

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP) FOR  
HAZARDOUS MATERIALS RELEASES  
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July 18, 2017

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

Subject: Site Cleanup Case No. RO0003228 and GeoTracker Global ID T10000009398, USL Pleasanton Lakes, 3000 Busch Road, Pleasanton, CA 94566

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file in conjunction with the following documents for the subject site prepared by Haley & Aldrich, Inc. on your behalf:

- *Closure Plan – APN 946-1250-6-4 & 946-1350-3-12, Former Hanson Aggregates Radum Facility, Pleasanton, California, dated March 2017.*
- *Soil Management Plan - APN 946-1250-6-4 & 946-1350-3-12, Former Hanson Aggregates Radum Facility, Pleasanton, California (SMP), dated March 2017.*

The above listed documents were prepared to support closure of two Areas of Concern (AOCs 6 and 7) contained within Assessor Parcel Numbers 946-1250-6-4 and 946-1350-3-12, which are contained within the Former Hanson Aggregates Radum Facility (Former Aggregates Facility) located at 3000 Busch Road in Pleasanton.

ACDEH provides oversight of nine AOC (AOC 1 through 9) within the Former Aggregate Facility under three separate regulatory cases:

- Site Cleanup Case No. RO0002941, Hanson Aggregates Radum Plant – established for AOC 1;
- Site Cleanup Case No. RO0002952, Hanson Aggregates Legacy Radum Facility – originally established for AOCs 2 through 9, however revised to remove AOCs 6 and 7; and
- Site Cleanup Case No. RO0003228, USL Pleasanton Lakes – established for AOCs 6 and 7.

The facility has undergone a series of environmental investigations to evaluate releases to soil and groundwater from historic mining operations. The investigation activities were performed to evaluate areas suspected to contain potential environmental concern based on the former mining operations, and to provide a general evaluation of the soil and groundwater conditions present following the cessation of the mining operations and relative to the proposed redevelopment.

The Former Aggregates Facility is comprised of a total of approximately 1,200 acres, of which about 320 acres is dry land and 700 acres is lake and ponds. Beginning in 1938, aggregate mining operations were initiated at this facility by Kaiser Sand and Gravel under Surface Mining Permit 31. These mining operations included excavating areas to remove the aggregate, and then backfilling the mined areas with rubble, debris, and/or mine waste, or for use as disposal ponds for water, silt and the aggregate washing operations. In 1991, Hanson Aggregates purchased the facility and continued the mining operations through 2001, at which time the aggregate resource was considered depleted. Following cessation of the mining operations, the Former Aggregates Facility was purchased in September 2007 by Legacy Pleasanton Land, LLC. This purchase included the entire Former Aggregates Facility, except for a 16.5 acre portion located adjacent and behind the current 7-acre Pleasanton Garbage Services transfer station. During the Fourth Quarter 2010, Legacy Pleasanton Option Land, LLC, purchased the 16.5 acre portion. In the third quarter 2012, USL Pleasanton foreclosed on the former Aggregates Facility, except for the 16.5 acre portion. Subsequently, on January 1, 2013, Legacy Pleasanton Option Land, LLC contributed its 16.5 acre portion of land into a joint venture partnership with USL Pleasanton. USL Pleasanton currently owns the approximately 320 acres of land contained within the Former Aggregates Facility. The 700 acres of lakes and ponds include Lake I and Cope Pond, which are currently owned by Alameda county Flood Control and Water Conservation District – Zone 7 (Zone 7), and Lake H, which is currently owned by Pleasanton Gravel Company, but contracted to imminently transfer to Zone 7. USL Pleasanton has and retains stormwater discharge rights to Cope Pond for this land's current use and ultimate development, upon entitlement and permitting.

If entitled and permitted, ACDEH understands that USL Pleasanton is proposing the development of the entire Former Aggregate Facility which will include: residential and commercial development; roadway improvements; a new school; and parks and open space, including sports fields, hiking and biking trails and recreational and educational access to the ponds. ACDEH further understands that if entitled and permitted, the potential development of the former mining facility is anticipated to be performed in five phases, extending from 2020 through 2030+. In order to initiate these development plans, USL Pleasanton is seeking regulatory closure for APNs 946-1250-6-4 and 946-1350-3-12 under the Site Cleanup Case Np. RO0003228.

Based on information in the case file, and with the provision that the information provided to this agency is accurate and representative of site conditions, ACDEH conditionally approves of the proposed corrective actions to remove known impacted soil conditions in AOC 6 and 7 and the procedures to address unknown features or suspected conditions of concern that may be encountered during the development activities presented in the SMP and concurs that implementation of the proposed measures will prevent future exposure to construction workers and site occupants of the proposed redevelopment project from residual contamination at the site.

Therefore, at this juncture you may proceed with site redevelopment activities on APNs 946-1250-6-4 and 946-1350-3-12 provided the approved corrective actions presented in the SMP are implemented and the documents listed in the Technical Report section below are submitted in accordance with the associated compliance dates. Case closure will be granted following completion of corrective actions.

## TECHNICAL REPORT REQUEST

1. Prior to the start of site grading the following documents must be submitted to ACDEH for review and approval:
  - a. **Project Schedule.** A baseline project schedule providing details of the sequencing of corrective actions and site grading activities. The schedule must incorporate at a minimum the following activities: submittal of analytical data to ACDEH for review and approval of stockpiled excavated soil proposed for reuse at the site prior to reuse, submittal of analytical data to ACDEH for review and approval from proposed imported soil sources prior to import to the site, and submittal of a remedial excavation completion report. The baseline schedule must be updated during the project as required to update ACDEH on the status of corrective action implementation.
2. Prior to the import of soil to the site the following documents must be submitted to ACDEH for review and approval:
  - a. **Soil Import Documentation.** Requisite documentation for imported soil material including information on proposed sources, sampling and profiling protocols, analytical laboratory reports, and tables with analytical results and applicable environmental screening levels.
3. Prior to the reuse of excavated stockpiled material on site the following documents must be submitted to ACDEH for review and approval:
  - a. **Stockpile Characterization Sampling, Evaluation and Reuse Plan.** Requisite documentation for the evaluation of the stockpile of soil from above and below the asphalt layer in accordance with the San Francisco Bay Regional Water Quality Control Board's *Draft Characterization and Reuse of Petroleum Hydrocarbon Impacted Soil as Inert Waste*, dated October 20, 2006.
4. Prior to the start of site redevelopment construction the following documents must be submitted to ACDEH for review and approval:
  - a. **Soil Excavation Report.** A soil excavation report documenting the removal of petroleum hydrocarbon impacted soil and asphaltic material in the EB-35 area of concern and elsewhere if observed during site grading activities. The report must document the removal of the EB-35 area of concern (volumes, lateral and vertical extents, confirmation samples) and any additional previously unknown location(s) where a subsurface asphalt layer was encountered; include the stockpile sampling results and corresponding on-site reuse and/or off-site transportation and disposal evaluation; include copies of off-site transportation and disposal waste manifest and/or bills of lading; and discuss any contingency measure and/or mitigation plans that were implemented for suspect soil or other unanticipated subsurface features; and include imported backfill material documentation.

## TECHNICAL REPORT/WORK SCHEDULE

Please perform the requested work and submit technical reports to Alameda County Environmental Health Environmental Health (Attention: Dilan Roe) in accordance with Attachment 1 and the schedule below. The technical reports may be combined as appropriate. The submittal compliance date for reports with a "Date to be Determined" notation will be finalized in a subsequent Directive Letter and will be based on the date(s) proposed in the Project Schedule.

- **Prior to Start of Grading** – Project Schedule
- **Date to be Determined** – Soil Import Documentation
- **Date to be Determined** – Stockpile Characterization Evaluation and Reuse Plan
- **Date to be Determined** – Soil Excavation Report

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6767 or send an electronic mail message at [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org).

Sincerely,

*Dilan Roe*

Dilan Roe, PE  
Chief – Land Water Division

Cc:

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

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

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

Dilan Roe, ACDEH (*Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)

Paresh Khatri, ACDEH (*Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)

GeoTracker, e-File

## **Attachment 1**

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

#### **REPORT REQUESTS**

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

#### **ELECTRONIC SUBMITTAL OF REPORTS**

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)).

#### **PERJURY STATEMENT**

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

#### **PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS**

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

#### **UNDERGROUND STORAGE TANK CLEANUP FUND**

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

#### **AGENCY OVERSIGHT**

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

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

## REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#\_Report Name\_Year-Month-Date (e.g., RO#5555\_WorkPlan\_2005-06-14)

## Submission Instructions

- 1) Obtain User Name and Password
  - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
    - i) Send an e-mail to [deh.loptoxic@acgov.org](mailto:deh.loptoxic@acgov.org)
  - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
  - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
    - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
  - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
  - a) Send email to [deh.loptoxic@acgov.org](mailto:deh.loptoxic@acgov.org) notify us that you have placed a report on our ftp site.
  - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
  - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
  - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.