

## **Chu, Eva, Env. Health**

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**From:** Chu, Eva, Env. Health  
**Sent:** October 04, 2001 2:36 PM  
**To:** 'Headlee, Chuck'  
**Subject:** Custom Alloy Scrap Sales

Hi Chuck,

Here are some comments on CASS' response letter dated Sep 5, 2001.

A 4. Our letters dated April 3, 1989 and November 16, 1989 stated that "soil directly under the fence line of the property along 26th St was clearly soaked with oil" and "much of the sidewalk area along 26th St., including two PG&E utility vaults, is contaminated with waste oil, and the responsibility for cleaning up this contamination rests with Custom Alloy and ITP."

A 5. The RBSLs are used inappropriately. Surface soi at the site contained up to 40,000ppm TOG and 24,000ppm TPHd (in 11/16/89 letter) and soil from the tank pit contained 340ppm TPHg and 7,400ppm TPHd (5/10/90 letter), as well as free product in wells MW-1 and MW-2.

C 7. CASS did not provide a site plan, no detailed description of chemicals used and how stored.

C 9. No boring logs. Reports provided does not summarize all past investigation results.

Please let me know if you need copies of the above referenced Alameda County letters.

Will you be requesting additional information from CASS?

Thanks again for your help.

*evachu*

Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
(510) 567-6762  
(510) 337-9335 fax



# California Regional Water Quality Control Board

## San Francisco Bay Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 or FAX (510) 622-2460

Gray Davis  
Governor

Date: **AUG 13 2001**  
File No: 01-0471 (CTH)

Custom Alloy Scrap Sales  
Attn: Mr. Chal Sulprizio  
2730 Peralta Street  
Oakland, CA 94607

SUBJECT: Request for Technical Report on Site History - Property at 2730 Peralta Street,  
Oakland, Alameda County

Dear Mr. Sulprizio:

This letter requests that you submit site history information for the above referenced site. As explained below, this information will assist Board staff with its investigation of groundwater pollution in the site vicinity. Please submit a technical report to this office by September 9, 2001, containing the information listed below.

### Background

The business at the site engages in the sale, manufacture, smelting, and supply of metal alloys, scrap metals, various aluminum scrap, and scrap products. The site is located in a mixed industrial and residential zone.

Information provided by the Alameda County Department of Environmental Health (ACDEH) indicates that there are two underground storage tanks (USTs) used for diesel and gasoline in separate pits and two above ground storage tanks used for diesel and propane at different locations at the site. Oils, lubricants and mineral spirits are collected and stored in 55-gallon drums.

In February 1989 an inspection by the ACDEH at the facility identified significant contamination from waste oil. Stained soil was found adjacent to both Custom Alloy Scrap Sales (CASS) and Industrial Turning Processors. Free product was present in two PG&E utility vaults along the sidewalk of 26<sup>th</sup> Street. Other violations noted were lack of business plan, no permit for USTs, no manifest/receipts for disposal of waste oil and solvent were available for inspection, no secondary containment for hazardous waste storage, no monitoring records for USTs, no tank tightness test records.

Soil samples collected in the stained areas contained up to 40,000 ppm total oil and grease (TOG), 24,000 ppm total petroleum hydrocarbons as diesel (TPHd), and lead and copper concentrations above hazardous waste thresholds.

**AUG 20 2001**

## Custom Alloy Scrap Sales

In March 1989 a tank tightness test was performed on the 10,000-gallon diesel UST at the site. The product piping connecting the tank to the pump dispenser did not pass a pressure test. A follow-up inspection was conducted by ACDEH in October 1989. No action was taken on a majority of violations noted in February 1989. In December 1989 a work plan was submitted to address environmental concerns at the site. Soil borings were proposed for the collection of soil and grab water samples. The workplan was not acceptable to ACDEH. An amended workplan was requested and submitted by MacKinnon Environmental Consulting (MEC) in March 1990. The workplan was implemented and documented in a June 22, 1990, report by MEC.

In April 1990 the two USTs (a 4,000-gallon gasoline tank from underneath 28<sup>th</sup> Street and a 10,000-gallon diesel tank within the facility property) were removed. Soil samples collected from the tank pits contained up to 340 ppm total petroleum hydrocarbons as gasoline (TPHg) and 7,400 ppm TPHd. Stockpiled soil was re-used to backfill the excavations.

Six groundwater monitoring wells, MW-1 through MW-6, were installed at the site between June 1990 and August 1994. Lead, zinc, and chromium were found in soil collected from boring B-10 at 12 feet below ground surface (bgs). Releases from the USTs at CASS are believed to be responsible for the free product found in PG&E vaults near the site. Limited groundwater monitoring has been completed for the site. Free product has been noted in wells MW-1 and MW-2. In July 1994 Soak Ease (free product collection devices) were installed in these wells. No reports have been submitted for additional fieldwork that may have been completed after September 1994.

### Regional Water Quality Control Board Request

Please submit a technical report containing the following information by September 9, 2001.

1. The period of time that Custom Alloy Scrap Sales has owned the property.
2. For each lessee that has operated at the site during this period, a description of: (a) the period of time that they operated at the property, (b) the lessee's name and current mailing address, (c) a contact person and their current phone number, and (d) the nature of the lessee's business.
3. The name, current mailing address, contact person, and current phone number for any other prior property owners or operators, to the extent that this information is known or reasonably available.
4. A description of the sources consulted to respond to the above items (e.g. written records, former employees, local agency files).
5. A detailed description of your operations at the property during this period.
6. A list of chemicals stored, used, handled, produced, recycled, or disposed at the property during this period. The list should indicate any chemicals that were stored, used, or disposed as hazardous waste. This list should also indicate the maximum quantity of each chemical used on the property per year.

The energy challenge facing California is real. Every Californian needs to take it of simple ways you can reduce demand and cut your energy costs, see our Web-si

Post-it® Fax Note 7671		Date	# of Pages
To	Eva Chu	From	Chud Headlee
Co./Dept.		Co.	
Phone #		Phone #	

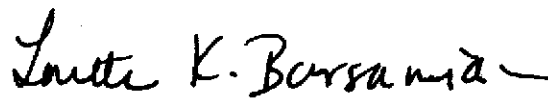
\*\* TOTAL PAGE.01 \*\*

7. A detailed description of the nature and location of chemical storage, chemical handling, chemical treatment, or chemical disposal at the property. Key information should be shown on a facility map.
8. Information on any past chemical spills or releases at the property during this period, including chemical type, release location, and any remedial action taken.
9. Copies of all environmental investigation reports and all groundwater monitoring reports.
10. A summary of all past investigations, including Phase I Environmental Assessment results. Soil and groundwater quality data should be tabulated. In addition, soil and groundwater data should be plotted on a site map. Include data from on-site and off-site investigations and subsequent monitoring events. Relevant data from nearby sites should be included.
10. A statement that the information provided in response to the above items is full, true, and correct, under penalty of perjury.

This request for a technical report is made pursuant to Water Code Section 13267, which allows the Board to require technical reports from persons whose activities may have an impact on water quality. You may be subject to administrative civil liability of up to \$1,000 per day pursuant to Water Code Section 13268 if you fail to respond, respond late, or submit an inadequate response. Any extension in the above deadline must be confirmed in writing by Board staff.

If you have any questions concerning this letter, please contact Chuck Headlee of my staff at (510) 622-2433, [cth@rb2.swrcb.ca.gov](mailto:cth@rb2.swrcb.ca.gov).

Sincerely,

  
Loretta K. Barsamian  
Executive Officer

cc: Ms. Eva Chu  
Alameda County Department of Environmental Health,  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Ms. Susan Torrence  
Alameda County District Attorney's Office  
7677 Oakport St, Suite 650  
Oakland, CA 94621

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

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

StID 2360

September 5, 2000

Mr. Chal Suprizio  
Custom Alloy Scrap Sales  
2730 Peralta Street  
Oakland, CA 94607

**FINAL NOTICE OF VIOLATION**

Dear Mr. Sulprizio:

On January 10, March 1, May 19 and July 3, 2000, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you letters requesting that quarterly groundwater monitoring be reinstated and that technical reports be provided that detailed the work performed to date in the investigation of soil and water contamination (due to the unauthorized release of fuel products) at **2730 Peralta Street, Oakland, CA**. As of the date of this letter, however, we have not received any technical reports requested. Therefore, this letter constitutes a **Final Notice** that you are in violation of specific laws and that the technical report is due.

According to Section 25298 of the California Health and Safety Code, underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. Therefore, you, as the responsible party, are in violation of this section of the Code, for which Section 25299 specifies civil penalties of up to \$5,000, for each day of violation. Also, failure to furnish technical reports regarding documented or potential groundwater contamination violates Section 13267(b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues.

You are required to submit the technical reports for the site to this office **within 15 days** from the date of this letter or by **September 21, 2000**. **Failure to respond will result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.**

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Pat O'Brien, CASS 2730 Peralta Street, Oakland, CA 94607  
John Creighton, Alameda County District Attorney's Office (QIC 21001)  
Chuck Headlee, SF-RWQCB

cass-6

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

StID 2360

July 3, 2000

Mr. William Wick  
Crosby, Heafey, Roach & May  
1999 Harrison Street  
Oakland, CA 94612-3573

RE: Custom Alloy Scrap Sales, 2730 Peralta Street, Oakland, CA

Dear Mr. Wick:

This letter is in response to your letter of June 23, 2000. Please explain to your client at Custom Alloy Scrap Sales that environmental assessment/work has not been completed for the above referenced site. Our latest daily entry for the site was on January 4, 1996 where Hazardous Materials Specialist, Ms. Susan Hugo, was in communication with Mr. John Sammons regarding the sampling of onsite groundwater monitoring wells. This clearly suggests that, at a minimum, groundwater monitoring was to continue at the site. It would be helpful if your client can provide previous reports that document what investigations have been completed to date so I can work towards the eventual closure of this site.

At this time, quarterly monitoring of all onsite monitoring wells must be reinstated, as per my letters dated January 10, March 1, and May 19, 2000. Be advised, that failure to furnish technical reports regarding documented or potential groundwater contamination violates Section 13267(b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues. You are required to submit the technical reports for the site to this office **within 30 days** from the date of this letter, or **by August 3, 2000**.

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB  
John Creighton, Alameda County District Attorney's Office (QIC 21001)  
Chal Sulprizio, CASS, 2730 Peralta Street, Oakland, CA 94607

**CROSBY, HEAFEY, ROACH & MAY**  
PROFESSIONAL CORPORATION

00 JUN 27 AM 11:18  
ATTORNEYS AT LAW  
1999 HARRISON STREET  
OAKLAND, CALIFORNIA 94612-3573  
(510) 763-2000  
FAX (510) 273-8832

MAILING ADDRESS:  
POST OFFICE BOX 2084  
OAKLAND, CALIFORNIA 94604-2084

LOS ANGELES  
(213) 896-8000

CENTURY CITY  
(310) 734-5200

SAN FRANCISCO  
(415) 543-8700

William D. Wick  
Direct Dial: (510) 466-6842  
E-mail Address: bwick@chrn.com

June 23, 2000

***Via Facsimile and U.S. Mail***

Ms. eva chu  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Re: Custom Alloy Scrap Sales  
2730 Peralta Street, Oakland, CA  
Response to May 19 Letter

Dear Ms. chu:

I am responding on behalf of Custom Alloy to your letter of May 19, 2000.

Your letter requested that quarterly groundwater monitoring and sampling be reinstated, and that a technical report of the sampling results be submitted by June 23. You also requested that the samples be analyzed for MTBE and other oxygenates in accordance with Senate Bill 989.

I have discussed your requests with the Custom Alloy, and they do not understand the purpose for or basis of your requests. They explained to me that underground storage tanks were removed from the property in

Ms. eva chu  
June 23, 2000  
Page 2

**1990**, and that Custom Alloy had worked for years with the County to investigate and remediate the property. I understand that after Custom Alloy's consultants concluded that no further work was necessary, the County apparently agreed and that the case was effectively closed four or five years ago.

The difficulty, as I understand it, is that the County has lost or misplaced all of the technical reports provided by Custom Alloy during the last decade. As you can understand, Custom Alloy does not believe it is fair to require it to again spend time and money on site investigation because the County lost the files.

Since the tanks were pulled in 1990, the Custom Alloy property would not be a source of MTBE, so I don't understand how anything in SB 989 applies. If there is an indication that Custom Alloy *is* a source of any other contaminant of health or safety concern in the area, it would be very helpful if you could provide that information, and Custom Alloy can respond after reviewing it.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Wick", written in a cursive style.

William D. Wick



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



StiD 2360

May 19, 2000

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2730 Peralta Street  
Oakland, CA 94607

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

**RE: Groundwater Monitoring/Sampling at 2730 Peralta Street, Oakland, CA**

Dear Mr Sulprizio:

On January 10, 2000, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requesting that quarterly groundwater monitoring/sampling be reinstated for the site. Groundwater sampling was to be conducted in February 2000. A technical report detailing the work performed was due within 60 days upon completion of field work. To date, this office has not received the required report. It is assumed that quarterly groundwater has not been reinstated.

Be advised that Governor Davis issued Executive Order D-5-99 on March 25, 1999, and signed Senate Bill 989 on October 8, 1999. The executive and legislative mandates require the State Water Resources Board to identify areas most vulnerable to MTBE contamination, prioritize resources, and to develop investigation and cleanup guidelines. Therefore, groundwater at the above referenced site must be analyzed for MTBE and other oxygenates using EPA Method 8260 as soon as possible.

Finally, failure to furnish technical reports regarding documented or potential groundwater contamination violates Section 13267(b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues. You are required to submit the technical reports for the site to this office **within 30 days** from the date of this letter, or **by June 23, 2000**. **Failure to respond will result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.**

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB  
John Creighton, Alameda County District Attorney's Office (QIC Code 21001)  
Pat O'Brien, CASS, 2730 Peralta Street, Oakland, CA 94607

cass-4

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



StID 2360

March 1, 2000

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2730 Peralta Street  
Oakland, CA 94607

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

**FINAL NOTICE OF VIOLATION**

Dear Mr. Sulprizio:

On January 10, 2000, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requesting technical reports detailing environmental investigations conducted to date at **2730 Peralta Street, Oakland, CA**. As of the date of this letter, however, we have not received the required report(s). Therefore, this letter constitutes a **Final Notice** that you are in violation of specific laws and that the technical report is due.

According to Section 25298 of the California Health and Safety Code, underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. Therefore, you, as the responsible party, are in violation of this section of the Code, for which Section 25299 specifies civil penalties of up to \$5,000, for each day of violation. Also, failure to furnish technical reports regarding documented or potential groundwater contamination violates Section 13267(b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues.

You are required to submit the technical reports for the site to this office **within 45 days** from the date of this letter, or by April 17, 2000. **Failure to respond will result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.**

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Michael O'Connor, Alameda County District Attorney's Office (QIC Code 21001)  
Chuck Headlee, RWQCB, 1515 Clay Street, Suite 1400, Oakland, CA 94612  
Pat O'Brien, CASS, 2730 Peralta Street, Oakland, CA 94607  
email: Chris Noma ([cnoma@wendel.com](mailto:cnoma@wendel.com))

cass-3

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

StID 2360

February 18, 2000

Mr. Pat O'Brien  
Custom Alloy Scrap Sales  
2730 Peralta Street  
Oakland, CA 94607

**RE: Custom Alloy Scrap Sales (CASS) at 2730 Peralta Street, Oakland, CA**

Dear Mr. O'Brien:

This letter is to memorialize and comment on our conversation of February 9, 2000 regarding the above referenced site. After I faxed you a copy of my letter dated January 10, 2000 to Mr. Chal Sulprizio, requesting that a site summary/history report be prepared for the site, you responded that you did not feel it necessary that CASS spend additional monies for such a report. In addition, you did not feel it necessary to re-instate quarterly groundwater monitoring for the site.

After my many attempts (without any success) to locate the case file for CASS, I had no alternative but request that a site summary report be prepared for the site (unless you can provide copies of previous reports to this office). The case of the former leaking underground storage tanks at the site has not been evaluated for closure. In order to determine the status of the site, a summary history report was requested. That report is still due to this office **by February 25, 2000**.

**Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.**

Should you have any questions about the content of this letter, please contact me at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

email: chris roman

cass-2

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



StID 2360

January 10, 2000

Mr. Chal Sulprizio  
Custom Allowy Scrap Sales  
2730 Peralta Street  
Oakland, CA 94607

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700  
(510) 337-9432

**RE: Site Summary Report for Custom Alloy Scrap Sales (CASS),  
2730 Peralta Street, Oakland, CA**

Dear Mr. Sulprizio:

In April 1999 I was assigned as the case worker for the above referenced site. However, the case file for CASS is missing from our office. I have made many attempts to locate it with no success. I have also contacted Mr. Pat O'Brien, of your office, as well as Ms. Christine Noma, your attorney, for copies of previous environmental reports completed for the site. They too have not been able to locate any reports for me.

In order for me to adequately evaluate the status of this site, I am requiring that you have a complete site history report provided to this office for review. The report should include all environmental investigations completed to date for the site, including but not limited to: historic use of property, site plans (building, underground storage tanks (UST), hazardous waste storage area), hazardous materials and hazardous waste used or generated at the site, site characterization, groundwater flow direction, geologic cross-sections, cumulative soil and groundwater analytical data, groundwater monitoring well installation, UST removal, and hazardous waste manifests for UST, soil, and groundwater disposal,

The site history report is due within 45 days of the date of this letter, or by **February 25, 2000**. In addition, quarterly groundwater monitoring should be reinstated for the site. The next sampling event should be in February 2000. Groundwater should be analyzed for TPHg, TPHd, BTEX, MTBE, and chlorinated solvents. Quarterly monitoring reports are due 60 days upon completion of field work.

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

cass-1



**Cal/EPA**

**State Water  
Resources  
Control Board**

**Division of  
Clean Water  
Programs**

Mailing Address:  
P.O. Box 944212  
Sacramento, CA  
94244-2120

2014 T Street,  
Suite 130  
Sacramento, CA  
95814  
(916) 227-4307  
FAX (916) 227-4530

World Wide Web:  
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

ENVIRONMENTAL  
PROTECTION

97 APR 28 PM 4:10

APR 2 1997



Pete Wilson  
Governor

CHAL SULPRIZIO  
P O BOX 24222  
OAKLAND, CA 94623

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, STAFF DECISION FOR NOTICE OF INELIGIBILITY DETERMINATION, CLAIM NUMBER 008311, SITE ADDRESS: 2730 PERALTA ST, OAKLAND

This is to notify you that during the detailed review of your application, it has been determined that your claim for the subject site is not eligible for reimbursement in the Underground Storage Tank Cleanup Fund. It is being proposed, therefore, that your claim be removed from the Priority List based on the following reason:

Section 25284 of the Health and Safety Code provides that no person shall own or operate an underground storage tank unless a permit for its operation has been issued by the local agency to the owner. Section 25292 provides that for every underground storage tank installed on or before January 1, 1984, and used for the storage of hazardous substances, the owner shall, on or before July 1, 1985, outfit the underground tank system with a monitoring system capable of detecting unauthorized releases of any hazardous substances stored in the tank system, and thereafter, the operator shall monitor each tank system, based on materials stored and the type of monitoring installed.

Documentation obtained from the local regulatory agency files indicate that you did not comply with the requirement to obtain an operating permit by January 1, 1990. AB 1061 (Costa-Kelley) amended section 25299.57 of the California Health and Safety Code (H&SC) to allow the Water Resources Control Board to waive the requirement that the claimant must have had the required permit to own or operate the tanks by January 1, 1990 as a condition for eligibility to the Fund for claims filed on or after January 1, 1994. However, in order to waive the requirement, the State Board must find that the claimant was unaware of the permit requirement prior to January 1, 1990, and there was no intent to intentionally avoid the permit requirement or the fees associated with the permit.

In April 1990, a tank closure plan was submitted to the Alameda County Environmental Health Department and the USTs were removed on April 11, 1990. However, according to a November 16, 1989 Final Notice of Violation, the Hazardous Materials Division had conducted two inspections at the subject site since February 1989 as well as issued three letters including two notices of violation. Among others, you were in violation of State law for operating underground storage tanks without an operating permit or an approved monitoring plan.

Based on this information, I cannot conclude that the reason you did not obtain the required operating permits was because you were unaware of the permit requirements, and therefore cannot grant the waiver of this eligibility requirement to the Fund.



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*Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.*

APR 24 1997

CHAL SULPRIZIO  
Page 2

If you disagree with this Staff Decision, you may either request review and reconsideration by the Program Manager or you may formally appeal the decision and request a Division Decision from the Chief of the Division. A request for reconsideration along with any additional documentation should be sent to:

Dave Deaner, Program Manager, Claim #008311  
UST Cleanup Fund Program  
State Water Resources Control Board  
Division of Clean Water Programs  
P. O. Box 944212  
Sacramento, CA 94244-2120

A request to the Chief of the Division must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the action or the Staff Decision is erroneous, inappropriate or improper.

The request to the Chief of the Division must be sent to Harry M. Schueller, Chief, Division of Clean Water Programs, at the address listed above.

If you do not request review and reconsideration by the Program Manager or request a Division Decision from the Chief of the Division within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

If you have any questions, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,

  
Francine Aguirre, Team Leader - Region 2  
Underground Storage Tank Cleanup Fund

cc: Mr. Thomas Peacock  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577



Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.*



*Tomp*

May 23, 1995  
STID 2360

DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6777

Patrick O'Brien  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland CA 94607

Re: 2730 Peralta St., Oakland, CA 94607

Dear Mr. O'Brien,

We are in receipt of a letter dated April 10, 1995 (attached) directed to Rafat A. Shahid of this Agency concerning this Departments oversight costs in a State Water Resources Control Board billing for the period 1 July 94 - 31 December 94 for the above site. This office has reviewed all the charges and found that they are correct. It is common for case workers to get advice from others, including their supervisor. That is why several different names appear on this case.

In the future, it would be more appropriate to direct any questions concerning your bill to the originator of the bill: the State Water Resources Control Board. The contact person at that agency for this county is Lori Casias. This office has contacted her concerning this case.

If you have any other questions, please call this office at 567-6782. Thank you.

Sincerely,

Rafat A. Shahid, Director

Enclosure

c: Mary Ortendahl, ACEDP, 1221 Oak St., Suite 555, Oakland, CA 94612

# Custom Alloy Scrap Sales, Inc.

2730 PERALTA STREET • OAKLAND, CALIFORNIA 94607  
P. O. BOX 24222 • OAKLAND, CALIFORNIA 94623  
TELEPHONE: (415) 893-6476 FAX: (415) 893-2012

DATE 4-19-95

## FACSIMILE DOCUMENT COVER SHEET

TOTAL PAGES: (Including This Cover Sheet) 5

TO: Mary Ottendahl FROM: Patrick R. O'Brien

MESSAGE Oversight Cost for ACHD billed by  
State Water Resources Control Board.

272-3784 FAX.



4-10-95

Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway Rm 250  
Alameda, Ca. 944502-6677

Attn: Rafat Shahid Assistant Agency Director

Subject: Oversight Costs from Alameda County Health Department to  
Custom Alloy Scrap Sales, Inc. .

On January 28, 1995 we had a meeting between your office, Custom Alloy Scrap Sales Inc. and the County Administrator's Office and discussed the oversight of our site.

It was decided that Ms. Jennifer Eberle would be taken off the case and a new specialist would be assigned. This has happened and Susan Hugo is now assigned to the case. One of the decisions of that meeting was to replace that specialist and have another employee come up to speed on the case at no cost to CASS.

We have received some billing from the State Water Resources Control Board on March 29, 1995 for billing from July thru December. It appears that there are many charges on this billing for other employees coming up to speed on our project. We agreed in our meeting that CASS would not have to pay for charges the Health Department may incur to have others become familiar with our project.

We would appreciate it if you would review this matter. Attached is a copy of the billing. Please feel free to contact me at (510) 893-6476 with any questions you may have with regard to this matter.

Sincerely,

Patrick R. O'Brien  
General Manager

cc: Mary Ortendahl, Regulatory Affairs Coordinator

Pg. 1

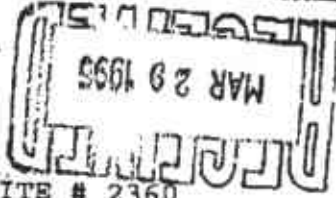
INVOICE FOR OVERSIGHT COSTS

fin510a

Send Payment to: State Water Resources Control Board  
Underground Storage Tank Local Oversight Program  
PO Box 944212  
Sacramento, CA 95824-2120

Bill Date:  
03/28/95

Local Agency: COUNTY OF ALAMEDA



SITE # 2360

Site Location:

CUSTOM ALLOY SCRAP SALES  
CHAL SULPRIZIO  
2730 PERALTA ST  
OAKLAND, CA 94607

CUSTOM ALLOY SCRAP SALES  
2730 PERALTA ST  
OAKLAND, CA  
94607

Total previously billed:	\$ 5,289.69
Payment(s) received as of 10/28/94	\$ 5,289.69
**New Charges - Billing Period: 07/01/94 through 12/31/94	\$ 1,900.40

FUND: F

Total amount due: \$ 1,900.40

State Health and Safety Code Sections 25297.1 and 25360 and Title 42 of the United States Code Section 6991bch)(6) require recovery of costs associated with the local oversight program. When your site was put in the local oversight program, you received a letter explaining that the State Water Resources Control Board (State Board) would bill you for public costs of cleanup oversight.

This bill includes site specific and program management charges. Site specific charges directly relate to your site. Examples are sampling for soil and ground water contamination, site inspections, and reviewing reports and workplans. A description of activity codes follows the itemized charges. Program management includes other costs associated with program operation. Such costs may include: space rental, office services and supplies, purchase of sampling equipment, training and the salary and benefits of support personnel (i.e., clerical staff, accountant, program supervisor). Program management charges are calculated at not more than 50 percent of site specific charges. The exact rate is shown on the last page of your bill.

If you received an invoice for a previous billing period, those charges are shown as "Total Previously Billed". Any payments you made on the previous billing are shown as "Payment Received". The total of any unpaid previous balance plus new charges is shown as "Total Amount Due".

\*\* See itemized list of new charges on next page(s).

FOR INFORMATION CALL: LORI CASIAS

*al*

(916) 227-4325

**PAYMENT IS DUE IN 30 DAYS**

-----cut on this line-----  
Return this part with your check made payable to SWRCB. Use the enclosed envelope and send to the address above.

Local Agency: COUNTY OF ALAMEDA

Site #: 2360

Site Location:

CUSTOM ALLOY SCRAP SALES  
CHAL SULPRIZIO  
2730 PERALTA ST  
OAKLAND, CA 94607

CUSTOM ALLOY SCRAP SALES  
2730 PERALTA ST  
OAKLAND, CA  
94607

Total amount due: \$ 1,900.40

Enter amount paid: \$ \_\_\_\_\_

fin510b  
pg. 2

Local agency: COUNTY OF ALAMEDA  
Site number: 3360  
Billing date: 03/28/95

ITEMIZED NEW CHARGES

Site specific charges for billing period: 07/01/94 - 12/31/94

DATE	NAME	*ACT	HOURS		RATE		IND	TRAVEL	TOTAL
			ST	OT	ST	OT			
07/05/94	SEERY	212	0.10	0.0	46.29	0.00	0.1516	0.00	5.33
07/05/94	SEERY	215	0.30	0.0	46.29	0.00	0.1516	0.00	15.99
07/05/94	SEERY	204	0.20	0.0	46.29	0.00	0.1516	0.00	10.66
07/07/94	PEACOCK	215	0.10	0.0	52.62	0.00	0.1516	0.00	6.06
07/07/94	EBERLE	212	0.60	0.0	38.08	0.00	0.1516	0.00	26.31
07/12/94	EBERLE	210	3.00	0.0	38.08	0.00	0.1516	0.00	131.56
07/15/94	SEERY	218	0.20	0.0	46.29	0.00	0.1516	0.00	10.66
07/25/94	SEERY	215	0.30	0.0	46.29	0.00	0.1516	0.00	15.99
07/26/94	PEACOCK	215	0.50	0.0	52.62	0.00	0.1516	0.00	30.30
07/27/94	SEERY	215	0.20	0.0	46.29	0.00	0.1516	0.00	10.66
07/28/94	PEACOCK	215	0.40	0.0	52.62	0.00	0.1516	0.00	24.24
08/10/94	EBERLE	212	0.40	0.0	38.08	0.00	0.1516	0.00	17.54
08/11/94	PEACOCK	212	0.30	0.0	52.62	0.00	0.1516	0.00	18.18
08/11/94	EBERLE	210	1.20	0.0	38.08	0.00	0.1516	0.00	52.62
08/11/94	PEACOCK	210	3.40	0.0	52.62	0.00	0.1516	0.00	206.03
08/15/94	PEACOCK	212	0.20	0.0	52.62	0.00	0.1516	0.00	12.12
08/15/94	PEACOCK	215	0.20	0.0	52.62	0.00	0.1516	0.00	12.12
08/15/94	EBERLE	215	0.30	0.0	52.62	0.00	0.1516	0.00	18.18
08/29/94	PEACOCK	215	0.40	0.0	38.08	0.00	0.1516	0.00	17.54
10/06/94	Jennifer EBERLE	212	0.10	0.0	52.62	0.00	0.1516	0.00	6.06
10/26/94	Jennifer EBERLE	212	0.10	0.0	38.08	0.00	0.1516	0.00	4.39
11/02/94	Jennifer EBERLE	212	0.10	0.0	38.08	0.00	0.1516	0.00	4.39
11/02/94	Tom PEACOCK	215	0.10	0.0	52.62	0.00	0.1516	0.00	4.39
11/10/94	Tom PEACOCK	212	0.40	0.0	52.62	0.00	0.1516	0.00	6.06
11/15/94	Jennifer EBERLE	215	1.80	0.0	38.08	0.00	0.1516	0.00	24.24
11/15/94	Jennifer EBERLE	215	0.50	0.0	38.08	0.00	0.1516	0.00	78.94
11/16/94	Jennifer EBERLE	212	0.40	0.0	38.08	0.00	0.1516	0.00	21.93
11/17/94	Tom PEACOCK	215	0.50	0.0	52.62	0.00	0.1516	0.00	26.31
11/17/94	Jennifer EBERLE	215	0.50	0.0	38.08	0.00	0.1516	0.00	30.30
11/18/94	Jennifer EBERLE	212	0.20	0.0	38.08	0.00	0.1516	0.00	21.93
11/21/94	Tom PEACOCK	215	0.30	0.0	52.62	0.00	0.1516	0.00	8.77
11/22/94	Tom PEACOCK	215	0.40	0.0	52.62	0.00	0.1516	0.00	18.18
11/22/94	Jennifer EBERLE	215	0.40	0.0	38.08	0.00	0.1516	0.00	24.24
11/23/94	Jennifer EBERLE	212	0.50	0.0	38.08	0.00	0.1516	0.00	17.54
11/23/94	Tom PEACOCK	212	0.70	0.0	52.62	0.00	0.1516	0.00	21.93
11/23/94	Scott BEERY	212	0.20	0.0	46.29	0.00	0.1516	0.00	42.42
12/02/94	Jennifer EBERLE	215	0.40	0.0	38.08	0.00	0.1516	0.00	10.66
12/02/94	Tom PEACOCK	212	0.10	0.0	52.62	0.00	0.1516	0.00	17.54
12/02/94	Tom PEACOCK	215	0.30	0.0	52.62	0.00	0.1516	0.00	6.06
12/05/94	Jennifer EBERLE	215	0.40	0.0	38.08	0.00	0.1516	0.00	18.18
12/05/94	Jennifer EBERLE	206	0.40	0.0	38.08	0.00	0.1516	0.00	17.54
12/05/94	Tom PEACOCK	206	0.50	0.0	52.62	0.00	0.1516	0.00	17.54
12/05/94	Tom PEACOCK	212	0.10	0.0	52.62	0.00	0.1516	0.00	30.30
12/06/94	Tom PEACOCK	212	0.10	0.0	52.62	0.00	0.1516	0.00	6.06
12/09/94	Jennifer EBERLE	215	1.50	0.0	38.08	0.00	0.1516	0.00	6.06
12/09/94	Tom PEACOCK	215	0.90	0.0	52.62	0.00	0.1516	0.00	65.78
							0.1516	0.00	34.54

FIN5106

pg. 3

Local agency: COUNTY OF ALAMEDA  
 Site number: 2360  
 Billing date: 03/28/95

ITEMIZED NEW CHARGES

Site specific charges for billing period: 07/01/94 - 12/31/94

DATE	NAME	*ACT	HOURS		RATE		TRAVEL	TOTAL
			ST	OT	ST	OT		
12/12/94	Tom PEACOCK	215	0.50	0.0	52.62	0.00	0.1516	0.00
12/13/94	Tom PEACOCK	204	0.90	0.0	52.62	0.00	0.1516	0.00
12/14/94	Jennifer EBERLE	215	0.20	0.0	38.08	0.00	0.1516	0.00
12/14/94	Tom PEACOCK	215	0.30	0.0	52.62	0.00	0.1516	0.00
12/19/94	Tom PEACOCK	215	1.80	0.0	52.62	0.00	0.1516	0.00
12/20/94	Jennifer EBERLE	215	0.40	0.0	38.08	0.00	0.1516	0.00
12/20/94	Tom PEACOCK	215	1.50	0.0	52.62	0.00	0.1516	0.00

SITE SPECIFIC TOTALS:

30.1 0.0

\$ 1583.67

PROGRAM MANAGEMENT CHARGE (calculated at 20% of site specific charges):

\$ 316.73

TOTAL NEW CHARGES

\$ 1900.40

\* ACTIVITY CODES AND DESCRIPTIONS: (ACT)

- 300 (200) Responsible Party identification and notification
- 304 (204) Meeting with Regional Board or other affected agencies regarding a specific site
- 306 (206) Development of enforcement actions against a Responsible Party
- 307 (207) Issuance of a closure document
- 310 (210) Site visits
- 311 (211) Sampling activities
- 312 (212) Meetings with responsible parties or responsible party consultants
- 315 (215) Review of reports, workplans, preliminary assessments, remedial action plans, or post-remedial monitoring

# CALIFORNIA HAZARDOUS MATERIAL INCIDENT REPORT

OES 1/91

CHANGE 1   
DELETE 2

<b>A</b> AGENCY NAME ALAMEDA COUNTY	AGENCY ID NO. 011715	AGENCY INCIDENT NO. 95025	AGENCY PHONE NO. (510) 567-6700	OES CONTROL NO. 
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<b>B</b> INCIDENT DATE 10/3/03	MO 10	DAY 03	YEAR 95	TIME NOTIFIED 104310	TIME COMPLETED 106310	DATE COMPLETED (IF DIFFERENT)	MO 	DAY 	YEAR 
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<b>C</b> INCIDENT ADDRESS/LOCATION 2730 Poplar Street	CITY/COMMUNITY Oakland	COUNTY ALAMEDA	ZIP 94607
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<b>D</b> WEATHER (CHECK BEST DESCRIPTOR/S)			PROPERTY USE (USE CODES ON REVERSE)		
1 <input checked="" type="checkbox"/> CLEAR	5 <input type="checkbox"/> HAIL, SLEET	8 <input type="checkbox"/> HIGH WIND	PROPERTY USE <u>600</u>	SURROUNDING AREA <u>400</u> <u>500</u>	
3 <input type="checkbox"/> RAIN	6 <input type="checkbox"/> ELECTRICAL STORM	9 <input type="checkbox"/> OTHER			
4 <input type="checkbox"/> SNOW	7 <input type="checkbox"/> FOG	0 <input type="checkbox"/> UNKNOWN	ESTIMATED TEMPERATURE <u>60 (Dry F)</u>		
PROPERTY MANAGEMENT			FEDERAL <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> CITY <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> UNKNOWN <input type="checkbox"/>		

<b>E</b> RELEASE FACTORS (CHECK BEST DESCRIPTOR/S)		TYPE OF EQUIPMENT INVOLVED	MOBILE PROPERTY TYPE
11 <input type="checkbox"/> INTENTIONAL ACT	70 <input type="checkbox"/> OPERATIONAL DEFICIENCY	10 <input type="checkbox"/> HEATING SYSTEMS	10 <input type="checkbox"/> PASSENGER VEH/ROAD
12 <input type="checkbox"/> SUSPICIOUS ACT	71 <input type="checkbox"/> COLLISION/OVERTURN	30 <input type="checkbox"/> AIR CONDITION/REFRIG	20 <input type="checkbox"/> FREIGHT VEH/ROAD
30 <input type="checkbox"/> FAILURE TO CONTROL HAZMAT	80 <input type="checkbox"/> NATURAL CONDITION	77 <input type="checkbox"/> CHEM PROCESSING EQUIP	30 <input type="checkbox"/> RAIL TRANSPORT VEH
31 <input type="checkbox"/> ABANDONED	94 <input type="checkbox"/> FIRE/EXPLOSION	78 <input type="checkbox"/> WASTE RECOVERY EQUIP	40 <input type="checkbox"/> WATER TRANS VESSEL
40 <input type="checkbox"/> MISUSE OF HAZMAT	98 <input type="checkbox"/> NO RELEASE	96 <input type="checkbox"/> HAZMAT TRANSFER EQUIP	50 <input type="checkbox"/> AIR TRANSPORT VEH
50 <input type="checkbox"/> MECHANICAL FAILURE	99 <input checked="" type="checkbox"/> OTHER <u>Spilly</u>	97 <input type="checkbox"/> VEHICULAR FUEL SYSTEM	60 <input type="checkbox"/> HEAVY EQUIP-INDUST/AGRI
60 <input type="checkbox"/> DESIGN, CONSTRUCTION, INSTALLATION DEFICIENCY	00 <input type="checkbox"/> UNDETERMINED	98 <input type="checkbox"/> NO EQUIP INVOLVED	98 <input type="checkbox"/> NO MOBILE PROPERTY INVOLVED
	<u>equip. failure</u>	99 <input type="checkbox"/> OTHER	99 <input type="checkbox"/> OTHER
		00 <input type="checkbox"/> UNDETERMINED	00 <input type="checkbox"/> UNDETERMINED

<b>F</b> ACTIONS TAKEN (CHECK BEST DESCRIPTOR/S)			
31 <input type="checkbox"/> RESCUE, REMOVE FROM HARM	42 <input type="checkbox"/> ID/ANALYSIS OF HAZMAT	48 <input type="checkbox"/> CONTAIN/CONTROL HAZMAT	73 <input type="checkbox"/> SHUT DOWN SYSTEM
32 <input type="checkbox"/> EXTRICATION, DISENTANGLEMENT	43 <input type="checkbox"/> EVACUATION	61 <input type="checkbox"/> CROWD CONTROL	82 <input type="checkbox"/> SECURE PROPERTY
33 <input type="checkbox"/> EMERGENCY MEDICAL SERVICES	44 <input type="checkbox"/> ESTABLISH SAFE AREA	62 <input type="checkbox"/> TRAFFIC CONTROL	92 <input type="checkbox"/> REFER TO PROPER AUTHORITY
35 <input type="checkbox"/> SEARCH	45 <input type="checkbox"/> MONITOR	63 <input type="checkbox"/> NOTIFY OTHER AGENCY	98 <input type="checkbox"/> NO ACTION TAKEN
36 <input type="checkbox"/> TRANSPORT	46 <input type="checkbox"/> DECON-PERSON/EQUIP	64 <input type="checkbox"/> PROVIDE PUBLIC INFO	97 <input type="checkbox"/> HAZMAT RESPONSE, MATERIAL DETERMINED TO BE NONHAZARDOUS
41 <input type="checkbox"/> REMOVE HAZARD (NEUTRALIZE)	47 <input type="checkbox"/> DECON-AREA (CLEANUP)	71 <input type="checkbox"/> INVESTIGATE	99 <input type="checkbox"/> OTHER <u>authorized removal of molten aluminum to commence</u>

<b>G</b> CHEMICAL OR TRADE NAME (PRINT OR TYPE) <u>molten aluminum &amp; other metals</u>		DOT ID NO.	DOT HAZARD CLASS	CAS NO.
PHYSICAL STATE STORED 1 <input checked="" type="checkbox"/> SOLID 2 <input type="checkbox"/> LIQUID 3 <input type="checkbox"/> GAS	PHYSICAL STATE RELEASED 1 <input type="checkbox"/> SOLID 2 <input checked="" type="checkbox"/> LIQUID 3 <input type="checkbox"/> GAS	QUANTITY RELEASED <u>2000</u>	ENVIRONMENTAL CONTAMINATION 1 <input type="checkbox"/> AIR 2 <input checked="" type="checkbox"/> GROUND 3 <input type="checkbox"/> WATER 9 <input type="checkbox"/> OTHER	(USE CODES ON REVERSE) EXTENT OF RELEASE <u>3</u>

<b>G</b> CONTAINER DESCRIPTION		(USE CODES ON REVERSE)		CONTAINER CAPACITY
1 <input checked="" type="checkbox"/> FIXED	2 <input type="checkbox"/> PORTABLE	1 <input type="checkbox"/> INSULATED	2 <input type="checkbox"/> PRESSURIZED	1 <input type="checkbox"/> bs.
3 <input type="checkbox"/> MOBILE		3 <input type="checkbox"/> ARMORED		2 <input checked="" type="checkbox"/> gal.
CHEMICAL OR TRADE NAME (PRINT OR TYPE)	DOT ID NO.	DOT HAZARD CLASS	CAS NO.	3 <input type="checkbox"/> cu. ft.
PHYSICAL STATE STORED 1 <input type="checkbox"/> SOLID 2 <input type="checkbox"/> LIQUID 3 <input type="checkbox"/> GAS	PHYSICAL STATE RELEASED 1 <input type="checkbox"/> SOLID 2 <input type="checkbox"/> LIQUID 3 <input type="checkbox"/> GAS	QUANTITY RELEASED <u>24</u>	ENVIRONMENTAL CONTAMINATION 1 <input type="checkbox"/> AIR 2 <input type="checkbox"/> WATER 3 <input type="checkbox"/> GROUND 9 <input type="checkbox"/> OTHER	CONTAINER TYPE <u>24</u> LEVEL OF CONTAINER <u>30</u> CONTAINER MATERIAL <u>99</u>
CONTAINER DESCRIPTION		(USE CODES ON REVERSE)		CONTAINER CAPACITY
1 <input type="checkbox"/> FIXED	2 <input type="checkbox"/> PORTABLE	1 <input type="checkbox"/> INSULATED	2 <input type="checkbox"/> PRESSURIZED	1 <input type="checkbox"/> bs.
3 <input type="checkbox"/> MOBILE		3 <input type="checkbox"/> ARMORED		2 <input type="checkbox"/> gal.
CHEMICAL OR TRADE NAME (PRINT OR TYPE)	DOT ID NO.	DOT HAZARD CLASS	CAS NO.	3 <input type="checkbox"/> cu. ft.

**H** MORE THAN 2 SUBSTANCES INVOLVED?  YES  NO (LIST ADDITIONAL INFORMATION ON REVERSE SIDE)

<b>I</b> SPECIAL STUDIES	LOCAL USE	1. A B C D	2. A B C D	3. A B C D	4. A B C D	5. A B C D	6. A B C D	STATE USE
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<b>J</b> HAZMAT IDENTIFICATION SOURCES (CHECK BEST DESCRIPTOR/S)		HAZMAT CASUALTIES		
PERSONNEL	REFERENCE MATERIAL	RESPONDING AGENCY PERSONNEL	NUMBER OF DECONTAMINATED	NUMBER OF INJURIES
19 <input type="checkbox"/> ON-SITE FIRE SERVICES	21 <input type="checkbox"/> DOT MANUAL			
29 <input type="checkbox"/> OFF-SITE FIRE SERVICES	23 <input type="checkbox"/> MSDS	OTHERS		
40 <input type="checkbox"/> ON-SITE NON-FIRE SERVICES	24 <input type="checkbox"/> PLACARDS/SIGNS			
60 <input type="checkbox"/> OFF-SITE NON-FIRE SERVICES	25 <input type="checkbox"/> PRIVATE INFO SOURCE			
54 <input type="checkbox"/> CHEMIST	26 <input type="checkbox"/> COMPUTER SOFTWARE			
58 <input type="checkbox"/> TOX CENTER	27 <input type="checkbox"/> SHIPPING PAPERS			
59 <input type="checkbox"/> CHEMTREC	98 <input type="checkbox"/> NO REFERENCE MATERIAL USED			
99 <input type="checkbox"/> OTHER	99 <input type="checkbox"/> OTHER			

<b>K</b> VEHICLE MAKE/YEAR	VEHICLE LICENSE NO.	STATE	VEHICLE ID NO. (VIN)	CADOT/PUC/ACC NO.	COMPANY NAME
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<b>L</b> REPORTING OFFICER NAME/ID NO. (PRINT OR TYPE)	DATE	COMMENTS ON BACK? <input type="checkbox"/> YES <input type="checkbox"/> NO
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**CODES**

**PROPERTY USE and SURROUNDING AREA TYPE**

**EXTENT OF RELEASE**

00 Public Assembly	762 Hazmat Chem Mfg	950 Railroad	1 Confined to Vehicle/Equipment
100 Educational	767 Petroleum Refinery	961 Freeway	2 Confined to Room of Origin
200 Health Care	800 Storage	962 County/City Road	3 Confined to Floor of Origin
300 Residential	931 Open Land	963 Private Road	4 Confined to Structure of Origin
400 Mercantile, Business	936 Vacant Lot	965 Rest Stop/Vista Point	6 Confined to Property Use of Origin
500 Industrial, Utility	941 Open Sea	966 Scale/Inspection Facility	7 Release Beyond Property Use of Origin
650 Agricultural	942 Harbor/Port	099 Other - Explain in comments section	8 NO RELEASE
700 Manufacturing	946 Lake/Pond/River		9 Other - Explain in comments section
			0 Undetermined

**CONTAINER TYPE**

**LEVEL OF CONTAINER**

**CONTAINER MATERIAL**

11 Drum	31 Sump/Pit	11 Ground Level	1 Iron, Steel & Other Iron Alloys
12 Cylinder	32 Pond or Surface Impoundment	30 Above Ground	2 Aluminum & Aluminum Alloys
13 Can or Bottle	33 Well	40 Below Ground	3 Copper, Brass, Bronze, & Other Copper Alloys
14 Carboy	41 Vehicular Fuel Tank		4 Plastic/Fiberglass, Rigid
15 Box or Carton	98 NO CONTAINER		5 Plastic, Flexible
16 Bag	99 Other - Explain in comments section		6 Wood, Paper, Textile, & Cellulose Products
21 Tank or Silo (incl vehicle cargo tanks)	00 Undetermined		7 Glass, Pottery & Clay
22 Pipe			8 NO CONTAINER
24 Machinery or Process Equipment			9 Other - Explain in comments section
			0 Undetermined

(OFD)

**COMMENTS:**  
 3/3/95 4:30 AM call out by Oakland Fire Mike Fahay via AEO OES. Crack in brick/cement oven used for smelting of aluminum at Custom Alloy caused a large spill of molten aluminum containing other metallic impurities to spill onto the cement floor of the smelting room. This room has only a partial roof. Allegedly the neighbors smelled smoke burning debris on the cement floor and phoned OFD. Cpt. Fahay was concerned that contaminants from either the molten metal or from smoke associated with the spill might present a health hazard to employees associated with custom alloy who were attempting to pick up the spill. Arrived onscene at approx 5:15 AM. Fumes/smoke associated with contamination of the floor had mostly subsided by then. with the assistance of the facility fireman Brian.

**IMPORTANT INSTRUCTIONS** mike Fahay & myself the area of the spill was surveyed. The site was cleared to commence break up of molten aluminum slabs. Brit Johnson & Al whitman of O, OPD respectively showed up at the scene. Cpt Fahay released me from the scene shortly thereafter. offsite 6:10 AM

Incidents that involve the following shall not be reported:  
 1. Petroleum spills of less than 42 gallons from vehicular fuel tanks.  
 2. Sewage overflows.  
 3. Leaks in low-pressure fuel lines to residential properties.

**CHANGE:** If the information on a previously submitted form needs to be changed mark the CHANGE box and submit form with the correct information.

**DELETE:** If a certain report needs to be deleted from the database mark the DELETE box, complete sections A, B, C, and L, and submit form.

**NOTE:** IF ALL SECTIONS CONTAINING SHADED BOXES  ARE NOT COMPLETED, THE FORM WILL BE RETURNED FOR COMPLETION

- SECTION**
- A OES Control No. is assigned when making phone notification to OES Warning Center. [Phone 1-800-852-7550 or (916) 427-4341].
  - B Enter the date (month, day and year), notification and completion time of the incident (use 2400 hr clock). Enter completion date, if different from incident date.
  - D Check the appropriate weather descriptor(s) at the time of the incident and indicate the approximate temperature in ° F. Enter property use and surrounding area codes. Indicate the entity responsible for property management.
  - E Check the item(s) that describe(s) the cause of the incident, the type of equipment involved in the incident, and the mobile property type, if any.
  - F Check the item(s) that indicate(s) which action(s) you took as a responder to the incident.
  - G List the chemical or the trade name(s) of the hazardous material(s) involved in the incident. Include information required in the boxes. Check the information in the box(es) that describe(s) the hazardous material. Use the appropriate codes for Extent of Release, Container Type, Level of Container, and Container Material.
  - H If more than two (2) hazardous materials were involved check YES and enter the information in the comments section.
  - I This section is used for special studies. The first three numbers are for your agency's use; the last three are for state use. Leave blank unless otherwise directed.
  - J Check item(s) describing who identified the material and how it was identified. Enter number of hazardous material casualties suffered by responding agency personnel and others (including the public) in spaces provided.
  - K If vehicle/mobile property was involved in the incident, enter information about that vehicle.
  - L Print your full name or your ID number and enter the date of report. Mark Yes or No to indicate whether there are additional comments.

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

December 15, 1994

Ms. Christine K. Noma, Esq.  
Wendel Rosen Black & Dean  
1111 Broadway  
Twenty-Fourth Floor  
Oakland, CA 94607

DEPARTMENT OF ENVIRONMENTAL HEALTH  
ALAMEDA COUNTY CC4580  
DEPT. OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL PROTECTION DIVISION  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577

Re: Jennifer Eberle's participation in overseeing the work  
conducted at Custom Alloy Scrap Sales, Inc.

Dear Ms. Noma:

This letter documents our telephone conversation on 12/6/94, as well as your correspondence dated 7/19/94, 8/9/94, and 11/16/94 (unsigned), directed to this Department, in which you denounce one of our staff members for perceived improprieties in the execution of her duties. You have demanded that Ms. Eberle be relieved of all oversight responsibilities for this project, and that another hazardous materials specialist be assigned this duty. In your most recent letter you expressed dismay in discovering that Ms. Eberle remains involved in the case, fearful that her "preconceived biases and prejudices" will harm your client. As you are aware, I am personally overseeing the cleanup of the environmental contamination resulting from your client's operation of the Custom Alloy Scrap Sales facility. Any actions taken by Ms. Eberle in regards to this project are at my personal direction. Consequently, the only preconceived biases and prejudices you need fear are my own.

I am responsible for administering the Local Oversight Program for the County of Alameda. I am a busy man and I must rely upon staff members to assist me. Ms. Eberle is an experienced environmental professional. Prior to her employment with the County, Ms. Eberle served the environmental consulting industry. I find Ms. Eberle's assistance indispensable and will continue to engage her in any manner I feel appropriate.

As per the scope of immunity granted by the Government Code as it pertains to ministerial versus discretionary functions, this area of discussion exceeds the realm of my expertise. I recognize your privilege to bring suit against whomever you like whenever you feel that is an appropriate thing to do. I would not presume to tell you how to conduct your business or assign your staff. A reciprocal degree of professional courtesy seems in order.

The strident denunciations you make against Ms. Eberle indicates to me that your personal animosity for Ms. Eberle has eroded your professional objectivity. At best, your correspondence reflects a profound misconception of the function served by this Department and the means by which we achieve our goals. Our purpose is not to deceive, vex, annoy or harm anybody's business, but rather to

Ms. Christine K. Noma, Esq.  
Wendel, Rosen Black & Dean  
December 15, 1994  
page 2 of 3

protect public health and the quality of the environment by ensuring compliance with all applicable environmental regulations.

You castigate Ms. Eberle's "plan" to request consent to a hazardous materials inspection of your client's facility when she anticipated that such consent would be withheld. You contend that such a plan "is outside the scope of her authority since a regulator should be taking steps to encourage compliance." You are evidently unaware of the requirements for obtaining an administrative inspection warrant as articulated in the Code of Civil Procedure. One such requirement is that voluntary consent for such an inspection first be requested and refused. Apparently the California legislature envisioned a more proactive role for our inspectors than you feel is appropriate. Perhaps you should direct your grievance to the legislature.

You also take exception to the fact that Ms. Eberle communicated allegations of environmental wrongdoing on your client's part to other environmental regulatory agencies. You conclude that "Ms. Eberle's belief in the statements of a disgruntled employee without conducting an independent investigation indicates that she has overstepped her authority as a regulator." On the contrary, the Safe Drinking Water and Toxic Enforcement Act of 1986 mandates that government employees provide notice of any known discharge or release of a regulated substance. Severe sanctions are imposed for failing to perform this duty. It is inconceivable that the voters of California demand vociferous notification of known releases but government employees are under a duty to keep allegations of improper discharges secret absent verification by an independent investigation. Ms. Eberle's conduct in this regard was proper.

Lastly, you express outrage over the fact that Ms. Eberle arrived at your client's facility in the presence of police officers. "Such action on her part," you conclude, "is not only a waste of taxpayer's money, but is further evidence that she is acting outside the scope of her employment to consciously vex, annoy and harm CASS in its business." I can assure you that law enforcement agencies are keenly sensitive to the inefficient expenditure of their personnel resources. Our Department will rely upon the judgment of these agencies in this regard. It is unfortunate that your client finds the presence of non-uniformed police officers constitutes a vexing, annoying and harmful circumstance.

Finally, I would like to assure you that this Department takes no interest in the outcome of civil actions between private litigants. To the extent that Ms. Eberle paid heed to the events taking place between your client and any former employees, her interest arose from the obvious implications of environmental noncompliance

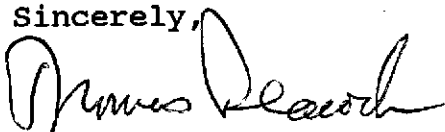


Ms. Christine K. Noma Esq.  
Wendel, Rosen Black & Dean  
December 15, 1994  
Page 3 of 3

presented by the allegations. She would have been remiss in her duties not to have done so.

I sincerely hope that this letter helps to clarify matters for you. Please feel free to contact me with any questions you may have in this regard.

Sincerely,



Thomas Peacock  
Supervising Hazardous Materials Specialist

cc: Gil Jensen, Deputy District Attorney, Office of Environmental  
and Consumer Protection  
Chal Sulprizio, Custom Alloy Scrap Sales, Inc., 2730 Peralta  
St., Oakland CA 94607

Files



Alameda County  
District Attorney's Office  
John J. Meehan, District Attorney

December 15, 1994

Christine K. Noma  
Attorney at Law  
Wendel Rosen Black and Dean  
1111 Broadway, 24th Floor  
Oakland, CA 94607

Re: People v Custom Alloy Scrap Sales, Inc.

Dear Ms. Noma:

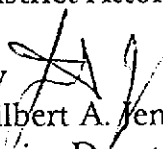
We have today received a copy of the attached correspondence from the Alameda County Department of Health, Environmental Protection Division.

Please be informed that this office has reviewed the matter, and concurs with the position of the Department as set out in this letter. We consider the proposed future oversight of CASS as outlined in the letter to be appropriate, and in the best interest of protecting the public and the environment given the facts of this case.

Should you continue to disagree with the County's decision and method of oversight, please inform me so that I can review our decision to litigate this matter under the administrative law, or in the alternative, set a new hearing date to develop an appealable order which you can bring before the State Water Resources Control Board.

Sincerely,

JOHN J. MEEHAN  
District Attorney

By   
Gilbert A. Jensen  
Senior Deputy District Attorney

cc: Rafat Shahid, Director of Environmental Health

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

December 5, 1994  
STID 2360

Chal Sulprizio, President  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland CA 94607

DEPARTMENT OF ENVIRONMENTAL HEALTH  
ALAMEDA COUNTY CC4580  
DEPT. OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL PROTECTION DIVISION  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577

**REVISED LETTER**

Dear Mr. Sulprizio,

We are in receipt of your letter dated 11/8/94, and the attached reports: the October 1994 "Site Characterization Report for Additional Site Investigation," and the September 1994 "Quarterly Monitoring Report," both prepared by Dennis Bates Associates (DBA).

In addition, we are in receipt of DBA's letter dated 8/12/94, regarding the soil pile. As you know, this soil pile was sampled on or about 8/10/94. Excessive amounts of debris were found within the soil pile; therefore, the sampler could not extend the auger further than approximately 2' into the soil pile. Since the soil pile stands approximately 9' high, it was not properly sampled.

During a telephone conversation between Jennifer Eberle of this office and Eva Vanek of DBA on 10/26/94, Ms. Vanek indicated that Pat O'Brien said he would remove the debris himself, and then DBA would resample the soil pile. During a telephone conversation between myself and Pat O'Brien on 11/10/94, he indicated that he did not have definite plans for the soil pile. This soil pile has remained onsite for several years. It seems that the best way to dispose of the soil pile is to first remove the debris, then properly resample. If the soil has elevated hydrocarbon and/or lead levels at that point, and the decision is made to offhaul, then it is possible that a recycling facility would accept it. This would likely dramatically reduce your cost of disposal from that which a Class I landfill charges.

**To sum, regarding the soil pile, you are requested to 1) remove the debris within 30 days, or by January 2, 1995; and to 2) resample the soil pile within 45 days, or by January 17, 1995.**

We are also in receipt of a fax from DBA dated 11/16/94. This fax includes a potentiometric surface map for ALL wells except MW1 and MW2. These wells have not been sampled or monitored for Depth to Water (DTW) because they have historically contained free floating product. However, as per DBA's Sept. 1994 Quarterly Report, free product was not noted in MW1 on 9/14/94. **Any well which does not contain free product (or sheen) must be sampled for dissolved phase constituents in future sampling events.**

December 5, 1994  
STID 2360  
Chal Sulprizio, President  
page 2 of 2

**REVISED LETTER**

This was discussed at length on 11/23/94, via telephone conference call between Eva Vanek and John Sammons of DBA, and myself and two of my staff. DBA was concerned that the well casing may be smeared with product, and that the sample results may be higher than actual conditions. We understand that the data may not be representative of the groundwater formation.

In the Sept. 94 Quarterly Monitoring Report, DBA recommended that MW3, MW4, and MW5 be omitted from the monitoring program and properly abandoned. You may omit TPH-gasoline and BTEX analysis in MW3 and MW4, but must continue to analyze TPH-diesel in these wells. MW5 may be sampled biannually (twice per year). This was also discussed via telephone between myself and Eva Vanek of DBA.

Please notify me at least 4 business days in advance of ALL field activities, including the removal of debris from the soil pile, so that I may arrange to be onsite.

Sincerely,



Thomas Peacock  
Supervising Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney  
Christine Noma; Wendel, Rosen, Black, Dean and Levitan; PO  
Box 2047; Oakland CA 94604-2047  
Eva Vanek, Dennis Bates Associates, Inc., 1020 Railroad  
Ave., Suite E, Novato CA 93940  
Kevin Graves, RWQCB  
Jennifer Eberle

je2360-D

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

December 2, 1994  
STID 2360

ALAMEDA COUNTY CC4580  
DEPT. OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL PROTECTION DIVISION  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577

Chal Sulprizio, President  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland CA 94607

Dear Mr. Sulprizio,

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In addition, we are in receipt of DBA's letter dated 8/12/94, regarding the soil pile. As you know, this soil pile was sampled on or about 8/10/94. Excessive amounts of debris were found within the soil pile; therefore, the sampler could not extend the auger further than approximately 2' into the soil pile. Since the soil pile stands approximately 9' high, it was not properly sampled.

During a telephone conversation between Jennifer Eberle of this office and Eva Vanek of DBA on 10/26/94, Ms. Vanek indicated that Pat O'Brien said he would remove the debris himself, and then DBA would resample the soil pile. During a telephone conversation between myself and Pat O'Brien on 11/10/94, he indicated that he did not have definite plans for the soil pile. This soil pile has remained onsite for several years. It seems that the best way to dispose of the soil pile is to first remove the debris, then properly resample. If the soil has elevated hydrocarbon and/or lead levels at that point, and the decision is made to offhaul, then it is possible that a recycling facility would accept it. This would likely dramatically reduce your cost of disposal from that which a Class I landfill charges.

To sum, regarding the soil pile, you are requested to 1) remove the debris within 30 days, or by January 2, 1995; and to 2) resample the soil pile within 45 days, or by January 17, 1995.

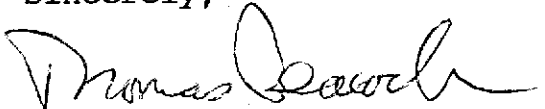
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December 2, 1994  
STID 2360  
Chal Sulprizio, President  
page 2 of 2

This was discussed at length on 11/23/94, via telephone conference call between Eva Vanek and John Sammons of DBA, and myself and two of my staff. DBA was concerned that the well casing may be smeared with product, and that the sample results may be higher than actual conditions. We understand that the data may not be representative of the groundwater formation.

**Please notify me at least 4 business days in advance of ALL field activities, including the removal of debris from the soil pile, so that I may arrange to be onsite.**

Sincerely,



Thomas Peacock  
Supervising Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney  
Christine Noma; Wendel, Rosen, Black, Dean and Levitan; PO  
Box 2047; Oakland CA 94604-2047  
Eva Vanek, Dennis Bates Associates, Inc., 1020 Railroad  
Ave., Suite E, Novato CA 93940  
Kevin Graves, RWQCB  
Jennifer Eberle

je2360-D

WENDEL  
ROSEN  
BLACK  
& DEAN

Attorneys at Law

ALCO  
HAZMAT

94 NOV 17 PM 3:41

ST10 2360

1111 Broadway  
Twenty-Fourth Floor  
Oakland, California 94607

Please Reply To:  
Post Office Box 2047  
Oakland, California 94604-2047  
Telephone: (510) 834-5600  
Fax: (510) 834-1928

November 16, 1994

Thomas Peacock  
Supervising Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
Division of Hazardous Materials  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94501

Re: Custom Alloy Scrap Sales, Inc.

Dear Mr. Peacock:

As you know, I represent Custom Alloy Scrap Sales, Inc. Previously, I lodged a complaint with your office pertaining to Jennifer Eberle's handling and involvement in overseeing the environmental investigation and remediation at Custom Alloy's site. Due to Ms. Everly's close personal involvement with several disgruntled former employees of Custom Alloy, it became evident from a review the case file that her impartiality as a regulator was severely compromised.

In response to our complaint, we were advised by the Chief of Division, Edgar Howell, that you would be handling and overseeing further investigation and remediation work at Custom Alloy.

It has recently come to my attention that Ms. Eberle however is still involved in this case and has made several calls to Dennis Bates & Associates, Custom Alloy's consultant.

I am writing to again reiterate our concern regarding Ms. Eberle's impartiality. Her continued involvement in this case is extremely disturbing since she stepped out of her role as a regulator and into the role of an advocate on behalf of the disgruntled employees.

Thomas Peacock  
November 16, 1994  
Page 2

WENDEL, ROSEN, BLACK & DEAN

Please reassign this case to another hazardous materials specialist who can approach and review Custom Alloy's proposal without any preconceived biases or prejudices against the company.

Thank you for your attention to this matter.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN

Christine K. Noma

CKN:ejg

*need to call*

cc: Edgar B. Howell, III  
Chief Hazardous Materials Division

*called, LM*

*11-23-94  
12-2-94  
12-5-94*

*12-6-94 spoke w/Christine Noma  
clarified my role in this case and that I  
cannot find Jennifer to have done any of the  
things that she alleged in this or previous letters.  
She accepted what I said and did not disagree  
with her (JE's) continued involvement as it  
currently is.*

*Tom*



WENDEL  
ROSEN  
BLACK  
& DEAN

Attorneys at Law

HAZMAT  
58 AUG 10 PM 11:28

File

1111 Broadway  
Twenty-Fourth Floor  
Oakland, California 94607

Please Reply To:  
Post Office Box 2047  
Oakland, California 94604-2047  
Telephone: (510) 834-6600  
Fax: (510) 834-1928

STCD  
2360

8/11/94 EBA  
Tom has  
already handled

August 9, 1994

Edgar B. Howell, III  
Chief Hazardous Materials Division  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway  
Alameda, CA 94501

Re: Custom Alloy Scrap Sales, Inc.

Dear Mr. Howell:

Thank you for your letter dated July 29, 1994.

For the record, we would like to make the following comments in response to your letter dated July 29, 1994:

Responding to Ms. Eberle's concerns that she was yelled at by Mr. O'Brien, this alleged incident as I understand it occurred two years ago when she had taken over the case from the previous hazardous materials specialist back in August, 1992. Prior to that time, Pat O'Brien and Custom Alloy had been working with Gil Wistar and had a positive working relationship with Alameda County.

Ms. Eberle contacted my clients by telephone sometime in the summer 1992 to advise CASS that she was the new hazardous materials specialist assigned to that case. Both Mr. O'Brien and CASS consultant advised Ms. Eberle that she was welcome to inspect the site. In August 1992, Ms. Eberle showed up at the facility unannounced, accompanied by another hazardous materials specialist from your office, Don Hwang and a police officer, Sergeant Whitman. Mr. O'Brien was completely taken aback by the fact that Ms. Eberle showed up at CASS with a police officer in tow. It was inconceivable to Mr. O'Brien as to why she would have brought Sergeant Whitman to accompany her at this very first meeting. After all, he had specifically was welcome invited her to the premises previously.

Edgar B. Howell  
August 9, 1994  
Page 2

WENDEL, ROSEN, BLACK & DEAN

Mr. O'Brien felt that Ms. Eberle brought the police officer along to harass and intimidate CASS. As a result, quite naturally, he was upset. However, Mr. O'Brien did not do anything that should have caused her to believe that it was not safe at the facility. Ms. Eberle's notes dated August 21, 1992 indicates that Pat O'Brien "chewed JE out." Handwritten is the apparent substance of his complaint, "Why can't we bail FP ourselves? It's gonna cost them mucho \$ to contract out to bail F.P., we've never had any pbm bf with your office." Under the circumstances, Mr. O'Brien's complaint was not unreasonable. It was a legitimate business complaint.

In any event, this incident occurred two years ago. It is irrational for her to still harbor these fears. Finally, at the most recent inspection, Ms. Eberle was invited to visit CASS by the environmental consultants who were installing a free product recovery system. She would not have "alone" but would have been with John Sammons and Eva Vaneck, another woman, at the site. CASS is therefore at a complete loss as to what Ms. Eberle could possibly have feared.

Putting all that aside for now, I have advised my client that Tom Peacock, will now be handling this case. CASS hopes that in the future, good working relations with your agency can be resumed. Incidentally, you have inadvertently returned to me the original of my letter to you and the enclosures. I am returning the originals to you for your files.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN



Christine K. Noma

CKN:pm

cc: Gil Jensen, Alameda County District Attorneys Office  
Thomas Peacock  
Rafat Shahid, Assistant Agency Director  
Pat O'Brien  
Chal Sulprizio

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

July 29, 1994  
STID 2360

Christine K. Noma  
Wendel, Rosen, Black & Dean  
1111 Broadway, 24th Floor  
Oakland, CA 94607

Re: Custom Alloy Scrap Sales, Inc., 2730 Peralta St., Oakland 94607

Dear Christine K. Noma:

This response is written as a result of your letter, dated July 19, 1994, concerning the above site and this office's handling of the case.

You make reference to several comments recorded in notes copied from the file concerning Ms. Jennifer Eberle. Although it may appear from the brief notes that those comments were hers, after talking with Ms. Eberle we find that those comments noted were quotes and not commentary by Ms. Eberle. In her haste to record information, Ms. Eberle apparently failed to place the comments in quotations with a note as to who had said what.

Concerning her visit with members of the D.A.'s office, she was directed to do so by her supervisor, who coordinated it. This was done because she has reported to her supervisor that she has been yelled at by Pat O'Brien of CASS and has felt that she would not be safe going there alone. She never said that "she feared for her life".

As you requested, your caseworker will be changed and will now be Thomas Peacock, Supervising HMS. To avoid excessive duplication of effort on our part, Jennifer Eberle may still work on parts of the case, at his direction.

If you have any questions please call this office at (510) 567-6700.

Sincerely,

Edgar B. Howell, III, Chief  
Hazardous Material Division

cc: Gil Jensen, Alameda County District Attorney's Office  
Custom Alloy Scrap Sales, Inc.  
Rafat Shahid, Assistant Agency Director  
Thomas Peacock - Files

*to file  
report due*

WENDEL  
ROSEN  
BLACK  
& DEAN

Attorneys at Law

1111 Broadway  
Twenty-Fourth Floor  
Oakland, California 94607

Please Reply To:  
Post Office Box 2047  
Oakland, California 94604-2047  
Telephone: (510) 834-6600  
Fac: (510) 834-1928

July 19, 1994

Edgar Howell, III  
Chief, Hazardous Materials Division  
Alameda County Healthcare Services Agency  
1131 Harbor Bay Parkway  
Alameda, CA 94501

Gil Jensen  
Deputy District Attorney  
Airport Corporate Center  
7677 Oakport Street, Suite 400  
Oakland, CA 94621

Re: Custom Alloy Scrap Sales, Inc.

Gentlemen:

As you know, this office represents Custom Alloy Scrap Sales, Inc. ("CASS"). For the last year and a half, we have been working with and overseeing the site investigation work at Custom Alloy being conducted by Dennis Bates & Associates for CASS.

It has recently come to our attention that Jennifer Eberle, the hazardous materials specialist assigned to this case has overstepped her authority in the handling of CASS' case. CASS believes that Ms. Eberle has taken malicious actions to cause injury to CASS by acts done outside the scope of her authority.

While under Government Code Section 821.6, public employees are generally immune from liability for malicious prosecution, this would not apply where the employee is acting outside the scope of her authority, and where the abuse of process pertains to ministerial acts as opposed to discretionary matters.

In White v. Towers (1951) 37 Cal.2d 727, 733, the California Supreme Court held that:

"It is also well established that a public officer is liable for injuries caused by acts done outside the scope of his authority. [citations]"

In Kemmerer v. County of Fresno (1988) 200 Cal.App.3d 1426, 1437-1438, the California Court of Appeal noted that there was a difference between discretionary act, which are accorded immunity, under Government Code Sections 820.2, and ministerial acts, which are not. Government officials are liable for the negligent performance of their ministerial duties. Muskopf v. Corning Hospital District (1961) 55 Cal.2d 211, 220.

Furthermore, the immunity afforded by the Government Code does not apply where the public employee has engaged in negligent misrepresentation which is motivated by actual malice, i.e., a conscious intent to deceive, vex, annoy or harm the injured party in his business. Government Code Section 822.2; Schonfeld v. City of Vallejo 50 Cal.App.3d 401, 410.

In this case, there is every appearance that Ms. Eberle has acted outside the scope of her authority with the conscious intent to harm CASS in its business. According to notes contained in CASS' site files, Ms. Eberle was affirmatively using her position to assist two former disgruntled employees in their civil lawsuit against CASS. Ms. Eberle's notes dated February 22, 1993 states that

"Rolf and Bob are suing CASS, so if we can nab CASS, it'll help their case." (Emphasis in original.)

We find it extremely disturbing that Ms. Eberle made a determination to help these two former disgruntled employees in their civil lawsuit. In so doing, she has acted outside the course and scope of her authority. As a regulator, her job duties do not include helping civil litigants in their private wrongful termination actions.

Furthermore, the tenor of her commentary in her notes indicates that she wants CASS to violate the law so CASS will be prosecuted. For example, on February 22, 1993, she wrote that

"The plan: Don Hwang does an inspection jointly with AQMD. See if he gets refused entry. (Good for us)."

That commentary in the parenthetical indicates that Ms. Eberle personally did not want CASS to comply so that she could justify the prosecution of CASS. Ms. Eberle's state of mind that she does not want CASS to comply is obviously outside the scope of her authority since a regulator should be taking steps to encourage compliance. Instead, Ms. Eberle hopes for noncompliance.

Subsequently, Ms. Eberle received a phone call from Bob Dake on June 30, 1993 where he advised her that he wanted a recommendation of a consultant to accompany him. Again, on April 7, 1994, Bob Dake left a message for Ms. Eberle indicating that he was going to trial. On April 11, 1994, Ms. Eberle spoke with Bob Dake regarding his trial. Ms. Eberle's notes indicates that she was hopeful that Ignacio De La Fuente, the city council member would help get CASS.

"Now, Ignacio is on the city council. Hopefully, Iggy will get CASS."

This type of commentary indicates that Ms. Eberle was still doing everything her power to assist Bob Dake in his civil action, including recruiting the assistance of City politicians.

The whole tenor of Ms. Eberle's oversight of this case since she began working with Bob Dake, indicates that Ms. Eberle purposefully tried to obtain noncompliance from CASS. Such acts on Ms. Eberle's part are clearly outside the scope of her authority. The fact that Ms. Eberle wants CASS not to comply obviously indicates that she was very much interested in helping the disgruntled employees in their civil suit. She wants to "nab" CASS to help the former employees. This is a clear conflict of interest.

It appears that Ms. Eberle also engaged in misrepresentations to the Water Board to encourage the prosecution of CASS. Such misrepresentations consist of statements that CASS was putting water into the monitoring wells and that CASS was falsifying monitoring well records. She even told the consultant retained by CASS that CASS was putting water into the wells. The only basis for Ms. Eberle's representations was the statements of a disgruntled employee. Ms. Eberle's blind acceptance of the statements of two disgruntled employees, without conducting any independent allegations indicates that Ms. Eberle had no reasonable basis for making those representations to her superiors, the Water Board, or to the District Attorney.

At the very least, Ms. Eberle could have confronted CASS. It appears that the reason Ms. Eberle never gave CASS the opportunity to respond to these false allegations by Bob Dake was because she was motivated to help Bob Dake and by her actual malice against CASS. Rather than proceeding with an impartial investigation of that complaint, Ms. Eberle made an affirmative decision to help Bob Dake in his civil trial against CASS and to that end took action to deliberately try to bait CASS into non-compliance.

Ms. Eberle had no reasonable grounds to make statements that CASS was putting water into the wells. She was motivated by actual malice. Consequently, Ms. Eberle cannot take advantage of the immunity afforded by Government Code Sections 820.1 or 822.2.

All of this is particularly disturbing in view of the fact that during the litigation proceeding between Bob Dake and CASS, another employee of CASS gave sworn testimony that Bob Dake had told him on a number of occasions that he (Bob) wanted to be fired so he could collect unemployment. The third party witness also testified that based on his conversations with Bob, he believed that Bob was motivated by revenge, that he had a personal vendetta against the President of the company, Mr. Sulprizio, because he felt that his wife who was Mr. Sulprizio's ex-wife did not receive a fair community property settlement in the divorce. Furthermore, during the time Bob was employed by CASS, he admittedly never made a complaint to the owner of the company about any regulatory health or safety or environmental concerns.

Ms. Eberle's belief in the statements of a disgruntled employee without conducting an independent investigation indicates that she has overstepped her authority as a regulator. In effect, Ms. Eberle was acting as an advocate on behalf of a private individual in assisting his civil lawsuit against the president of the company.

Ms. Eberle has also abused her authority in the performance of ministerial functions such as the inspection of CASS premises. Recently, Ms. Eberle was advised of the date that Dennis Bates and Associates was planning to sample the wells and install the Soakease system. She was invited to attend. For reasons unknown to CASS, Ms. Eberle arrived onsite with two investigators/inspectors from the DA's office. Ms. Eberle had no legitimate reason to be accompanied by these two inspectors in carrying out in her ministerial task of overseeing the work of the environmental consultants. Such action on her part is not only a waste of taxpayer's money, but it is further evidence that she is acting outside the scope of her employment to consciously vex, annoy and harm CASS in its business.

Ms. Eberle even went so far as to tell the inspectors and the consultant that she "feared for her life." CASS has no idea what she is talking about. At no time has anyone at CASS ever threatened her with any harm. At no time has she ever been denied access to CASS. Her remarks that she feared for her life almost borders on "slander" since it implies that she has been physically threatened by CASS.

Edgar Howell, III  
July 19, 1994  
Page 5

WENDEL, ROSEN, BLACK & DEAN

Obviously, Ms. Eberle cannot impartially or fairly assess CASS' remediation and investigation efforts. She has documented and demonstrated that she has a conflict of interest in her efforts to assist the private interests of a former disgruntled employee. Under these circumstances, it is not appropriate that Ms. Eberle remain on this case.

CASS is willing to work with the county in addressing the environmental problem at the site. However, Ms. Eberle's motivation to "set CASS up for failure" is simply unacceptable. CASS, therefore, requests that Ms. Eberle be dismissed from this case, and that another hazardous material specialist be assigned to oversee and work with CASS' consultants, rather than against CASS.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN



Christine K. Noma

CKN:sd



MWDs: Rolf - began work at CASS in 5-91.  
MWDs were there. Wasn't involv'd w/mws  
til last 3 mos. (Spring 92).  
Pat told him that they removed  
water fm wells + added fresh water  
prior to <sup>mw</sup> samplg. Pat asked him to  
do this 4 hrs prior to Cinda's  
arrival <sup>(May 92)</sup>. It ~~also~~ <sup>also</sup> rpn 1-2 d' prior  
to samplg, so gw cd stabilize.  
Pat didn't directly ask him

truck tires dumped illegally, maybe on  
other side 26<sup>th</sup> St.

Waste Oil Recovery - removed drums of oil  
+ also purge water (F.P.). Only one  
removal during Bob's employment, per  
his setting up appt behind Chal's back.

homebuilt AST stores diesel 1500 gal.  
Fittings all leak. Used to fill  
bobcats. Painted AST (white?)

~~Missing the letter report 12-11-92 from~~  
~~M&P.~~

Rolf + Bob are suing CASS, so if we  
can nab CASS, it'll help their case

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

May 13, 1994  
STID 2360

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland CA 94607

**RE: Stockpiled Soil**

Dear Mr. Sulprizio,

On May 13, 1994, this office received your request to reuse the stockpiled soil onsite, via letter prepared by Dennis Bates Associates, Inc. (DBA), dated May 11, 1994. **Again, we did not receive a cover letter from yourself.**

Unfortunately, we cannot agree to your request due to the elevated concentrations of petroleum hydrocarbons. However, you may resample the stockpiled soil in the presence of a representative of this office, and we will evaluate the new data. It is possible, although not likely, that the concentrations have decreased since the last sampling in December 1991.

Past discussions regarding the reuse of the stockpiled soil have largely focused on the soluble lead concentration of 5.6 mg/L. Please note that this sample was a two-point composite. This means that it is possible that a concentration as high as 11.2 mg/L existed. Therefore, it is conceivable that this section of stockpiled soil was hazardous waste. However, even if the soil is not considered hazardous waste, we still cannot allow its onsite reuse due to the detectable concentrations of petroleum hydrocarbons. This point was communicated to you by our previous letters dated 11/6/92, 9/18/92, and 8/31/92. Our position and policies have not changed since then.

Other options include obtaining a waste discharge permit from the Regional Water Quality Control Board (RWQCB), which allows one to dispose of contaminated soil onsite. I understand this is a laborious process, but then again, it has already been several years that you have been working with the soil stockpile onsite. Of course, the most obvious option is to properly dispose the soil offsite at an appropriate landfill. This would be the easiest and quickest option.

Disposal of contaminated soil must comply with 23 CCR, Division 3, Chapter 16, Section 2653(a)(4). Hazardous waste classification criteria for contaminated soil may be found in the a) Leaking Underground Fuel Tank (LUFT) Field Manual, Appendix G, October 1989, and b) 22 CCR, Section 66261.10.

RAH  
CALIFORNIA REGIONAL WATER

MAY 23 1994

QUALITY CONTROL BOARD

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

01-0471

May 13, 1994  
STID 2360  
Mr. Chal Sulprizio  
page 2 of 2

Please notify me at least 4 business days in advance of ALL field activities so that I may arrange to be onsite.

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney  
Christine Noma; Wendel, Rosen, Black, Dean and Levitan; PO  
Box 2047; Oakland CA 94604-2047  
Dennis Bates Associates, Inc., 494 Alvarado St., Suite B,  
Monterey CA 93940  
Mary Lucas McDonald, 1715 Delaware St., Berkeley CA 94703  
~~Rich Hiett, BNOGB~~

je 2360-c

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



August 5, 1993

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2720 Peralta Street  
Oakland, CA 94607

File: 01-0471  
& 2198.17

**RE: Legal Request for Submittal of a Technical Report Resulting from the Alameda County Department of Environmental Health's Enforcement Panel Meeting of June 29, 1993**

Dear Mr. Sulprizio,

It has been brought to my attention by Regional Board staff that a condition of soil and groundwater pollution exists on your property from underground storage tank releases. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23 Waters, Chapter 16 Underground Storage Tank Regulations, Article 11 Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

A Pre-Enforcement Review Panel was held at the ACHD Offices on June 29, 1993 attended by Richard Hiett from my staff. It is my understanding that requests and concerns of the ACHD were not resolved.

Pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code, you are hereby required to submit a technical report to address soil and groundwater pollution by August 29, 1993. This technical report should specifically address the following numbered items:

**GROUNDWATER:**

- 1) The extent of the dissolved and free phase groundwater pollution for the north tank and south tank site areas.
- 2) Quarterly reporting of hydraulic parameters (depth to water, free phase measurement, potentiometric and isocentration maps), quantification of pollutant concentrations in groundwater and records of hand bailing of free phase product from well-heads and the groundwater interceptor trench including date(s), amount(s) and method of disposal.
- 3) A proposal for the implementation of a dedicated free phase product removal system.

Mr. Chal Sulprizio  
Page 2 of 2

SOILS:

1) The tank removal report by Miller Environmental Company documents the backfilling of the tank pit with diesel polluted soils with reported concentrations as diesel to 7,400 ppm. This discharge should be re-excavated and taken to an appropriately designated landfill unless it can be demonstrated that deposited soils do not pose a threat to human health or the environment. This determination for previously discharged and currently stockpiled soils should be coordinated through ACHD Staff.

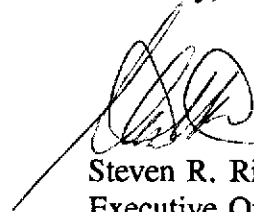
OTHER:

1) As-built drawings of your facility including historical planning changes. Clearly identify locations of all USTs past or present.

I am hereby transmitting this request for a technical report to ACHD for service and continued case handling. You should be aware that failure to submit or late submittal may result in fines up to \$1000 per day of delinquency. Response to this technical report request should be sent to the attention of Ms. Jennifer Eberle at the ACHD. Please inform Ms. Eberle at least four working days in advance of all field activities, including groundwater monitoring, free phase product removal, monitor well installation, or soil disposal so that she may arrange to be on site.

If you have any questions regarding the contents of this letter please contact Jennifer Eberle from the ACHD at (510) 271-4530.

Sincerely,



Steven R. Ritchie  
Executive Officer

cc: Gil Jensen, ACDA, 7677 Oakport Street, Suite 400, Oakland 94621

Jennifer Eberle, ACHD, 80 Swan Way, Suite 200, Oakland 94621

Christine Noma, Wendel, Rosen, Black, Dean & Levitan  
Oakland City Center, 1221 Broadway, 20th Floor, Oakland 94612

Mary Lucas MacDonald, 1715 Delaware St., Berkeley CA 94703

CONTROL REGISTER  
FOR  
PRIORITY CORRESPONDENCE

I. SUBJECT/ ITEM: 13267 letter requesting the submittal of a technical report for recalcitrant UST site: Custom Alloy, (2720 Peralta Street, Oakland) File: 01-0471 and 2198.17.

II. RATIONALE/REASON FOR ACTION AND ADDITIONAL NOTES: This is an example of enforcement case handling by local UST agency - the Alameda County Department of Environmental Health (ACHD).

ACHD staff, Gil Jensen from the Alameda County District Attorney's Office and Regional Board Staff met on June 29, 1993 as an "enforecmnt panel" to resolve compliance, investigative and enforcemnt issues for sites under the County's Local Oversight Program.

The attached 13267 letter requests submittal of information as previously requested by ACHD staff.

*Compliance Action stays of County as well as local states. County to inform us if "non-comply" so we can consider them.*

III. DRAFT PREPARATION/REVIEW/APPROVAL  
PREPARED BY *[Signature]* RCH  
REVIEWED/APPROVED BY  
REVIEWED/APPROVED BY  
REVIEWED APPROVED BY

DATE  
DATE  
DATE  
DATE

*7.20.93*  
*7/29/93*

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

01-0471

Certified Mailer # P 113 815 251

July 7, 1992

STID 2360

Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland CA 94607  
Attn: Pat O'Brien

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Division  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(510) 271-4320

RECEIVED  
JUL 13 1992  
QUALITY CONTROL BOARD  
LF  
Rev. 2

01

Dear Mr. O'Brien,

During a telephone conversation on 6/15/92 between J. Eberle of this office, Cinda MacKinnon of MacKinnon Environmental Consulting (MEC), and yourself, you acknowledged receipt of our letter dated 6/11/92. The contents of this letter were discussed. You disagreed with item #1, in which you were directed to submit a proposal for an offsite groundwater investigation in the vicinity of MW6. You also disagreed with item #3, in which you were requested to contract with an outside consultant to perform free product bailing and recording.

You were contentious at the fact that J. Eberle of our office spoke with C. MacKinnon of MEC on 6/10/92, and came to the understanding that Ms. MacKinnon would submit a) a narrative regarding the history of free product, and b) groundwater flow information, including calculations and maps, as referred to on page 2 of the 6/3/92 cover letter. You took issue with this because our office did not directly request this of you. This is not entirely true; this information was previously requested by our office by certified letter dated 4/21/92.

Please be aware that noncompliance with requirement to furnish technical or monitoring reports is a misdemeanor subject to civil liability, according to Section 13268 of the California Water Code. In addition, "the owner of an underground storage tank (UST) being closed. . . shall demonstrate to the satisfaction of the local agency that no unauthorized release has occurred," according to Section 2672(d) of Title 23 of the California Code of Regulations. "The detection of any unauthorized release shall require compliance with the reporting requirements. . .," according to Section 2672(e) of Title 23 of the California Code of Regulations. The authority for these regulations is cited in Sections 25298, 25299.3, and 25299.7 of the Health and Safety Code.

Pat O'Brien  
STID 2360  
Page 2 of 3  
July 7, 1992

Therefore, you are required to perform the following tasks **within 45 days** from the date of this letter, or by **August 22, 1992**:

1. Submit a proposal for an offsite groundwater investigation in the vicinity of MW6. This information was previously requested by letters dated 4/21/92 and 6/11/92.
2. Submit a proposal for remediation of floating product in MW1 and MW2. Hand-bailing is not an acceptable method of remediation; a more aggressive approach is needed.
3. Submit a proposal for remediation of the stockpiled soil. This information was previously requested by letter dated 6/11/92.
4. Repair the christy box for MW3. This information was previously requested by letter dated 6/11/92.
5. Submit groundwater gradient/direction information, including calculations and maps. Ground "water elevations have been measured at least quarterly since late 1990," according to page 2 of the cover letter by MEC dated 6/3/92. This information was previously requested by letter dated 4/21/92.
6. Submit a narrative and a table regarding the history of free product at the site.
7. Submit Table 2, as mentioned on page 4 in the 6/1/92 Monitoring and Progress Report by MEC.
8. Submit **legible copies** of past and future receipts for disposal of free product.

All the above information, including reports and proposals, must be submitted **under seal** of a California-Registered Geologist, - Certified Engineering Geologist, or -Registered Civil Engineer. All proposals, reports, and analytical results pertaining to this investigation and remediation must be sent both to our office and to:

Rich Hiett  
RWQCB, San Francisco Bay Region  
2101 Webster St., Suite 500  
Oakland CA 94612



Pat O'Brien  
STID 2360  
Page 3 of 3  
July 7, 1992

All work must be performed according to the Leaking Underground Fuel Tank Field Manual, (LUFT Manual), revised 10/89, and the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Storage Tank Sites, revised 8/10/90, as summarized in Appendix A.

Copies of these documents can be obtained from the SFRWQCB data management group at 510-464-1269.

If you have any questions, please contact J. Eberle at 410-271-4320.

Sincerely,



Susan Hugo  
Senior Hazardous Materials Specialist

cc: Cinda MacKinnon, MacKinnon Environmental Consulting, 3523 Rowe  
Pl., Lafayette, CA 94549  
Alice Sprague/Mark Thomson, Alameda County District Attorney  
Office  
~~Rich Hiett~~, RWQCB  
File

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ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

June 11, 1992

STID 2360

Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland CA 94607  
Attn: Pat O'Brien

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Division  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(510) 271-4320

Dear Mr. O'Brien,

We are in receipt of a ~~"Monitoring and Progress Report," dated 6/1/92, prepared by Mackinnon Environmental Consulting (MEC),~~ under cover letter dated 6/3/92, also prepared by MEC, for your site. The following issues were raised upon review of this information:

1. A proposal for delineation of offsite groundwater contamination was requested by this office in a letter dated 4/21/92. Your reluctance to implement this request is noted on page 3 of the 6/3/92 cover letter. Of particular concern is MW6, in which TPH-d has increased from 5,200 ppb to 13,000 ppb from 1/92 to 5/92. The May 1992 sampling also indicates that MW6 contains 690 ppb TPH-g and 2.2 ppb benzene. MW6 is located approximately 400 feet northward from the other wells onsite. Since this isolated well contains significant concentrations of contaminants, it is important to know how far this contamination extends. Therefore, you are once again directed to submit a proposal of offsite groundwater contamination within 45 days from the date of this letter, or by July 26, 1992.
2. Clearly, the free product in groundwater remains to be the most urgent concern at this site. We accept MEC's recommendation on page 5 of the 6/1/92 Monitoring Report to move the portable skimmer pump to either MW1 or MW2, and continue hand bailing the other well for free product.
3. It was noted both on page 4 of the 6/1/92 Monitoring Report and in the attachments to the 6/3/92 cover letter regarding product bailing that a representative from your company is performing the free product bailing and recording. Unfortunately, this represents a conflict of interest. Therefore, we must request that an outside consultant be contracted to perform this work within 30 days from the date of this letter, or by July 11, 1992. In addition, please submit records to this office for floating product depth on a monthly basis.
4. Regarding item 2 on page 2 of the 6/3/92 cover letter, we accept the measurement of free product to the nearest 0.01 foot, as opposed to the nearest 0.01 inch.

Pat O'Brien  
STID 2360  
Page 2 of 2  
June 11, 1992

5. Laboratory results for bioremediation of the soil pile were submitted with the 6/3/92 cover letter. Levels of TPH-d have **increased** from 70 ppm in July 1991 to 1,300 ppm in January 1992. Similarly, levels of oil & grease have **increased** from 200 ppm in July 1991 to 1,100 ppm in January 1992. It appears that bioremediation is not succeeding in **decreasing** contaminant levels at the site. Therefore, we request that you submit a proposal for soil remediation **within 45 days** from the date of this letter, or by **July 26, 1992**.

6. Page 5 of the 6/1/92 Monitoring Report indicates that there was damage to the Christy boxes MW3 and MW4; that MW4 was repaired, and MW3 is still damaged. Therefore, we request that MW3 be repaired **within 45 days** from the date of this letter, or by **July 26, 1992**.

During a telephone conversation on 6/10/92 between J. Eberle of our staff and Cinda MacKinnon of MEC, it was agreed that Ms. MacKinnon would submit a) a narrative regarding the history of free product, and b) groundwater flow information, including calculations and maps, as referred to on page 2 of the 6/3/92 cover letter. The next quarterly groundwater sampling is scheduled for August, with a report to be submitted in September. Ms. MacKinnon agreed to submit items a) and b) by mid-July 1992.

If you have any questions, please contact J. Eberle at 410-271-4320.

Sincerely,



Susan Hugo  
Senior Hazardous Materials Specialist

cc: Cinda MacKinnon, MacKinnon Environmental Consulting, 3523 Rowe  
Pl., Lafayette, CA 94549  
Mark Thomson, District Attorney Office  
Rich Hiatt, RWQCB  
File

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ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 367 604 127

April 21, 1992

STID #2360

Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland CA 94607  
Attn: Pat O'Brien

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Division  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(510) 271-4320

Dear Mr. O'Brien,

The case file for the above referenced site has recently been reviewed by our staff. The case has been reassigned to Jennifer Eberle, Hazardous Materials Specialist. Please mail future correspondence to her attention.

We are in receipt of the "First Quarter Report at CASS Facility, Oakland," from your consultant MacKinnon Environmental Consulting, dated 1/31/92. A number of issues were raised upon review of this report. Therefore, you are hereby directed to perform the following tasks:

- o Groundwater gradient was not determined; therefore, MW-5 is not necessarily a downgradient well. Conduct groundwater elevation measurements and determine the gradient on a monthly basis for the next consecutive 12 months.
- o Free product was not measured in each well. Measure the depth of free product in each well to the nearest 0.01 inch on a weekly basis. In addition, measure the amount of product removed on a weekly basis. Submit the records of past product removal, as mentioned on pg 4, as well as past determinations of depth of free product. In addition, determine the amount of floating product, if any, in the utility vaults on 26th St.
- o Provide details on the float-skimmer system currently in use.
- o The soil pile was not located on a map; sample results were not yet submitted. Indicate the location of excavated soil pile(s) on a site map. Submit soil analysis results as referred to on pg 5.

Pat O'Brien  
STID #2360  
Page 2 of 3  
April 21, 1992

- o You "propose to . . .bail product from both MW1 and MW2 **periodically.**" Please define "periodically" (see pg 4).
- o Submit reports from May and August 1991 sampling, as referred to in the 1/31/92 report.
- o Since MW1 and MW2 contained free product, RW1 contained 9500 ppb TPH-d and 210 ppb TPH-g, and since MW6 on the northern portion of the site contained 5200 ppb TPH-d and 1100 ppb TPH-g, it is likely that the groundwater plume of contamination has migrated offsite. Therefore, you must submit a proposal for delineation of offsite groundwater contamination.

Therefore, we request that you submit this information **within 45 days** from receiving this letter. All proposal, reports, and analytical results pertaining to this investigation and remediation must be sent to our office and to:

Rich Hiett  
RWQCB  
2101 Webster St., Suite 500  
Oakland CA 94612  
510-464-4359

All work must be performed according to the Leaking Underground Fuel Tank Field Manual, (LUFT Manual), revised 10/89, and the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Storage Tank Sites, revised 8/10/90, as summarized in Appendix A.

Copies of these documents can be obtained by calling the SFRWQCB data management group at 510-464-1269.

If you have any questions, please phone Jennifer Eberle at 510-271-4320.

Pat O'Brien  
STID #2360  
Page 3 of 3  
April 21, 1992

Sincerely,

*Susan L. Hugo*

Susan Hugo  
Senior Hazardous Materials Specialist

cc: Mark Thomson, District Attorney  
Rich Hiett, RWQCB  
Cinda Crabbe MacKinnon, (MacKinnon Environmental Consulting,  
2834 San Antonio Dr., Walnut Creek CA 94598)

File

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1989-234-555  
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ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



February 8, 1991

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621

(415) CALIFORNIA REGIONAL WATER

Mr. Pat O'Brien  
Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland, CA 94607

*file*

FEB 11 1991

QUALITY CONTROL BOARD

RE: Free-product removal removal plan for Custom Alloy, submitted  
by KTW & Associates

Dear Mr. O'Brien:

Thank you for submitting the above work plan, dated January 24, 1991. The Alameda County Department of Environmental Health, Hazardous Materials Division accepts this plan for the removal of free product from the site. According to recent Regional Water Quality Control Board policy, owners/operators of any sites with floating product must submit to us and to the Board a volumetric estimate in gallons of the total amount of free product removed from the ground during cleanup. An estimate of this cumulative volume needs to be included in each quarterly report submitted to us and to the Board from this point forward.

With respect to other elements of the KTW work plan, we require more detail on how Custom Alloy will go about defining the limits of the dissolved hydrocarbon plume. The work plan justifiably focuses on the remediation of floating diesel, but seems to imply that nothing more will be done to characterize the dissolved plume for about six months, when KTW expects floating product removal to be complete. Defining the limits, that is the "zero edge" of the diesel plume is also a high priority in this case; therefore, further groundwater investigation shall take place during the free-product removal phase.

We remain concerned for the potential for heavy metals to leach into groundwater. Although KTW is correct that background levels of some metals do occur naturally in the earth's crust, heavy metals in soils around the Bay generally result from industrial contamination. The fact that boring B1 at a depth of 4 feet showed an "ND" result for lead suggests that there is no "background" level of this toxic metal in the site vicinity, and that the lead in boring B10 at a depth of 12 feet may have resulted from on-site activities. Therefore, as mentioned in our letter of December 28, Custom Alloy must install monitoring wells in the middle of the ITP yard, around and south of borings B-3 to B-5, to investigate whether metals have reached groundwater. Samples from these new wells and from all other wells that are or will be on-site (except MW-1, MW-3, MW-4, and MW-6) must be analyzed on a quarterly basis for all CAM metals. The additional ITP wells must also be analyzed for TOG.

Mr. Pat O'Brien  
February 8, 1991  
Page 2 of 2

Finally, please submit an updated schedule for further work at the site, taking into account the points raised in this letter, as well as the work already proposed by MacKinnon and KTW. Include the schedule for facility modifications that will permit soil around and beneath the diesel fuel piping to be sampled and remediated. A cover letter from Custom Alloy stating its concurrence with the schedule needs to accompany this submittal, which is due to us and the RWQCB by March 1, 1991.

This is a formal request for corrective action according to Sec. 25299.37 of the California Health and Safety Code. Penalties for non-compliance are specified in Sec. 25299.66, and can amount to \$10,000 per day. If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,

*Gilbert M. Wistar*

Gil Wistar  
Hazardous Materials Specialist

cc: Kevin Krause, KTW & Associates (43289 Osgood Rd., Fremont, CA 94539)  
Cinda MacKinnon, MacKinnon Environmental Consulting (2834 San Antonio Dr., Walnut Creek, CA 94598)  
Howard Hatayama, DOHS  
~~Lester Feldman~~, San Francisco Bay RWQCB  
Gil Jensen, District Attorney, Alameda County Consumer and Environmental Protection Division  
Rafat Shahid, Asst. Agency Director, Environmental Health files

*m*



**C. E. TOLAND & SON**

*Metal Craftsmen*

5300 INDUSTRIAL WAY, BENICIA, CA 94510

Telephone 1 (707) 747-1000

FAX 1 (707) 747-5300

QUALITY CONTROL BOARD WATER

JAN 30 1991

QUALITY CONTROL BOARD

January 28, 1991

Alameda County Health Care Services Agency  
Department of Environmental Health  
Hazardous Materials Program  
80 Swan Way, Rm 200  
Oakland, CA 94621

*Custom Alloy JST  
2730 Peralta St*

ATTN: Mr. Gil Wistar

Gentlemen,

In response to your letter of January 18, 1991, please be advised that we intend to resample the three monitoring wells at 2717 Peralta St., Oakland early in February of this year.

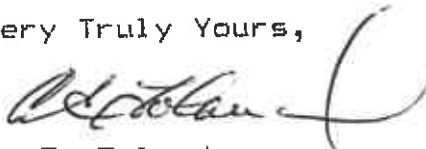
We were waiting for the results of tests taken at Custom Alloy and now with that information we will definitely test for diesel as well as gasoline. We will then try to determine if our contamination is effected by that leakage.

We apologize for what could have been considered as stalling on our part, that was not our intention.

Resampling test results will be provided to your office as we receive them.

With this letter we enclose our check for \$500.00 as requested.

Very Truly Yours,



C. E. Toland

CET/js

cc: Regional Water Quality Control Board  
ATTN: Lester Feldman

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



December 28, 1990

Mr. Pat O'Brien  
Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland, CA 94607

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415) 947-2000

JAN 2 1991

RECEIVED

RE: **Phase II investigation report from MacKinnon Environmental Consulting**

Dear Mr. O'Brien:

Thank you for submitting the above report, dated December 3, 1990. It indicates that subsurface diesel contamination is widespread, with substantial amounts of free product in monitoring wells MW-1 and MW-2. Wells MW-3 and MW-4 have groundwater with dissolved diesel, suggesting a complex groundwater flow regime involving apparently upgradient wells. Significantly, neither the areal extent of the free product plume nor that of the dissolved diesel plume has been defined.

Heavy metals previously found in soil at depths of about 4 feet in the ITP yard were not investigated further, apparently due to inaccessibility to this area. In new soil boring B-10, south of the diesel pipeline, detectable levels of lead, zinc, and chromium were found in soil from a depth of 12 feet; therefore, heavy metals are leaching downwards through the soil in this area.

Based on these and other findings from the Phase II report, we are requiring further work to be done at Custom Alloy/ITP, as outlined below.

**Requirements for Further Work**

- 1) Custom Alloy must define the areal extent of the free-product plume, as well as of the dissolved diesel plume. It is clear that ongoing releases from the former underground diesel tank/piping system have caused this subsurface contamination. (The "ND" results for groundwater in monitoring well MW-5 indicate that there is no "background" contamination of heavy metals or hydrocarbons in the site vicinity.) A series of monitoring wells needs to be installed along 26th St. and further south and west, if necessary. Developing a monitoring network for the remedial program requires that contaminant plumes be well characterized.
- 2) Custom Alloy must install at least two monitoring wells in the middle of the ITP yard, around and south of borings B-3 to B-5, due to the leaching potential for heavy metals demonstrated in

Mr. Pat O'Brien  
December 28, 1990  
Page 2 of 2

boring B-10. Groundwater from these new wells and from all other wells that are or will be on-site (except MW-1, MW-3, MW-4, and MW-6) must be analyzed at least quarterly for all CAM metals. The additional ITP wells must also be analyzed for TOG.

- 3) Custom Alloy must prepare a comprehensive site remediation plan for soil and groundwater, to include:
- a plan for every aspect of removal/treatment/disposal of diesel-contaminated soil;
  - a plan for every aspect of removal/treatment/disposal of free product and diesel-contaminated groundwater; and
  - a monitoring plan to demonstrate the effectiveness of the groundwater remediation program.

All monitoring wells on site need to be sampled quarterly, at a minimum, whether or not they are being used as part of the remediation program. In addition, copies of all manifests for contaminated materials going off-site must be submitted to this office.

Regarding the recommendations made on pp. 16-17 of the MacKinnon Phase II report, we concur with points 1, 2, 4, 5, 6, and 7, and these must be implemented as part of ongoing work at the site. Therefore, for all of the items contained in this letter, as well as those in previous correspondence from this office that have not been addressed, please prepare a work plan. This proposal must be submitted to us and to the Water Board by **January 25, 1991.**

This is a formal request for corrective action according to Sec. 25299.37 of the California Health and Safety Code. Penalties for non-compliance are specified in Sec. 25299.66, and can amount to \$10,000 per day. If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar, Hazardous Materials Specialist

cc: Cinda MacKinnon, MacKinnon Environmental Consulting (2834 San Antonio Dr., Walnut Creek, CA 94598)  
Howard Hatayama, DOHS  
Lester Feldman, San Francisco Bay RWQCB  
Gil Jensen, District Attorney, Alameda County Consumer and Environmental Protection Division  
Rafat Shahid, Asst. Agency Director, Environmental Health files



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



September 7, 1990

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

Mr. Pat O'Brien  
Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland, CA 94607

Re: Response to proposal for Phase II Investigation from MacKinnon Environmental Consulting, Custom Alloy Scrap Sales and Industrial Turning Processors

Dear Mr. O'Brien:

The Alameda County Department of Environmental Health, Hazardous Materials Division has reviewed the above proposal, dated July 30, 1990. It is very similar to Ms. MacKinnon's June 22 report in that it recommends specific actions to further document contamination and to begin cleanup. Beyond what is contained in the June 22 report, the July 30 proposal adds a monitoring well and a soil boring, and discusses in general terms what Miller Environmental will do at the diesel and gasoline tank pit areas.

However, the July 30 work plan is deficient. It fails to address all elements of this office's July 5, 1990 letter to you, as described below.

Former diesel tank area/ITP yard

1. Removal of the free product found in monitoring well MW-2 is a priority, and this work must continue until all floating diesel is removed. This may require the installation of additional wells or extraction points. Custom Alloy must submit a plan for the diesel's removal, as well as for its storage and disposal.
2. A monitoring well must be installed approximately midway between MW-1 and MW-2, that is within 20 feet of the contaminated PG&E vault.
3. Following additional excavation, backfill from the diesel pit must be treated and disposed of as appropriate. Also, the significant oil & grease contamination at a depth of about 5 feet in the MW-1 boring requires investigation.

Gasoline pit

1. Following additional soil excavation in and around this pit, all contaminated soil must be remediated and disposed of as appropriate.

Mr. Pat O'Brien  
September 7, 1990  
Page 2 of 2

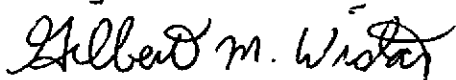
2. At least one monitoring well must be installed downgradient of the tank pit; if this absolutely cannot occur within 10 feet of the final edge of the pit, then it must occur as close to this edge as possible.

Please submit a revised work plan to our office and to the Regional Water Quality Control Board by **September 28, 1990**. This document must address, in detail, all issues raised in this letter. This document must also include a schedule of implementation for all tasks described in this and previous proposals, and must be accompanied by a letter from the president of Custom Alloy indicating his commitment to completing the work described in the proposals.

In addition, as requested in our previous letter, please submit a deposit of \$600, made out to Alameda County, for our continued oversight of this case; this deposit must be received by September 28, 1990. Failure to submit this money will result in significant project delays, and could result in the invalidation of any work done without written county approval. The District Attorney's office views dimly project delays caused by insufficient funds on deposit.

Because we are overseeing this site under the authority of the Water Board, this letter is a formal request for technical reports, per Sec. 13267(b) of the California Water Code. Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: Cinda MacKinnon, MacKinnon Environmental Consulting (2834 San Antonio Dr., Walnut Creek, CA 94598)  
Howard Hatayama, DOHS  
Lester Feldman, San Francisco Bay RWQCB  
Gil Jensen, District Attorney, Alameda County Consumer and Environmental Protection Division  
Rafat Shahid, Asst. Agency Director, Environmental Health files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



QUALITY CONTROL BOARD

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

July 5, 1990

Mr. Pat O'Brien  
Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland, CA 94607

Re: **Response to Preliminary Subsurface Investigation report from MacKinnon Environmental Consulting, Custom Alloy Scrap Sales and Industrial Turning Processors**

Dear Mr. O'Brien:

The Alameda County Department of Environmental Health, Hazardous Materials Division has reviewed the above report, dated June 22, 1990. It describes the results of Ms. MacKinnon's subsurface investigation and recommends specific actions to further document contamination and to begin cleanup. We concur with this report's general conclusions, but are requiring certain additional actions to accomplish the stated goals, as listed below.

**Former diesel tank area/ITP yard**

1. Removal of the free product found in monitoring well MW-2 is a priority, and this work must continue until all product appears to be removed. This may require the installation of additional wells or extraction points. We need a plan for the diesel's removal, as well as for the product's storage and disposal.
2. The locations of the 2 additional monitoring wells and 5 borings in Fig. 2 of the MacKinnon report are suitable and should be installed. However, there needs to be another well approximately midway between MW-1 and MW-2, that is within 20 feet of the contaminated PG&E vault. This will help to define the extent of floating diesel, and will provide better coverage of the leaking diesel pipeline's past effects on groundwater.
3. All piping from the former diesel tank system must be removed, with soil samples collected directly beneath the pipe trench at least every 20 feet, between the tank pit and the former pump area. (This was discussed during the tank removal on April 11.) Analysis on these samples must include TPH-D, BTEX, and TOG.
4. Contaminated backfill from the diesel pit must be re-excavated and treated/disposed of as appropriate. All soil with hydrocarbons greater than 100 ppm must be removed from the pit and sidewalls. Also, in the vicinity of MW-1 there is evidence of oil & grease contamination at a depth of about 5 feet that requires investigation.

Mr. Pat O'Brien  
July 5, 1990  
Page 2 of 2

5. Groundwater sampling and analysis should occur at a minimum every 3 months, for all wells. Analytical parameters for groundwater must include TPH-G, TPH-D, BTEX, and TOG on an ongoing basis, and copper, lead, zinc, chromium, and nickel in the next round of sampling, for all wells in the diesel pit/ITP area. The requirement for metals analysis stems from the levels of heavy metals found in shallow soil samples in the ITP yard.

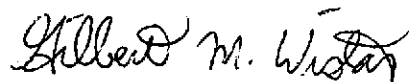
#### Gasoline pit

1. Soil excavation in and around this pit must be re-excavated as in the case of the diesel pit. All soil containing more than 100 ppm TPH-G must be removed and remediated/disposed of as appropriate.
2. As discussed in the Division's May 10, 1990 letter to you, at least one monitoring well is required within 10 feet of the tank pit, in the downgradient direction.

Please submit a work plan to our office and to the Regional Water Quality Control Board by **August 8, 1990**. This document should address MacKinnon Environmental's recommendations for further work, as well as address all issues raised in this letter. In addition, please submit a deposit of \$600, made out to Alameda County, for our continued oversight of this case; the \$558 deposit submitted with the tank closure plan has been exhausted.

Because we are overseeing this site under the designated authority of the Water Board, this letter constitutes a formal request for technical reports, per Sec. 13267(b) of the California Water Code. Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: Cinda MacKinnon, MacKinnon Environmental Consulting (2834 San Antonio Dr., Walnut Creek, CA 94598)  
Howard Hatayama, DOHS  
Lester Feldman, San Francisco Bay RWQCB  
Gil Jensen, District Attorney, Alameda County Consumer and Environmental Protection Division  
Rafat Shahid, Asst. Agency Director, Environmental Health files

# MacKinnon Environmental Consulting

Specializing in Ground Water and Soil Contamination

2834 San Antonio Drive  
Walnut Creek, California 94598  
(415) 930-9272

*Not Alloy*  
Custom Alloy Scrap Sales, Inc  
2730 Peratta

June 27, 1990

Mr. Lester Feldman  
REGIONAL WATER QUALITY CONTROL BOARD  
1800 Harrison Street  
Oakland, CA 9460

RECEIVED  
JUL 02 1990  
QUALITY CONTROL BOARD  
LF

Dear Mr. Feldman:

Enclosed find our subsurface UST investigation report for a metal recycling yard in Oakland. Our understanding is that it should be forwarded to your office and that Alameda County Health Dept (ACHD) is the lead agency. Mr. Gil Wistar is the person overseeing this project at ACHD.

Please call this office should you have any questions.

Sincerely,

  
Cinda Crabbe MacKinnon, R.G.





ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



May 10, 1990

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 S. GATEWAY AVENUE  
OAKLAND, CA 94621  
(415)

CALIFORNIA REGIONAL WATER

MAY 11 1990

QUALITY CONTROL BOARD

Mr. Pat O'Brien  
Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland, CA 94607

Re: **Response to work plan for site investigation and unauthorized releases from underground storage tanks, Custom Alloy Scrap Sales and Industrial Turning Processors**

Dear Mr. O'Brien:

As you know, on April 9 and 11, 1990, the Alameda County Department of Environmental Health, Hazardous Materials Division witnessed the removal of one underground gasoline and one underground diesel tank, respectively, from the two locations at Custom Alloy. Analytical results of soil samples taken from the tank pits indicate hydrocarbon levels of up to 340 parts per million (ppm) TPH-G and up to 7,400 ppm TPH-D. Soil contamination levels from both pits exceed the 100-ppm threshold that the San Francisco Bay Regional Water Quality Control Board (RWQCB) considers to be evidence of an unauthorized release requiring further investigation. Title 23, Chapter 3, Subchapter 16 of the California Code of Regulations requires all such unauthorized releases from underground tanks to be reported. An unauthorized release report must be filed with this office immediately; CASS must now also initiate further investigation and cleanup activities at this site, as a result of these underground releases.

(The site investigation requirements set forth in this letter for mitigating CASS' underground tank contamination are separate and distinct from site characterization requirements that this office had already established for the site. However, because requirements for soil borings and monitoring well installations may overlap, we would advise addressing contamination at the site in an integrated manner.)

This office will be the lead agency overseeing environmental investigation and cleanup made necessary by the underground tank releases. The RWQCB is currently unable to manage the large number of fuel leak cases within Alameda County, and has therefore delegated this authority to our office. Nonetheless, CASS must keep the Water Board apprised of all actions taken to characterize and remediate contamination at this site, because the Board retains the ultimate responsibility for ensuring protection of waters of the state.

Aweek New

5/15/90

# UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE. SIGNED: <u>Richard M. Winters</u> DATE: <u>5/15/90</u>
REPORT DATE <u>05/15/90</u>	CASE #	

REPORTED BY	NAME OF INDIVIDUAL FILING REPORT <u>Reinhard Ruhnke</u>	PHONE <u>(415) 233-9068</u>	SIGNATURE <u>Reinhard Ruhnke</u>
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER	COMPANY OR AGENCY NAME <u>Miller Environmental Company</u>	
	ADDRESS <u>385 Pittsburg Avenue</u> STREET CITY: <u>Richmond</u> STATE: <u>CA</u> ZIP: <u>94180</u>		

RESPONSIBLE PARTY	NAME <u>Custom Alloy</u> <input type="checkbox"/> UNKNOWN	CONTACT PERSON <u>Patrick O'Brien</u>	PHONE <u>(415) 893-6476</u>
	ADDRESS <u>2730 Peralta Street</u> STREET CITY: <u>Oakland</u> STATE: <u>CA</u> ZIP: <u>94607</u>		

SITE LOCATION	FACILITY NAME (IF APPLICABLE) <u>Custom Alloy</u>	OPERATOR	PHONE <u>(415) 893-6476</u>
	ADDRESS <u>2730 Peralta Street</u> STREET CITY: <u>Oakland</u> COUNTY: <u>Alameda</u> ZIP: <u>94607</u>		
	CROSS STREET <u>28th</u>		

IMPLEMENTING AGENCIES	LOCAL AGENCY <u>Alameda County Health</u>	AGENCY NAME	CONTACT PERSON <u>Gil Winters</u>	PHONE <u>(415) 271-4320</u>
	REGIONAL BOARD			PHONE

SUBSTANCES INVOLVED	(1) <u>Gasoline</u>	NAME	QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2) <u>Diesel</u>		<input checked="" type="checkbox"/> UNKNOWN

DISCOVERY/ABATEMENT	DATE DISCOVERED <u>05/09/90</u>	HOW DISCOVERED <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> OTHER
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN	METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE	

SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER
--------------	---	---

CASE TYPE	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)
-----------	--

CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input checked="" type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY
----------------	--

REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input checked="" type="checkbox"/> OTHER (OT) <u>Unknown</u>
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COMMENTS  
Contamination found in soil from tank removal on two separate parts of the property, one site a gasoline tank and the other a diesel tank. Diesel tank pit also contained contaminated groundwater.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



May 10, 1990

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

Mr. Pat O'Brien  
Custom Alloy Scrap Sales, Inc.  
2730 Peralta St.  
Oakland, CA 94607

Re: Response to work plan for site investigation and unauthorized releases from underground storage tanks, Custom Alloy Scrap Sales and Industrial Turning Processors

Dear Mr. O'Brien:

As you know, on April 9 and 11, 1990, the Alameda County Department of Environmental Health, Hazardous Materials Division witnessed the removal of one underground gasoline and one underground diesel tank, respectively, from the two locations at Custom Alloy. Analytical results of soil samples taken from the tank pits indicate hydrocarbon levels of up to 340 parts per million (ppm) TPH-G and up to 7,400 ppm TPH-D. Soil contamination levels from both pits exceed the 100-ppm threshold that the San Francisco Bay Regional Water Quality Control Board (RWQCB) considers to be evidence of an unauthorized release requiring further investigation. Title 23, Chapter 3, Subchapter 16 of the California Code of Regulations requires all such unauthorized releases from underground tanks to be reported. An unauthorized release report must be filed with this office immediately; CASS must now also initiate further investigation and cleanup activities at this site, as a result of these underground releases.

(The site investigation requirements set forth in this letter for mitigating CASS' underground tank contamination are separate and distinct from site characterization requirements that this office had already established for the site. However, because requirements for soil borings and monitoring well installations may overlap, we would advise addressing contamination at the site in an integrated manner.)

This office will be the lead agency overseeing environmental investigation and cleanup made necessary by the underground tank releases. The RWQCB is currently unable to manage the large number of fuel leak cases within Alameda County, and has therefore delegated this authority to our office. Nonetheless, CASS must keep the Water Board apprised of all actions taken to characterize and remediate contamination at this site, because the Board retains the ultimate responsibility for ensuring protection of waters of the state.

Mr. Pat O'Brien  
May 10, 1990  
Page 2 of 3

As a first step in the tank-related environmental investigation, CASS is required to conduct a preliminary assessment to determine the extent of soil and groundwater contamination that has resulted from both tank systems. The information gathered by this investigation will be used to assess the need for additional actions at the site. The preliminary assessment should be designed to provide the information in the format shown in the attachment at the end of this letter, which is based on RWQCB guidelines. CASS will have to install at least one groundwater monitoring well within 10 feet downgradient of each former tank location. Again, this is separate from the wells that had already been proposed by Clayton Environmental Consultants and more recently by MacKinnon Environmental.

Until cleanup is complete, you will need to submit reports to this office and to the RWQCB every three months (or at a more frequent interval, if specified at any time by either agency). These reports must include information pertaining to further investigative results; the methods and costs of cleanup actions implemented to date; and the method and location of disposal of any contaminated material.

Soils contaminated at hazardous waste concentrations (defined specifically as above 1,000 ppm hydrocarbons) must be transported by a licensed hazardous waste hauler and treated at a facility approved by the California Department of Health Services. This applies, for example, to the soil excavated out of the diesel tank pit (and then replaced in the pit), which averages 7,400 ppm diesel. Soils contaminated below the hazardous waste threshold may be managed as nonhazardous, but are still subject to the RWQCB's waste discharge requirements. This means that the original diesel tank backfill, which was also replaced in its hole, must be completely removed again from the pit and treated or disposed of appropriately. Copies of manifests for the transportation, treatment, and disposal of the diesel-contaminated soil (and of any other hazardous waste from the facility) must be sent to this office.

Elements of Cinda MacKinnon's March 29 work plan are generally acceptable, since they are based on Clayton's previous proposal. Work should begin as soon as possible, including both the monitoring wells and soil borings. Once data from these initial borings and borings are in, CASS must submit a report and supplemental work plan. This document is due to our office by May 18, 1990, and should include all pertinent data and recommendations for further work, as well as address all elements of the underground tank preliminary investigation. Copies of all reports should also be sent to the RWQCB (attention: Lester MacKinnon). Because we are overseeing this site under the designated

Mr. Pat O'Brien  
May 10, 1990  
Page 3 of 3

authority of the Water Board, this letter constitutes a formal request for technical reports, per Sec. 13267(b) of the California Water Code. Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day.

If you have any questions about this letter or about remediation requirements established by the RWQCB, please contact the undersigned at 271-4320.

Sincerely,

*Gil Wistar*

Gil Wistar  
Hazardous Materials Specialist

enclosure

cc: Reinhard Ruhmke, Miller Environmental (385 Pittsburg Ave.,  
Richmond, CA 94801)  
Cinda MacKinnon, MacKinnon Environmental Consulting (2834 San  
Antonio Dr., Walnut Creek, CA 94598)  
Howard Hatayama, DOHS  
Lester Feldman, San Francisco Bay RWQCB  
Gil Jensen, District Attorney, Alameda County Consumer and  
Environmental Protection Division  
Rafat Shahid, Asst. Agency Director, Environmental Health  
files

white -env.health  
 yellow -facility  
 pink -files

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
 Oakland, CA 94621  
 (415) 271-4320

## Hazardous Materials Inspection Form

II, III

Site ID # 2360 Site Name Custom Alloy Scrap Today's Date 4/11/90

### II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

Site Address 2730 Peralta St.

City Oakland Zip 94607 Phone \_\_\_\_\_

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

#### Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

### II.B ACUTELY HAZ MATS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

\* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

### III. UNDERGROUND TANKS (Title 23)

- |   |  |
|---|--|
| General   | <input type="checkbox"/> 1. Permit Application 25284 (H&S)                                 |
|   | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S)                            |
|   | <input type="checkbox"/> 3. Records Maintenance 2712                                       |
|   | <input type="checkbox"/> 4. Release Report 2651  |
|   | <input type="checkbox"/> 5. Closure Plans 2670   |
| Monitoring for Existing Tanks                       | <input type="checkbox"/> 6. Method   |
|   | 1) Monthly Test  |
|   | 2) Daily Vadose<br>Semi-annual groundwater<br>One time soils                               |
|   | 3) Daily Vadose<br>One time soils<br>Annual tank test                                      |
|   | 4) Monthly Groundwater<br>One time soils   |
|   | 5) Daily Inventory<br>Annual tank testing<br>Cont pipe leak det<br>Vadose/groundwater mon. |
|   | 6) Daily Inventory<br>Annual tank testing<br>Cont pipe leak det                            |
|   | 7) Weekly Tank Gauge<br>Annual tank testing  |
|   | 8) Annual Tank Testing<br>Daily Inventory  |
|   | 9) Other _____   |
| New Tanks   | <input type="checkbox"/> 7. Prech Tank Test Date: 2643                                     |
|   | <input type="checkbox"/> 8. Inventory Rec. 2644  |
|   | <input type="checkbox"/> 9. Soil Testing . 2646  |
|   | <input type="checkbox"/> 10. Ground Water. 2647  |
| <input type="checkbox"/> 11. Monitor Plan 2632      |  |
| <input type="checkbox"/> 12. Access. Secure 2634    |  |
| <input type="checkbox"/> 13. Plans Subml Date: 2711 |  |
| <input type="checkbox"/> 14. As Built Date: 2635    |  |

#### Comments:

Removal of 10,000 - gallon diesel tank from interior of facility. Tank itself appears to have no corrosion, pits, or holes, but tank wrap has almost completely come off. Product clearly evident in the bottom of the hole. This will have to be pumped out, and a water sample taken from what refills the pit.

Three soil samples taken from the pit sidewalk, two from the middle walls and one from the accessible end wall. (The southern end wall is concrete, for some reason) Samples taken from just above the water table, in native clay.

There is a long run of piping, partly under concrete, and partly under a portable building. This building (dye) ~~may~~ be moved, and subsequently the piping will be removed and sampled underneath.

Rev 6/88

Contact: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: Patricia Ross

Inspector: \_\_\_\_\_  
 Signature: Gilbert M. Wister

II, III

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

Certified Mailer # P 062 127 709

November 16, 1989

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland, CA 94607

**FINAL NOTICE OF VIOLATION**

Dear Mr. Sulprizio:

As you're aware, the Alameda County Department of Environmental Health, Hazardous Materials Division, has conducted two inspections at the Custom Alloy/Industrial Turning Processors (ITP) facilities since February 1989; we have also issued three letters in that time period, including two notices of violation. In response, your company has made written commitments to correct certain violations; as of the date of this letter, a few of these corrective actions have in fact occurred, but most remain undone. For example, in the notice of violation dated May 3, 1989, we requested that Custom Alloy furnish the Hazardous Materials Division with either closure plans or permit forms for the facility's underground tanks by May 19, 1989. In addition, the contamination along 26th St. was to be cleaned up and properly disposed of by this same date. Neither of these items has been addressed six months later, despite the fact that Clayton Environmental Consultants was hired over the summer for this purpose.

Other violations of the Hazardous Waste Control Law were noted during this office's inspection on October 11, 1989. These are detailed below. As a result of these recently noted violations, and because of the inadequate response to previous letters from this office, we are sending you this final notice of violation. All items in this letter must be addressed fully, by the date indicated, or we will have no choice but to refer this case to the Alameda County District Attorney's Office.

As of the date of this letter, Custom Alloy/ITP is in violation of the following provisions of California law:

**Title 19**

1. Sec. 25509 (CA Health & Safety Code) - The facility's business plan inventory of hazardous materials is incomplete because it does not include gasoline, diesel, compressed gases, and possibly other materials. It is the facility's responsibility to identify which materials qualify for reporting under this section, and to report them accurately.
2. Sec. 25504(c) (CH&SC) - The facility has inadequate documentation of employee training, which must include annual training and refresher courses in safety procedures in the event of a release or threatened release of a hazardous material. The facility also has no written program outlining in detail the subject matter of required trainings.

**Title 22**

3. Sec. 25189.5 (CH&SC) - There are significant areas of soil and possibly groundwater contamination at the facility, resulting from improper handling of hazardous materials or wastes. As noted above, the diesel/waste oil contamination along 26th St. still has not been addressed; a soil sample from this area was found to contain 40,000 ppm total oil and grease and 24,000 ppm diesel. Around the railroad tracks next to the boiler slag pile in the Custom Alloy yard, the bare soil is considered a hazardous waste because of oil and grease as well as lead and copper content. Bare soil in the ITP yard has a hydrocarbon content of 35,000 ppm (greater in areas of obvious spillage of diesel, oil, and solvent), and lead and copper concentrations above hazardous waste thresholds. Oil-saturated sawdust under the HRB (Harris Bailer) is a hazardous waste, but there are no records of its being stored and disposed of as such.
4. Sec. 66472 - The facility has no EPA identification number.
5. Sec. 66508 - Some hazardous material/waste containers at the facility are not labeled properly for generator name and address, container contents, and hazard category. All such containers must be labeled in this manner.
6. Sec. 66746 - The baghouse dust from Custom Alloy may be eligible for Special Waste, rather than hazardous waste treatment. However, as such, its storage, handling, and disposal must be according to Sec. 66742 and 66744 of Title 22. Copies of these Title 22 regulations can be obtained by calling the CA Dept. of General Services at (916) 973-3700.



Mr. Chal Sulprizio  
November 16, 1989  
Page 3 of 4

7. Sec. 67243 - Maintenance of three hazardous material drums at ITP (two containing diesel, one solvent) is very poor; there was significant spillage around the base of these drums, and they were not closed. Substantial spillage was also noted around the diesel tank pumping area.

#### Title 23

8. Sec. 25292 - The two underground storage tanks on the facility have no provisions for monitoring to detect unauthorized releases of hazardous materials, as far as the General Manager was aware.
9. Sec. 2712 - The facility does not have records dating back three years regarding underground tank monitoring and results, including inventory reconciliation.
10. Sec. 2644 - The tanks also have no records of daily inventory reconciliation, which must be done according to the requirements of this section.

Each of these items must be addressed separately in a Plan of Correction, which is due in this office no later than **Thursday, December 21, 1989 at 5:00 pm.** Part of this plan must include the following:

- A. A work plan for comprehensive soil and groundwater cleanup, and future monitoring, in the contaminated area along 26th St. All contaminated soil and liquids must be disposed of as a hazardous waste under manifest.
- B. A work plan for soil cleanup and verification sampling in the ITP yard. All soil contaminated with hydrocarbons, solvents, and lead, copper, or any other heavy metal must be excavated from the yard and disposed of as a hazardous waste under manifest. The work plan must describe how future contamination of soil and underlying groundwater, as well as contaminant runoff, will be prevented.
- C. A work plan for soil cleanup and verification sampling in the bare soil area around the railroad tracks in the Custom Alloy yard. All soil contaminated with hydrocarbons or lead, copper, or other heavy metal must be excavated and disposed of as a hazardous waste under manifest. As in (B.) above, the work plan must describe how future contamination of soil and underlying groundwater, as well as contaminant runoff, will be prevented.

Mr. Chal Sulprizio  
November 16, 1989  
Page 4 of 4

Failure to comply fully with these requests could result in multiple and substantial penalties under California law. If you have any questions concerning the information in this letter, please contact the undersigned at 271-4320.

Sincerely,

*Gilbert M. Wistar*

Gil Wistar  
Hazardous Materials Specialist

cc: Doug Krause, DOHS  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
Margaret Ong, District Attorney's Office  
Alan Whitman, Oakland PD  
Rafat A. Shahid, Asst. Agency Director, Environmental Health

white -env.health  
 yellow -facility  
 pink -files

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #:  
 Oakland, CA 94612  
 (415) 271-4320

## Hazardous Materials Division Inspection Form

Site ID# \_\_\_\_\_ Site Name Custom Alloy Scrap Sales + ITP Today's Date 10/11/89  
 Site Address 2730 Peralta St. EPA ID# \_\_\_\_\_  
 City Oakland Zip 94609 Phone \_\_\_\_\_

MAX Amt. Stored > 500lbs/55g/200cf?  Y  N  
 Hazardous Waste generated per month? \_\_\_\_\_

**Inspection Categories:**  
 I. Haz. Mat/Waste GENERATOR/TRANSPORTER  
 II. Business Plans, Acute Hazardous Materials  
 III. Underground Tanks

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

LA GENERATOR (Title 22)		
<input checked="" type="checkbox"/>	1. Waste ID	66471
<input checked="" type="checkbox"/>	2. EPA ID	66472
<input checked="" type="checkbox"/>	3. > 90 days	66508
<input checked="" type="checkbox"/>	4. Label dates	66508
<input type="checkbox"/>	5. Biennial	66493
<hr/>		
<input type="checkbox"/>	6. Records	66492
<input type="checkbox"/>	7. Correct	66484
<input type="checkbox"/>	8. Copy sent	66492
<input type="checkbox"/>	9. Exception	66484
<input type="checkbox"/>	10. Copies Rec'd	66492
<hr/>		
<input checked="" type="checkbox"/>	11. Treatment	66371
<input type="checkbox"/>	12. On-site Dsp. (H.S.&C.)	26189.5
<input type="checkbox"/>	13. Ex Haz. Waste	66570
<hr/>		
<input type="checkbox"/>	14. Communications	67121
<input type="checkbox"/>	15. Able Space	67124
<input type="checkbox"/>	16. Local Authority	67126
<input type="checkbox"/>	17. Maintenance	67120
<input checked="" type="checkbox"/>	18. Training	67105
<hr/>		
<input type="checkbox"/>	19. Prepared	67140
<input type="checkbox"/>	20. Name List	67141
<input type="checkbox"/>	21. Copies	67141
<input type="checkbox"/>	22. Emg. Coord. Tmg.	67144
<hr/>		
<input type="checkbox"/>	23. Condition	67241
<input type="checkbox"/>	24. Compatibility	67242
<input checked="" type="checkbox"/>	25. Maintenance	67243
<input type="checkbox"/>	26. Inspection	67244
<input type="checkbox"/>	27. Buffer Zone	67246
<input type="checkbox"/>	28. Tank Inspection	67259
<input checked="" type="checkbox"/>	29. Containment	67245
<input type="checkbox"/>	30. Safe Storage	67261
<input type="checkbox"/>	31. Freeboard	67257

I.B TRANSPORTER (Title 22)		
<input type="checkbox"/>	32. Applic./Insurance	66428
<input type="checkbox"/>	33. Comp. Cert./CHP Insp.	66448
<input type="checkbox"/>	34. Containers	66465
<hr/>		
<input type="checkbox"/>	35. Vehicles	66465
<input type="checkbox"/>	36. EPA ID #s	66531
<input type="checkbox"/>	37. Correct	66541
<input type="checkbox"/>	38. HW Delivery	66543
<input type="checkbox"/>	39. Records	66544
<hr/>		
<input type="checkbox"/>	40. Name/ Covers	66545
<input type="checkbox"/>	41. Recyclables	66800

**Comments:**  
 Follow-up inspection of metal recycling facility.  
 (1) No action on contamination along 26<sup>th</sup> St.  
 (2) Additional contamination of soil from solvent and diesel noted in several large areas of ITP facility; employee noted that dirty solvent was dumped to ground.  
 (3) No labeling or secondary containment of waste oil drums, as promised in Custom Alloy letter of 4/89; same true of diesel/solvent drums at ITP.  
 (4) Saturated sand/dust is a hazardous waste, as is the loghouse dust that is now being placed in slag pile.  
 (5) Stained soil around railroad tracks needs cleanup and disposal as a hazardous waste.  
 (6) Underground tanks have no record of daily inventory reconciliation, and are not permitted to operate. (to Mr. Lavin's knowledge)  
 (7) Hazardous chemical inventory of business plan incomplete - all compressed gases, and gasoline and diesel, must be reported.  
 → samples were taken, as well as photographs.

Rev 6/88

Contact: LARRY LORINSKY  
 Title: GEN. MGR  
 Signature: Larry Lavin

Inspector: \_\_\_\_\_  
 Signature: Gilbert M. Wicks

500 gal propane  
 5,000 gal  
 10,000 gal diesel  
 25TH / 26TH  
 Peralta / Poplar

15  
 18 cyl. O<sub>2</sub> (250 lbs each)  
 75 N<sub>2</sub> (255 each)  
 75 CO<sub>2</sub> (121 lbs)  
 1 nitrogen 750, CO<sub>2</sub> 2  
 380 lb

acetylene 4  
 8 350  
 2 250  
 2 175

2 USTs - one gasoline, one diesel

Revised 4 waste oil drums - not labeled, no secondary containment, one drum open

sawdust around drums, this is saturated w/ oil - hazardous waste sawdust under the Harris Bailer (HRB) needs disposal as haz. waste

baghouse residue - what happens to it? (Added to Log heavy stained soil around railroad tracks / no concrete underneath)

stained soil on 26TH St.

(ITP) 3 drums - one solvent, 2 diesel - spillage evident below drums

soil below diesel pump - saturated w/ diesel

soil stained near 26TH St + Poplar corner (on 26TH)

USTs - no records available

Custom Alloy

10/11/89

(signature: 6674)

6674

Special notes - section 6674 - District 2

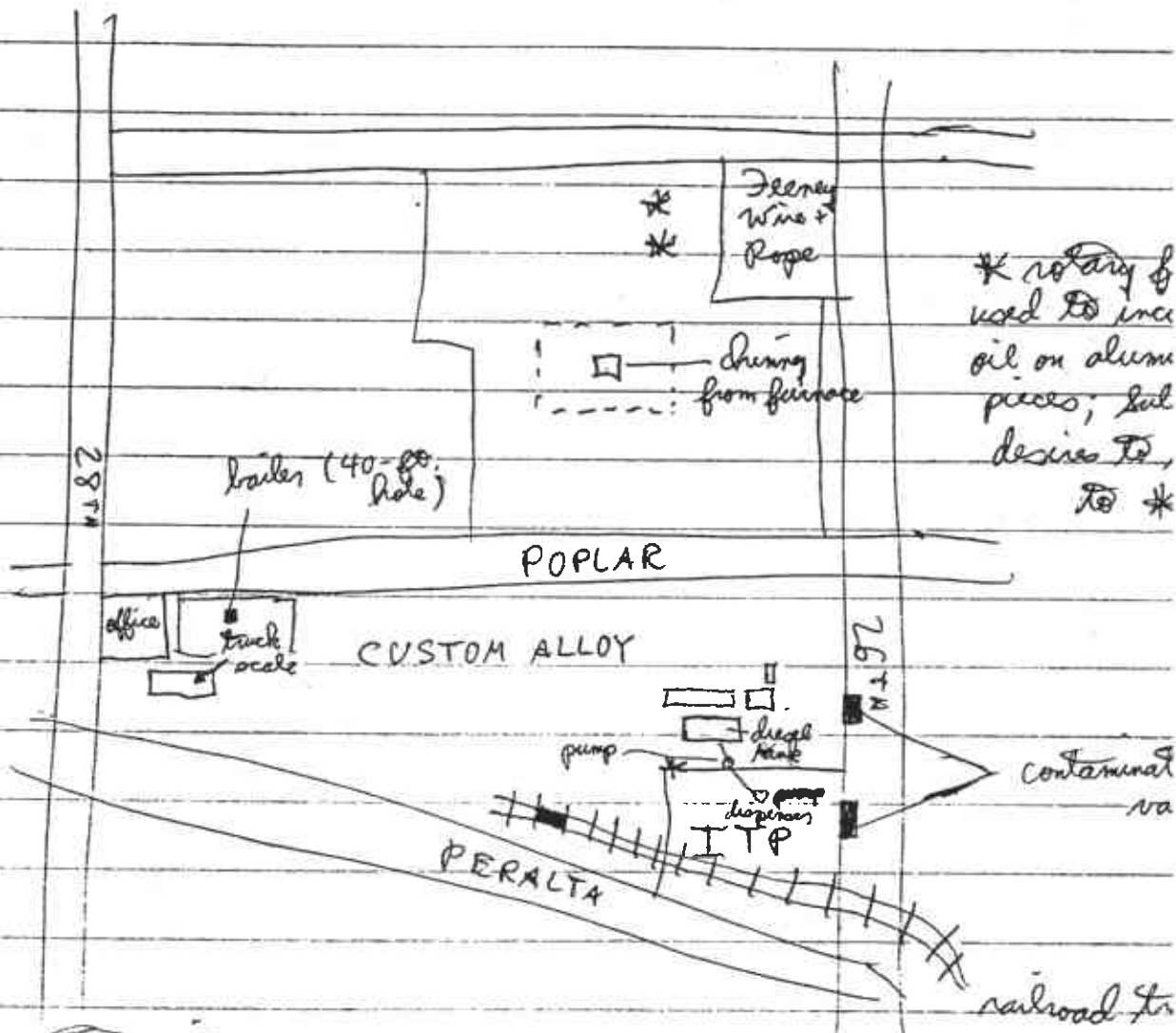
Confidence level

Division 4

City Dept of General Services

(214) 973-3700

# Custom Alloy map



trailers contains oil

from leaking ~~hydraulic~~ hydraulics

1 foot deep; 200' x 50'

oil from ITP was removed around the time of my initial inspection on 2/15, probably after; Eddie told me to talk to Jerry, and Jerry knew nothing about this beforehand.

# Custom Alloy Scrap Sales, Inc.

2730 PERALTA STREET • OAKLAND, CALIFORNIA 94607  
P. O. BOX 24222 • OAKLAND, CALIFORNIA 94623  
TELEPHONE (415) 893-6476

510

June 9, 1989

Mr. Rafat A. Shadid  
Chief Hazardous Materials Div.  
Dept. of Environmental Health  
80 Swab Way, Room 200  
Oakland, Ca. 94621

Dear Mr. Shadid:

This letter will serve to introduce the writer, Larry Lorinsky, as the "point man" for Custom Alloy, in identifying and bringing to resolution the outstanding citation file.

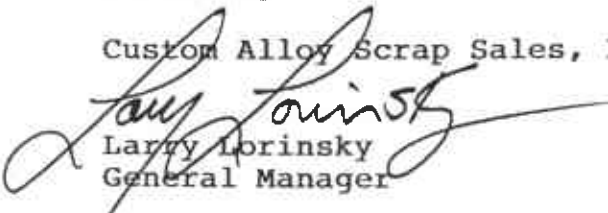
Confirming our meeting with your, Mr. Gil Wistar, earlier this week and my subsequent telecon with him today, we are proceeding as follows:

- 1) Proposals are in preparation stage from three (3) independent consultants, to identify and remediate the situation.
- 2) After appointing a consultant/firm they will work with Gil to develop an acceptable work plan.
- 3) Upon approval of the work plan we intend to proceed to remediate the circumstance at hand.

I have enclosed two (2) business cards for your file, and should you have reason or desire to discuss any issue, please feel able to call.

Sincerely,

Custom Alloy Scrap Sales, Inc.

  
Larry Lorinsky  
General Manager

LL/jt

AMERICA COUNTY  
DEPT. OF ENVIRONMENTAL HEALTH  
HAZARDOUS MATERIALS

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415) 271-4320

Certified Mailer # P 833 981 390

May 3, 1989

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland, CA 94607

SECOND NOTICE OF VIOLATION

Dear Mr. Sulprizio:

The Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter on April 3, 1989 that requested certain specific actions. We asked that you provide this office with a completed hazardous materials business plan by April 15, 1989. We also requested that Custom Alloy furnish the Hazardous Materials Division with either closure plans or permit forms for the facility's underground tanks by April 21, 1989. Finally, the oil and contaminated soil along 26th St. was to be cleaned up and properly disposed of by April 30, 1989. So far, we have received your business plan, but have had no response to the other two items.

We are requesting that you take action to address these other issues immediately. Please submit your underground tank permit application or closure plans, and signed waste manifests documenting the disposal of oil and contaminated soil, to this office by Friday, May 19, 1989. Please coordinate the oil/soil removal with Mr. John Childress of PG&E (437-2230).

Failure to comply with this request could result in substantial penalties, as described below. Section 25299 of the California Health and Safety Code authorizes a maximum fine of \$5,000 per day for failure to close an underground storage tank properly or for operating an underground tank without a permit. In addition, Section 25188 permits penalties of up to \$25,000 per day to be levied for noncompliance of the provisions of Section 25187, which regulates cleanup schedules for contaminated sites.

Mr. Chal Sulprizio  
May 3, 1989  
Page 2 of 2

If you have any questions concerning the information in this letter, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,

*Rafat A. Shahid*

Rafat A. Shahid, Chief  
Hazardous Materials Division

RAS:GW:gw

cc: Howard Hatayama, DOHS  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
John Childress, PG&E



COUNTY

CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 833 981 259

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

April 3, 1989

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland, CA 94607

Dear Mr. Sulprizio:

The Alameda County Department of Environmental Health, Hazardous Materials Division, received your letter responding to the notice of violation dated February 21, 1989. Your comment about the phrases "illegal on-site disposal" and "dumping" is understandable, considering that you didn't appear to realize that the oil was there. Our use of this terminology was intended to point out that the dumping of oil in this area is illegal, rather than to accuse specific persons of its disposal there.

There are several points that relate to the soil and oil contamination observed by Mr. Wistar on February 15. Although it is true that Mr. Raz and Mr. Wistar could not find evidence of oil having run off from the Custom Alloy site, soil directly under the fence line of the property along 26th St. was clearly soaked with oil. Secondly, Mr. Raz told Mr. Wistar about a firm that Custom Alloy had contracted out to service its diesel equipment; Mr. Raz said that this firm had performed oil changes in the area of the contamination. Finally, there was evidence of oil and other liquid wastes having flowed off-site from Industrial Turning Processors (ITP), which is under the same ownership as Custom Alloy. In summary, much of the sidewalk area along 26th St., including two PG&E utility vaults, is contaminated with waste oil, and the responsibility for cleaning up this contamination rests with Custom Alloy and ITP. Mr. Raz indicated that Custom Alloy intends to remove the contaminated material, and we are requesting that you complete the remediation by April 30, 1989; please coordinate the removal with Mr. John Childress of PG&E (437-2230). You should send completed copies of all waste disposal manifests to this office as soon as they are available.

We are satisfied with your responses to the other items raised in the notice of violation, provided that we are kept apprised

Mr. Chal Surprizio  
April 3, 1989  
Page 2 of 2

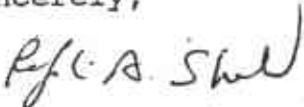
of the completion of the actions you have outlined in your letter. By April 21, you will need to have filled out and sent to this office either: 1) an underground tank closure plan; or 2) underground tank permitting forms. Piping modifications require a permit similar to that issued for tank closure. One of the requirements for permitting underground tanks (according to monitoring alternative 5 of Title 23) is inventory reconciliation, as you point out; however, daily, rather than monthly, reconciliation is required, as described in Sec. 2644 of Chapter 3, Subchapter 16 of Title 23.

As mentioned in the notice of violation, during the facility inspection, Mr. Raz was given a blank business plan form, complete with instructions; we had requested that this plan be completed and returned to this office within 30 days. We have not yet received this plan; please submit it by April 15, 1989.

Your attention is directed to Sections 25184, 25189, 25191, and 25294 of the California Health and Safety Code, which provide for civil and criminal penalties for failing to comply with hazardous waste and underground tank regulations.

If you have any questions concerning the information in this letter, please contact Gil Wistar at 271-4320.

Sincerely,



Rafat A. Shahid, Chief  
Hazardous Materials Division

RAS:GW:gw

cc: Dwight Hoenig, DOHS  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
John Childress, PG&E

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
DAVID J. KEARS AGENCY  
Agency Director



Department of Environmental Health  
Hazardous Materials Division  
80 Swan Way, Room 200  
Oakland, CA 94621

Certified Mail #P 833 981 235

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

(415) 271-4320

February 21, 1989

Mr. Chal Sulprizio  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland, CA 94607

NOTICE OF VIOLATION

Dear Mr. Sulprizio:

On February 15, 1989, the Hazardous Materials Division inspected the premises shown above. On the 26th St. side of your property between the fence and the street, significant contamination from what appeared to be waste oil was apparent. This oil had soaked into soil adjacent to both, Custom Alloy Scrap Sales and Industrial Turning Processors and also was present in two PG&E utility vaults along the sidewalk. This constitutes illegal on-site disposal of hazardous waste, which is prohibited under Section 25189.5 of the California Health and Safety Code. The dumping of this oil must stop immediately and all areas of contamination should be cleaned up. Both the oil and the contaminated soil should be manifested and removed from the site by a registered hazardous waste hauler.

The following additional violations of the California Code of Regulations were noted at this facility.

Title 22:

1. Section 66508 - Nonstationary waste containers at the facility are not labeled for composition/physical state, type of hazards posed, beginning accumulation date, and the facility's name and address.
2. Section 66484 - The facility could not produce copies of any but the most recent receipts for disposal of waste oil and solvent. These receipts (or manifests) should be kept in a separate file for at least three years after disposal date.

Chal Sulprizio  
land, CA 94607  
February 21, 1989  
Page 2 of 3

3. Section 67245 - The storage areas for waste oil and solvent do not have adequate secondary containment systems. These storage areas, if indoors, should be designed to contain 10% of the combined volume of all containers within it or the volume of the largest container, whichever is greater; if outdoors, the storage areas should also contain enough additional capacity to hold precipitation from a 25-year, 24 hour rainfall.

Title 23:

4. Section 25292 - ~~Underground storage tanks~~ on the facility have no provisions for monitoring to detect unauthorized releases of hazardous materials.
5. Section 2712 - The facility does not have records dating back three years regarding underground tank monitoring and results, including inventory reconciliation.
6. Section 2643 - Regarding the underground tanks, this office has no records of precision leak tests capable of detecting the release of product at a rate of 0.05 gallons per hour. Such test are required annually.

In accordance with Section 66328, a Plan of Correction must be submitted to this office within 15 days of receipt of this letter. The plan should specify the actions to be taken to address all of the above violations and the expected dates of completion. Underground tank permit applications (blanks enclosed) must also be submitted to this office; Form A need only be filled out once, but one Form B should be filled out for each underground tank in the facility.

During the facility inspection, Mr. Raz was given a blank business plan form, complete with instructions; this plan should be completed and returned to this office within 30 days of receipt of this letter.

Your attention is directed to Sections 24184, 25189 and 25191 of the California Health and Safety code, which provides for civil and criminal penalties of up to \$25,000 per day for each violation of these regulations.

Mr. Chal Sulprizio  
Oakland, CA 94607  
February 21, 1989  
Page 3 of 3

In addition, in accordance with Section 25294 of the Health and Safety Code, any owner or operator of an underground tank who operates or improperly closed the tank without Alameda County's approval, is liable for fines of up to \$50,000 per day on each count.

If you have any questions concerning this matter, please contact Gil Wistar, at 271-4320.

Sincerely,



Rafat A. Shahid, Chief,  
Hazardous Materials Program

RAS:mnc

Enclosures (4)

cc: w/o Enclosures:

Howard Hatayama, DOHS  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
John Childress, PG&E

white -env.health  
 yellow -facility  
 pink -files

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
 Oakland, CA 94621  
 (415) 271-4320

## Hazardous Materials Division Inspection Form

Site ID# 2360 Site Name Custom Alloy Scrap Sales Today's Date 2/15/89  
 Site Address 2730 Peralta St. EPA ID# \_\_\_\_\_  
 City Oakland Zip 94607 Phone 893-6476

MAX Amt. Stored > 500lbs/55g/200cf?  Y  N  
 Hazardous Waste generated per month? \_\_\_\_\_

**Inspection Categories:**

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)		
Manifest	<input checked="" type="checkbox"/> 1. Waste ID	66471
	<input checked="" type="checkbox"/> EPA ID	66472
	<input checked="" type="checkbox"/> > 90 days	66508
	<input checked="" type="checkbox"/> 4. Label dates	66508
	<input checked="" type="checkbox"/> 5. Biennial	66493
Manifest	<input checked="" type="checkbox"/> 6. Records	66492
	<input type="checkbox"/> 7. Correct	66484
	<input type="checkbox"/> 8. Copy sent	66492
	<input type="checkbox"/> 9. Exception	66484
Minc.	<input type="checkbox"/> 10. Copies Rec'd	66492
	<input type="checkbox"/> 11. Treatment	66371
	<input checked="" type="checkbox"/> 12. On-site Disp. (H.S.&C.)	26189.5
Prevention	<input type="checkbox"/> 13. Ex Haz. Waste	66570
	<input type="checkbox"/> 14. Communications	67121
	<input type="checkbox"/> 15. Aisle Space	67124
	<input type="checkbox"/> 16. Local Authority	67126
	<input type="checkbox"/> 17. Maintenance	67120
Confm. gency	<input type="checkbox"/> 18. Training	67105
	<input type="checkbox"/> 19. Prepared	67140
	<input type="checkbox"/> 20. Name list	67141
	<input type="checkbox"/> 21. Copies	67141
Containers, Tanks	<input type="checkbox"/> 22. Emg. Coord. Trng.	67144
	<input type="checkbox"/> 23. Condition	67241
	<input type="checkbox"/> 24. Compatibility	67242
	<input type="checkbox"/> 25. Maintenance	67243
	<input type="checkbox"/> 26. Inspection	67244
	<input type="checkbox"/> 27. Buffer Zone	67246
	<input type="checkbox"/> 28. Tank Inspection	67259
	<input checked="" type="checkbox"/> 29. Containment	67245
	<input type="checkbox"/> 30. Safe Storage	67261
	<input type="checkbox"/> 31. Freeboard	67257
I.B TRANSPORTER (Title 22)		
Manifest	<input type="checkbox"/> 32. Applic./Insurance	66428
	<input type="checkbox"/> 33. Comp. Cert./CHP Insp.	66448
	<input type="checkbox"/> 34. Containers	66465
Manifest	<input type="checkbox"/> 35. Vehicles	66468
	<input type="checkbox"/> 36. EPA ID #s	66531
	<input type="checkbox"/> 37. Correct	66541
	<input type="checkbox"/> 38. HW Delivery	66543
Confm.	<input type="checkbox"/> 39. Records	66544
	<input type="checkbox"/> 40. Name/ Covers	66545
	<input type="checkbox"/> 41. Recyclables	66600

**Comments:**

metal recycling facility - waste oil discovered on south side of property in PG+E vaults on sidewalk of 26th St. Also soil staining - oil appears to be coming from Custom Alloy property and from Industrial Turning Processors (same owner - a ferrous metal & scrap recycling facility at the same address) - collected three samples - two liquid from sidewalk vault, and one stained soil sample

- Other violations:
- ① keep receipts for waste oil / solvent disposal for 3 years;
  - ② waste containers should be labeled, with said accumulation dates.
  - ③ secondary containment should be provided for waste containers
  - ④ solvent buckets should not be left open unless while adding or withdrawing liquid - also read hazardous waste labels

Rev 6/86

Contact: J.E. RAZ  
 Title: MAINTENANCE MANAGER  
 Signature: [Signature]

Inspector: \_\_\_\_\_  
 Signature: Gilbert M. W...

*P.M. Deposit Refund*

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
MEMORANDUM

DATE : July 27, 1988  
TO : Gerald H. Winn  
FROM : Rafat Shahid *RAS*  
SUBJECT: Deposit Refund Revenues

RECEIVED  
AUG 09 1988

Director of  
Environmental Health

The deposit refund system was activated on November 1987. As of July 12, 1988 we received deposits in the amount of \$89,809. At this rate we expect total deposits of \$137,713. At an estimated rate of 20% refund, the total revenues per year will be \$107,770. The latter estimate reflects a staff workload of 2033 hours. As you know the deposit refund system handles activities such as underground tank removal and installation as well as site mitigation. The latter activities extend beyond the general hazardous materials/waste program areas. Accordingly, this new workload is hampering the inspectional activities and may in the long run affect the revenue enhancement activities. Kindly authorize a mid-year budget adjustment for an additional Hazardous Materials Specialist and a Clerk II positions.

Thank you for your consideration.

cc: Tak Shirasawa  
Jim Hartnett

*9-1-88*  
*Rafat - Sounds Good.*  
*PLEASE WORK w/ JIM ON*  
*Drafting Bd. Letter.*  
*H.*

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HAZARDOUS MATERIALS/  
WASTE PROGRAM