for soil loading and transport will be minimized to avoid generating excess decontamination wastes. Waste haulers will be required to provide proof of valid registrations, and permits for hazardous waste transport if soil is transported to a Class I facility. The vehicles will be properly registered, operated, and placarded in compliance with local, state, and federal requirements. Trucks will be inspected by the Ninyo & Moore and/or the transportation contractor technical staff representative before leaving the site to verify that they are properly registered, operated, and placarded in accordance with the requirements.

8.2.5. Laboratory Analysis

A California state-certified laboratory will perform chemical analyses on soil samples collected for testing during the development of the site. The SMP program manager, owner's project director, and the ACDEH representative will evaluate the laboratory analyses required in accordance with the SMP and Site-Specific Soil Management Protocols.

8.3. Site-Specific Soil Management Protocols

These Site-Specific Soil Management Protocols will be followed during grading and excavation activities undertaken during the development of the site. The Site-Specific Soil Management Protocols have been developed with acknowledgement of past site use history and previous subsurface investigations completed at the site.

8.3.1. Known Conditions of Environmental Concern

Known conditions of environmental concern on site include low concentrations of PCBs and TPH in shallow site soils. The SMP filed coordinator will be on site during all grading activities, and work with the SMP Program Manager in managing areas of TPH and PCB impacted soils, if encountered. The SMP field coordinator will also monitor dust and vapor hazards during grading activities, and record areas of surface cover emplacement during park construction. Park construction activities will include concrete and asphalt cover over much of the site, which act as a cap for areas of impacted soil. Areas with impacted soil that will not be capped with hardscape (asphalt or concrete) are required to have minimum of one foot of clean fill or landscaped material cover. Some impacted soils will not be reused on site. In this case, the soils will be stockpiled and classified for disposal using the criteria described in Section 8.2.3.

Petroleum hydrocarbon impacted groundwater has historically been detected beneath the site. If groundwater is encountered during site excavation and/or grading activities, groundwater will be pumped into an above ground container for temporary storage. If the intent is for groundwater to be discharged directly into local sanitary sewer, waste-

water samples will be collected following the City of San Leandro wastewater acceptance criteria for discharge to sanitary sewer. Wastewater can also be reused on site for dust control purposes if it is analyzed for analytical methods relating to historical groundwater COCs, including TPH-d and TPH-g using EPA Method 8015M/8021, and BTEX and methyl tert-butyl ether (MTBE) compounds using EPA Method 8260B. Wastewater analytical results will be compared to San Francisco Bay Regional Water Quality Control Bored (RWQCB) Environmental Screening Levels (ESLs), Table I-2, Final Gross Contamination Ceiling Levels (RWQCB, 2008). Wastewater can not, under any circumstances be discharged into storm drains.

8.3.2. Unknown Features of Environmental Concern

Conditions of environmental concern (other than the known conditions identified in Section 8.3.1) may be encountered during site grading and redevelopment activities. If the General Contractor observes previously unknown environmental features including but not limited to stained and/or odorous soil, they are to contact the SMP Program Manager and the owner's representative. If unknown features of environmental concern are discovered at the site, the ACDEH will be notified by the SMP Program Manger or the owner's representative. Following notifications and discussions, appropriate actions will be taken to assess the magnitude and extent of impact.

Upon discovery of impacted soil, the soils will be stockpiled and sampled. If the analytical results from the initial soil samples indicate contaminant impacts in excess of CGs, the impacted soil will be excavated and stockpiled on plastic sheeting, and classified for waste disposal as described in Section 8.2.3. Documentation of field activities and analytical sample results will be provided in a letter report to the HARD.

8.3.3. Regulated Features

If a regulated feature such as a UST, septic pit, or clarifier is encountered, The General Contractor will notify the SMP Program Manager and the owner's representative, who will in turn notify the ACDEH. Following permitted removal of the regulated feature,

confirmation soil sampling will be conducted following ACDEH guidelines. If necessary, over-excavation of impacted soil will performed.

8.3.4. Regulatory Agency Notification, Requirements, and Environmental Restrictions

ACDEH comments for the Corrective Action Plan Implementation and Closure Report included a requirement for the site owner to place a cap (consisting of either, asphalt, concrete, or one-foot of clean soil) over existing TPH and PCB impacted soil remaining on site. Additionally, a Deed Restriction will be prepared discussing use restrictions for the site due to the existing residual contamination, including notifying the ACDEH prior to conducting activities relating to excavation, drilling, remediation, groundwater use, or disturbance of a surface cap.

8.3.5. Reporting

An Excavation, Grading, and Surface Cap Construction Report will be prepared documenting grading and construction activities during Park construction activities. A figure illustrating areas of hard cover and thickness of clean fill areas where contaminated soil was exposed during site remediation activities. This report is due to the ACDEH on September 23, 2010.

9. LIMITATIONS

The environmental services described in this report have been conducted in general accordance with current regulatory guidelines and the standard-of-care exercised by environmental consultants performing similar work in the project area. No warranty, expressed or implied is made regarding the professional opinions presented in this report.

Our recommendations and opinions are based on an analysis of the observed site conditions and the referenced literature. If conditions different from those described in this report are encountered, our office should be notified and additional recommendations, if warranted, will be provided upon request. It should be understood that the conditions of a site could change with

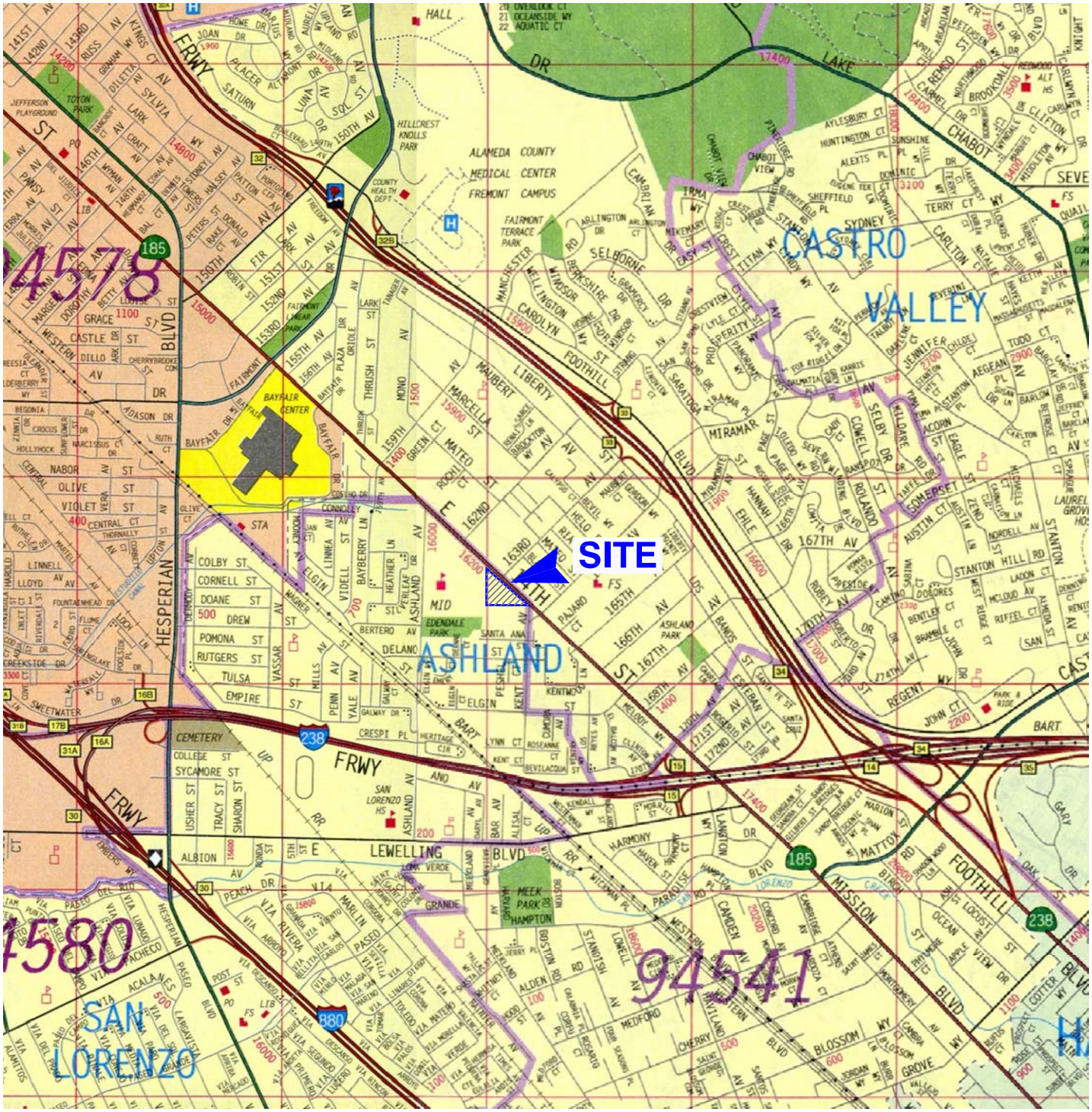
time as a result of natural processes or the activities of man at the subject site or nearby sites. In addition, changes to the applicable laws, regulations, codes, and standards of practice may occur due to government action or the broadening of knowledge. The findings of this report may, therefore, be invalidated over time, in part or in whole, by changes over which Ninyo & Moore has no control.

This document is intended to be used only in its entirety. No portion of the document, by itself, is designed to completely represent any aspect of the project described herein. Ninyo & Moore should be contacted if the reader requires any additional information or has questions regarding the content, interpretations presented, or completeness of this document. This report is intended exclusively for use by the client. Any use or reuse of this report by parties other than the client is undertaken at said parties' sole risk.

10. REFERENCES

Amicus - Strategic Environmental Consulting, 2009 Corrective Action Plan, HARD-RDA Holland Park Property, 16301 E. 14th Street, San Leandro (Ashland District), California, dated May 28.

San Francisco Bay Regional Water Quality Control Board, May 2008 Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater.



REFERENCE: 2005 THOMAS GUIDE FOR ALAMEDA, CONTRA COSTA, MARIN, SAN FRANCISCO, SAN MATEO AND SANTA CLARA COUNTIES, STREET GUIDE AND DIRECTORY.

N

APPROXIMATE SCALE IN FEET

0 1900 3800

NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

Ninyo & Moore	SITE LOCATION MAP	FIGURE
PROJECT NO. 401314005 / DATE 2/10	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	1

LEGEND

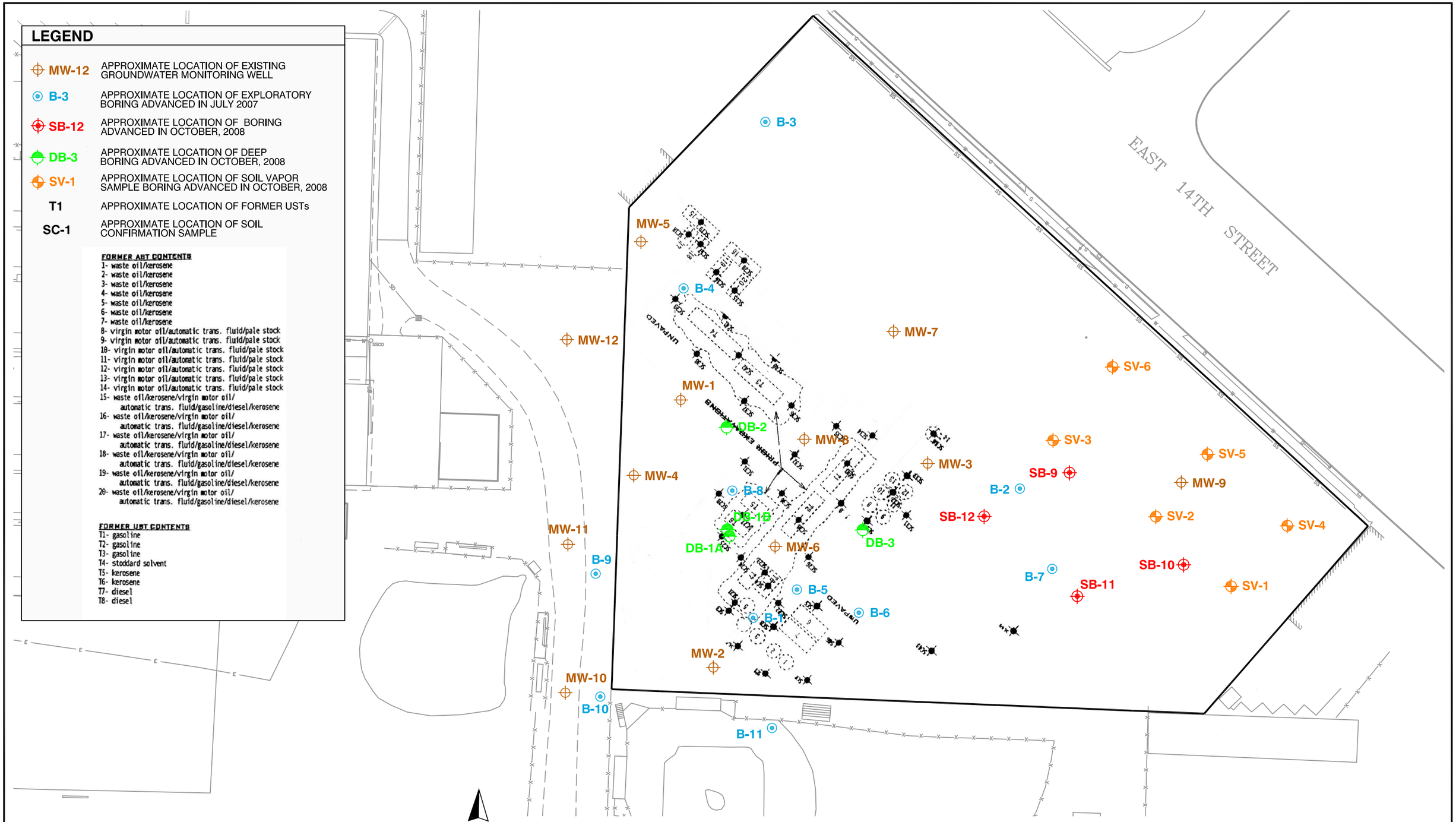
MW-12	APPROXIMATE LOCATION OF EXISTING GROUNDWATER MONITORING WELL
B-3	APPROXIMATE LOCATION OF EXPLORATORY BORING ADVANCED IN JULY 2007
SB-12	APPROXIMATE LOCATION OF BORING ADVANCED IN OCTOBER, 2008
DB-3	APPROXIMATE LOCATION OF DEEP BORING ADVANCED IN OCTOBER, 2008
SV-1	APPROXIMATE LOCATION OF SOIL VAPOR SAMPLE BORING ADVANCED IN OCTOBER, 2008
T1	APPROXIMATE LOCATION OF FORMER USTs
SC-1	APPROXIMATE LOCATION OF SOIL CONFIRMATION SAMPLE

FORMER ABT CONTENTS

1- waste oil/kerosene
2- waste oil/kerosene
3- waste oil/kerosene
4- waste oil/kerosene
5- waste oil/kerosene
6- waste oil/kerosene
7- waste oil/kerosene
8- virgin motor oil/automatic trans. fluid/pale stock
9- virgin motor oil/automatic trans. fluid/pale stock
10- virgin motor oil/automatic trans. fluid/pale stock
11- virgin motor oil/automatic trans. fluid/pale stock
12- virgin motor oil/automatic trans. fluid/pale stock
13- virgin motor oil/automatic trans. fluid/pale stock
14- virgin motor oil/automatic trans. fluid/pale stock
15- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
16- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
17- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
18- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
19- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene
20- waste oil/kerosene/virgin motor oil/ automatic trans. fluid/gasoline/diesel/kerosene

FORMER UST CONTENTS

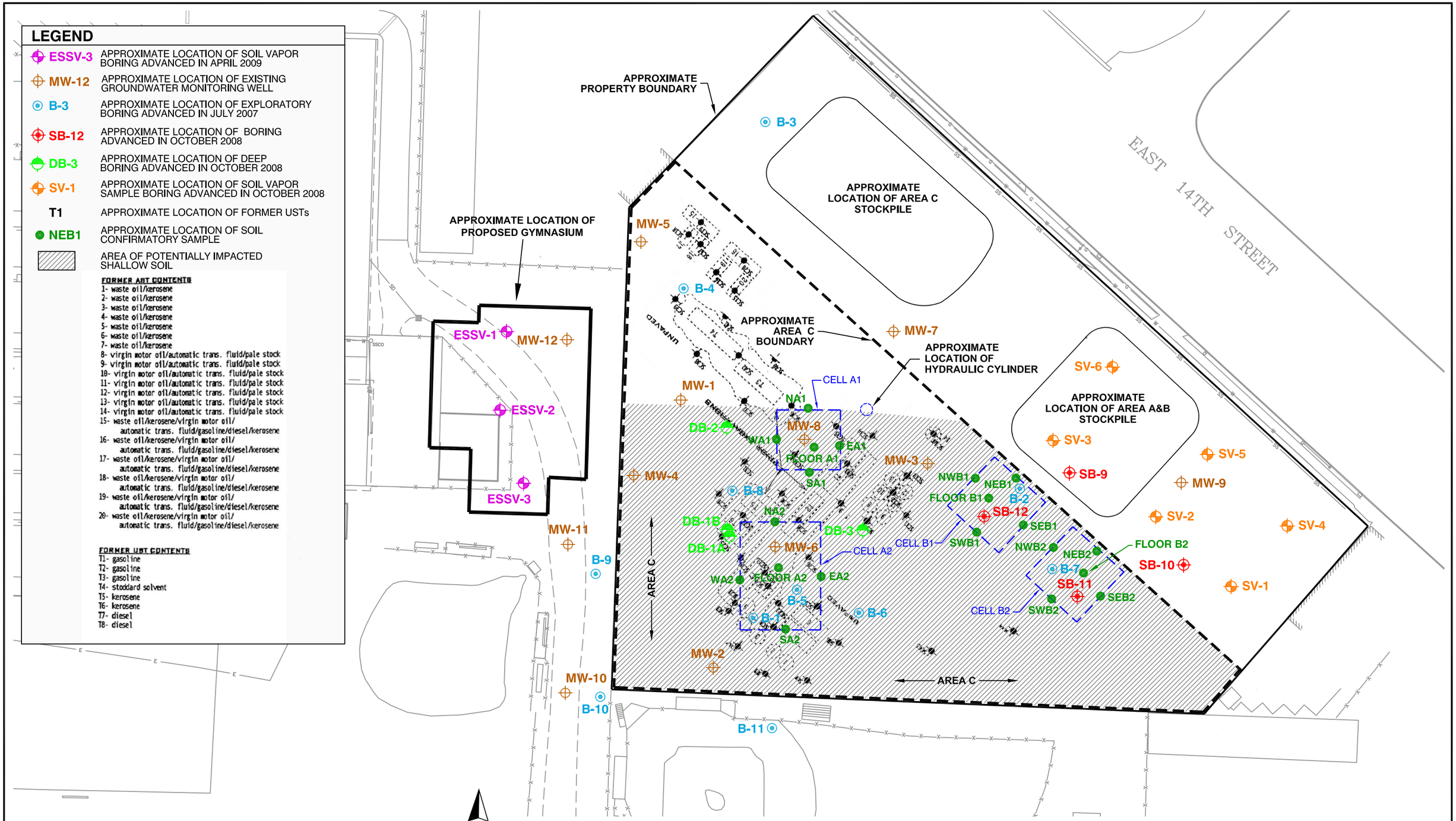
T1- gasoline
T2- gasoline
T3- gasoline
T4- stoddard solvent
T5- kerosene
T6- kerosene
T7- diesel
T8- diesel



NOTE: ALL DIMENSIONS, DIRECTIONS AND LOCATIONS ARE APPROXIMATE.

REFERENCE: VIRGIL CHAVEZ LAND SURVEYING 2008, ENVIRONMENTAL BIO–SYSTEM, INC 2003.

Ninyo & Moore	SITE PLAN	FIGURE
PROJECT NO. 401314005 / DATE 2/10	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	2



REFERENCE: VIRGIL CHAVEZ LAND SURVEYING 2008, ENVIRONMENTAL BIO–SYSTEM, INC 2003.

Ninyo & Moore		EXCAVATION AND CONFIRMATION SAMPLE LOCATION MAP	FIGURE
PROJECT NO.	DATE	HARD-RDA HOLLAND PARK PROPERTY 16301 EAST 14th STREET SAN LEANDRO, CALIFORNIA	3
401314005	2/10		

APPENDIX A

ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH COMMENTS

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director

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

April 5, 2010

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

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

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

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site including the recently submitted documents entitled, "*Soil Management Plan Implementation, HARD-RDA Holland Park Property, 16301 East 14th Street, San Leandro, California*," dated February 5, 2010 (SMP) and received by ACEH on March 22, 2010.

The SMP proposes actions to monitor the excavation and grading activities prior to and during planned park construction in order to evaluate and manage known conditions and unknown environmental features that might be encountered during site excavation, grading, and development. Soils containing petroleum hydrocarbons and polychlorinated biphenyls (PCBs) were encountered in shallow soils during remedial excavation throughout a portion of the site. There is a high likelihood that contaminated soils will be encountered during excavation and grading for the planned park. Due to the residual soil contamination that remains in place at the site, the soils that were exposed during remedial excavation must be covered by a continuous hard surface such as concrete or asphalt or a minimum of one foot of clean fill or landscaped materials. The surface cap is part of the site remedy and emplacement of the surface cap must by verified and documented as discussed in the technical comments below.

The SMP is generally acceptable for implementation provided that the technical comments below are incorporated. We request that you address the technical comments below, perform the proposed work, and submit the documents requested below.

TECHNICAL COMMENTS

1. **Verification and Documentation of Fill Thickness and Surface Cover and Oversight during Excavation and Grading.** As part of park construction, the soils that were exposed during excavation must be covered by a continuous hard surface such as concrete or asphalt or a minimum of one foot of clean fill or landscaped materials. A SMP field coordinator who is a California Professional Geologist or Engineer or is under the direct supervision of a California Professional Geologist or Engineer must be on-site during excavation and grading activities to conduct the actions outlined in the SMP. These activities include but are not limited to management of contaminated soils

that will be encountered during excavation and grading, monitoring of conditions in areas of known impact, observation and reporting of unknown environmental features and conditions, visual monitoring for dust and vapor hazards during construction, soil sampling if and when needed, and recording and mapping of surface cover emplacement. Based on the observations and recording conducted by the SMP field coordinator, we request that you submit an Excavation, Grading, and Surface Cap Construction Report that documents the surface cover emplaced during grading and construction activities for the park. The documentation is to include a map showing the areas of hard cover and the thickness of clean fill emplaced over the soil that was exposed during remedial excavation. Please provide 5-days advance notification to ACEH (e-mail preferred to jerry.wickham@acgov.org) prior to the start of excavation activities in order to schedule site inspection.

2. **Deed Restriction.** As previously noted, a deed restriction is required to prevent exposure during future activities that may disturb the protective surface cap and for long-term management of residual contamination at the site. We note that a deed restriction was to be included as an appendix to the SCM but was not ready for submittal with the SMP. Please submit a deed restriction to ACEH for review. ACEH approval and signing of the deed restriction will be required prior to consideration of case closure.

TECHNICAL REPORT REQUEST

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

- **September 23, 2010** – Excavation, Grading, and Surface Cap Construction 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 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 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 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: 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

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

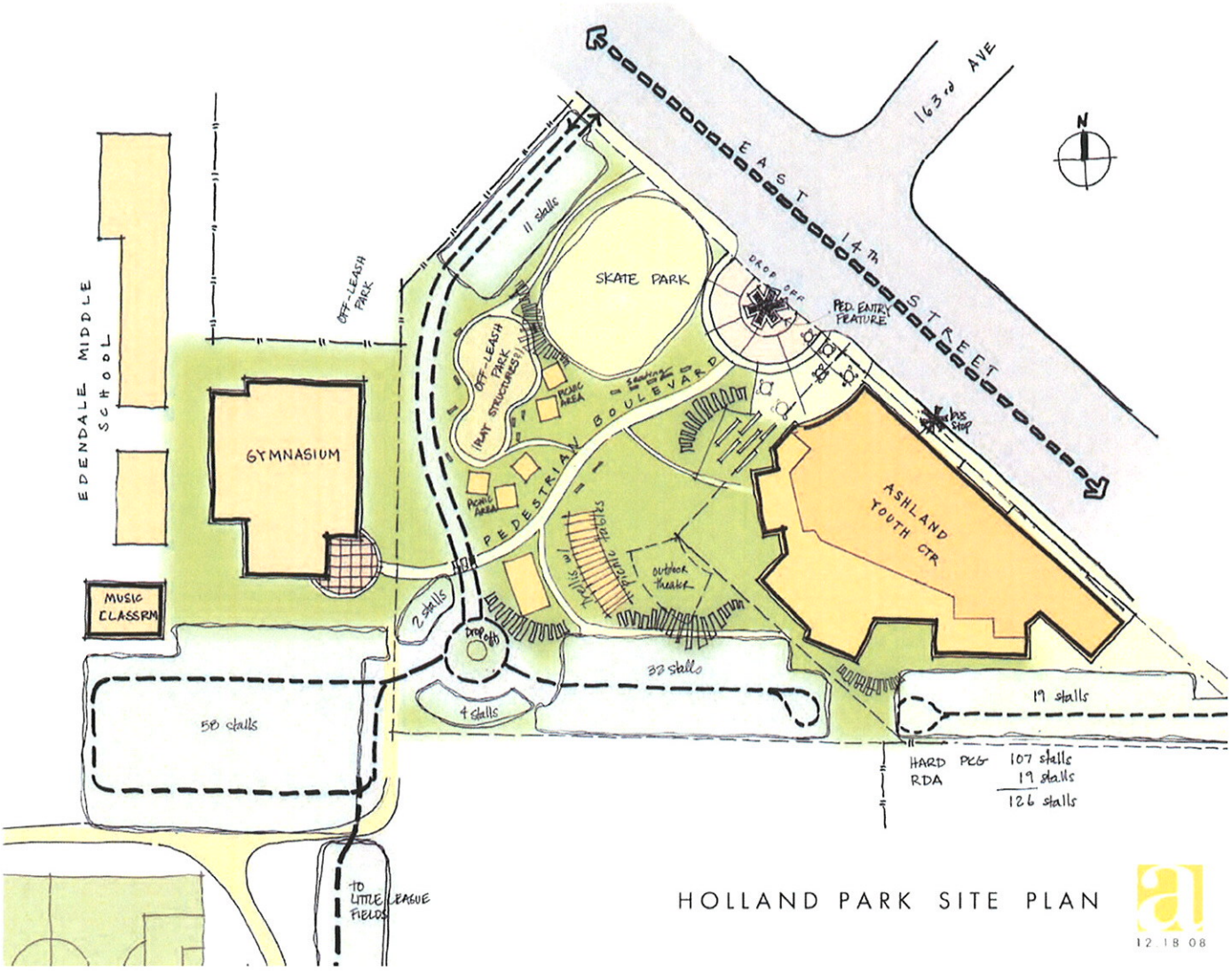
1) Obtain User Name and Password:
   a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
      i) Send an e-mail to dehloptoxic@acgov.org
         Or
      ii) Send a fax on company letterhead to (510) 337-9335, to the attention 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.

APPENDIX B

PROPOSED REDEVELOPMENT PLAN



Draft Park Plan by: AEDIS Architecture and Planning

Figure 3: Draft Park Redevelopment Plan

HARD-RDA Holland Park Property
16301 East 14th Street, San Leandro

May 28, 2009

amicus - STRATEGIC ENVIRONMENTAL CONSULTING

APPENDIX C

COVENANT AND ENVIRONMENTAL RESTRICTION ON PROPERTY

Recording Requested By:

Hayward Area Recreation and Park District, and independent special district of the State of California

When Recorded, Mail To:
Ariu Levi, Director
Alameda County Environmental Health Services
1131 Harbor Bay Parkway
Alameda, California 94502

COVENANT AND ENVIRONMENTAL RESTRICTION ON PROPERTY

Jack Holland Sr. Park, 16301 East 14th Street, San Leandro, California

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the ____ day of _____, 20__ by Hayward Area Recreation and Park District, and independent special district of the State of California (HARD) ("Covenantor") who is the Owner of record of that certain property situated at 16301 East 14th Street, in the City of San Leandro, County of Alameda, State of California, which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (such portion hereinafter referred to as the "Burdened Property"), for the benefit of the Alameda County Environmental Health Services (the "County"), with reference to the following facts:

A. The Burdened Property and groundwater underlying the property contains hazardous materials.

B. Contamination of the Burdened Property. Soil at the Burdened Property was contaminated by a bulk fuel storage and distribution facility formerly owned by Holland Properties. These operations resulted in contamination of soil and groundwater with organic chemicals including fuel related petroleum hydrocarbon compounds (total petroleum hydrocarbons as gasoline and diesel), which constitute hazardous materials as that term is defined in Health & Safety Code Section 25260. Targeted removal was conducted as recommended in the Corrective Action Plan for remediation of source areas of total petroleum hydrocarbons as gasoline and diesel impacted soil on site. Groundwater remediation was not conducted.

C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil and groundwater on the Burdened Property. Without the mitigation measures which have been performed on the Burdened Property, exposure to these contaminants could take place via in

place contact, surface water-runoff, and wind dispersal, resulting in dermal contact, inhalation or ingestion by humans, etc. The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described herein.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is used for recreation purposes and is adjacent to commercial and residential land uses.

E. Full and voluntary disclosure to the County of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Covenantor desires and intends that in order to benefit the County, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

ARTICLE I
GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence on the land of hazardous materials. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the County and all Owners and Occupants. Each and all of the Restrictions are imposed upon the entire Burdened Property unless expressly stated as applicable to a specific portion of the Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the County.

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the County and the Owners and Occupants of the Burdened Property and that the interest of the Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.4 Purpose. It is the purpose of this instrument to convey to the County real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials.

ARTICLE II
DEFINITIONS

2.1 County. "County" shall mean the Alameda County Environmental Health Services and shall include its successor agencies, if any.

2.2 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.3 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.4 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

[INCLUDE THE FOLLOWING PROVISIONS, A-I, IF APPROPRIATE]:

a. Development of the Burdened Property shall be restricted to a public park;

b. No residence for human habitation shall be permitted on the Burdened Property;

c. No hospitals shall be permitted on the Burdened Property;

d. No schools for persons under 21 years of age shall be permitted on the Burdened Property;

e. No day care centers for children or day care centers for Senior Citizens shall be permitted on the Burdened Property;

f. No Owners or Occupants of the Property or any portion thereof shall conduct any

excavation work on the Property, unless expressly permitted in writing by the County. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor or his agent in accordance with all applicable provisions of local, state and federal law;

g. All uses and development of the Burdened Property shall be consistent with any applicable County Cleanup Order or Soil Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the County, unless otherwise expressly permitted in writing by the County.

h. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the County.

i. The Owner shall notify the County of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed, and of the groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the County, which could affect the ability of such cap or remedial measures, remedial equipment, or monitoring system to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the County shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;

j. The Covenantor agrees that the County, and/or any persons acting pursuant to County cleanup orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

k. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

l. No Owner or Occupant of the Burdened Property shall use the Burdened Property to grow fruits or vegetables for consumption.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the County, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the County to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases

relating to the property. Any such instrument shall contain the following statement:

> The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a deed restriction dated as of _____, 199_, and recorded on _____, 199_, in the Official Records of _____ County, California, as Document No. _____, which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. This statement is not a declaration that a hazard exists.

ARTICLE IV
VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the County for a written variance from the provisions of this Covenant.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the County for a termination of the Restrictions as they apply to all or any portion of the Burdened Property.

4.3 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V
MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"
Hayward Area Recreation and Park District, and independent special district of the State of California, 1099 E Street, Hayward, California, 94541

If To: "County"
Alameda County Environmental Health Services
Attention: Director
1131 Harbor Bay Parkway
Alameda, California 94502

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the Covenantor and by the Director of Environmental Health Services. This instrument shall be recorded by the Covenantor in the County of Alameda within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.
Covenantor: _____

By: _____
Title: _____
Date: _____

Agency: Alameda County
Environmental Health Services

By:_____

Title: Director
Date:_____

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____, 20__ before me, the undersigned a Notary Public in and for said state, personally appeared [Covenantor], personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument.

WITNESS my hand and official seal.

_____
Notary Public in and for said
County and State

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____, 20__ before me, the undersigned a Notary Public in and for said state, personally appeared [DIRECTOR], personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument.

WITNESS my hand and official seal.

_____
Notary Public in and for said
County and State

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

APPENDIX D

ANNUAL INSPECTION CHECKLIST

Date: _____ monthly

Time: _____ quarterly annually

Inspectors: _____ other _____

Equipment: _____

Site Security/Fencing				
	A	U	NA	Comments/Repair Date and Signature
Damage				
Breaks				
Wear/Corrosion				
Movement of Gate				
Gate Locks				
Piping/Undermining				

Cover Fill				
	A	U	NA	Comments/Repair Date and Signature
Exposed Wastes				
Settlement				
Subsidence				
Erosion				
Cracks				
Localized Settlement				
Water Pomding				
Surficial Slumping				

Drainage and Erosion Control (Western Slope)				
	A	U	NA	Comments/Repair Date and Signature
Excessive Erosion				
Slumping/Sliding				
Exposed Waste				
Ponded Water				

Irrigation/Water Lines				
	A	U	NA	Comments/Repair Date and Signature
Flexible Connectors				
Secondary Containment				
Moisture Sensors				
Rain Sensors				
Automatic Shut off Valve				

A=Acceptable U=Unacceptable NA=Not Applicable

O & M Professional: _____ Date: _____

O & M Coordinator: _____ Date: _____

HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

June 3, 2011

Subject: Perjury Statement
Site Management Plan
HARD-RDA Holland Park Property, 16301 East 14th Street
San Leandro, California

PERJURY STATEMENT BY RESPONSIBLE PARTY

I declare under penalty of perjury, that the information and recommendations contained in the attached report are true and correct to the best of my knowledge.

Lawrence R. Lepore

Mr. Lawrence R. Lepore
Park Superintendent
Hayward Area Recreation and Park District