

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT 9-5-2000

PO408

StID 2360

September 5, 2000

Mr. Chal Suprizio
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

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



SENT 7-3-2000

20488

StID 2360

July 3, 2000

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

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

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT 5-22-2000

20488

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



Sent 1/11/00
Including cc's

RD488

StID 2360

January 10, 2000

Mr. Chal Sulprizio
Custom Alloy 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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



(CONTINUED)
R0# 2489

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

StID 269

April 20, 1999

Mr. Chal Suprizio
Sulprizio Family LP
2730 Peralta
Oakland, CA 94607

RE: Groundwater Sampling at 2711 Union and 2730 Peralta Streets

Dear Mr. Sulprizio:

I was informed by your attorney Ms. Christine Noma, that you are the current property owner of both 2711 Union and 2730 Peralta Streets. As you recall, there was an ongoing subsurface investigation being conducted at 2711 Union Street, when the site was owned by Gardiner Manufacturing, Inc. The subsurface investigation must continue even though the property has changed hands.

A solvent plume has been identified that originated from 2711 Union Street. It also appears there is an off-site source that may be contributing to the solvent plume. As of today, the source of the upgradient and off-site contamination has not been determined. This office has requested the help of the Oakland Fire Department to identify potential responsible parties contributing to the solvent plume (see attached letter).

In the meantime, you are required to continue with the subsurface investigation and delineate the extent of the plume emanating from 2711 Union Street. This can be accomplished by sampling the on-site groundwater monitoring wells (namely Wells MW4, MW5 and MW6) at 2730 Peralta Street. Groundwater from these wells should be analyzed for chlorinated hydrocarbons, using EPA Method 8010 as well as TPHg, TPHd, MTBE and BTEX constituents.

The on-site groundwater monitoring wells at 2730 Peralta Street (MW4 through MW6) and MW-5 (on Peralta Street and installed for 2711 Union Street) should be sampled within 30 days of the date of this letter, or by **May 24, 1999**. A technical summary report is due 60 days upon completion of field work. Thereafter, these wells and those at 2711 Unions Street should be sampled on a semi-annual basis until further notice.

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

eva chu
Hazardous Materials Specialist

c: Leroy Griffin, Oakland Fire Department (w/o)
Chris Noma, 1111 Broadway, 24th Floor, Oakland, CA 94607-4036 w/o
Pat O'Brien, Custom Alloy, 2730 Peralta, Oakland, CA 94607 w/o

gardiner-11

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, Assistant Agency Director

February 16, 1995

Raymond C. Smith
42235 Carnegie
Hemet, CA. 92343

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

Dear Mr. Smith:

Pursuant to our meeting at the County Office's on January 27, 1995 concerning Custom Alloy Scrap Sales located at 2730 Peralta St. Oakland California the following actions have been taken:

1. Ms. Susan Hugo Senior Hazardous Materials Specialist has been assigned this site for oversight.
2. Ms. Hugo and I met with Mr. Patrick O'Brien and CASS consultant Mr. John Sammons of Dennis Bates and Assoc. on February 9, 1995.
3. The preliminary meetings to bring Ms. Hugo "up to speed" are not being charged to CASS.

Ms. Hugo will work through Mr. O'Brien for the next action to be taken. We look forward to a speedy and satisfactory remediation process so that this property is able to function to its potential.

If there are any questions please call either myself or Susan Hugo at (510)567-6700.

Very Truly Yours:

Edgar B. Howell III, Chief
Environmental Protection Division

cc Supervisor Keith Carson, Alameda County
Rafat A. Shahid, Director Environmental Health
Chal Sulprizo, President Custom Alloy Scrap Sales
Patrick O'Brien, General Manager, Custom Alloy Scrap Sales
Mary Ortendahl, Regulatory Affairs, EDAB

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

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.

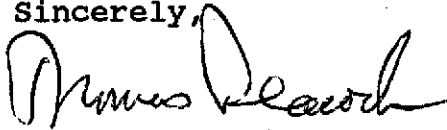
Finally, I would like to assure you that this Department takes no interest in the outcome of civil actions between private litigants. To the extent that Ms. Eberle paid heed to the events taking place between your client and any former employees, her interest arose from the obvious implications of environmental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

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

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



R0488

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

December 2, 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

Dear Mr. Sulprizio,

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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.

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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

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

July 29, 1994
STID 2360

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

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

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 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

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

May 13, 1994
STID 2360

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

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

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.

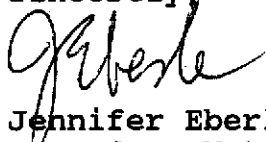
Other options include obtaining a waste discharge permit from the Regional Water Quality Control Board (RWQCB), which allows one to dispose of contaminated soil onsite. I understand this is a laborious process, but then again, it has already been several years that you have been working with the soil 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.

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 Hiatt, RWQCB

je 2360-c

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

May 5, 1994
STID 2360

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

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

Dear Mr. Sulprizio,

On May 4, 1994, this office received the "Work Plan for Additional Site Investigation," prepared by Dennis Bates Associates, Inc. (DBA), dated May 2, 1994. We did not receive a cover letter from yourself.

This workplan is basically good; it is therefore acceptable on the following conditions:

- 1) Soil samples will be collected and submitted for analysis at a minimum of every five feet in the unsaturated zone, and at any changes in lithology.
- 2) The placement of the well screen will be determined in the field, based upon the geology of the individual well, (as opposed to DBA's standard of "between 10 and 20 feet"). This work shall be done under the supervision of a California-Registered Geologist.
- 3) Depth of first encountered water and depth of static water will be included in the boring logs.
- 4) Well construction details will be included in the boring logs.

This office is happy to have received the workplan recently submitted, and hopes it is a sign of a continued forthright attempt to solve the environmental problems at this site. The conditions set forth in this letter are to facilitate that compliance, but should not be taken to be a waiver of the underlying non-compliance with the Regional Water Quality Control Board's order, which was called to your attention in their letter dated 8/5/93.

Not all of the issues in our letter dated 10/15/93 have been responded to. This letter was sent certified, and was signed for. You must respond to this letter immediately.

May 5, 1994
STID 2360
Mr. Chal Sulprizio
page 2 of 2

On May 2, 1994, this office received a letter from DBA, dated 4/28/94, entitled: "response to comments on quarterly monitoring report for Custom Alloy Scrap Sales at 2730 Peralta St., Oakland California." Once again, this response does not adequately address our comments, which are outlined in our letter dated 4/25/94. Once again, the issues are the following:

- A) Your consultant should be measuring the thickness of free product and depth to free product in the two wells with free product (MW1 and MW2) at the same time as monitoring/sampling the other wells. This information must be included with future monitoring/sampling reports. In addition, monitoring well data sheets must be submitted for MW1 and MW2 in future reports.
- B) We understand that your disposal paperwork is combined. The paperwork should indicate which items are being disposed, dates, etc. This is not a valid reason for not submitting this documentation. Therefore, you must submit legible, complete records for disposal of free product.

Please notify me at least 4 business days in advance of ALL field activities so that I may arrange to be onsite. This includes the installation and monitoring/changing of the Soakease kits.

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 Hiatt, RWQCB

je 2360-B

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer # P 029 244 570
April 25, 1994
STID 2360

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

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

Dear Mr. Sulprizio,

On April 14, 1994, this office received the "Quarterly Monitoring Report," prepared by Dennis Bates Associates, Inc. (DBA), dated April 1994, under your cover letter dated 4/12/94. Apparently, Mary Lucas McDonald is no longer your consultant. As you know, groundwater was sampled on 3/3/94. It has been approximately seven months since the previous round of sampling.

DBA determined the groundwater flow direction as west/southwest, although groundwater flow has been consistently toward the west/northwest throughout the four years of monitoring. This topic was discussed during a meeting between myself and Eva Vanek of DBA on 4/14/94. Ms. Vanek used MW4, MW5, and MW6 to determine the flow direction. MW5 thus became cross-gradient, as opposed to down-gradient, as in previous monitoring events.

The following issues apply to this report:

- 1) Your consultant should be measuring the thickness of free product in the two wells with free product (MW1 and MW2) at the same time as monitoring the other wells. This information must be included with future monitoring/sampling reports. In addition, monitoring well data sheets must be submitted for MW1 and MW2 in future reports.
- 2) We understand that your disposal paperwork is combined. The paperwork should indicate which items are being disposed, dates, etc. This is not a valid reason for not submitting this documentation. Therefore, you must submit legible, complete records for disposal of free product.
- 3) This report recommends additional investigation in the north area of the site near MW6, as well as in the southwest area near MW1 and MW2. DBA wrote a Workplan for Additional Site Investigations, dated April 1994. Ms. Vanek indicated that this workplan was submitted to you the week of 4/4/94. As was required in our last letter to you dated 10/15/94, a workplan must be submitted immediately for delineation of the groundwater contamination in both the north and south tank areas of the site. This proposal may be written as an

Chal Sulprizio
STID 2360
April 25, 1994
page 2 of 2

addendum to the 8/31/93 DBA workplan, in order not to delay the work already proposed therein. This addendum will be accepted to protect the environment from immediate danger.

This office is happy to have received the data recently submitted, and hopes it is a sign of a continued forthright attempt to solve the environmental problems at this site. The addendums and conditions set forth in this letter are to facilitate that compliance, but should not be taken to be a waiver of the underlying non-compliance with the Regional Water Quality Control Board's order, which was called to your attention in their letter dated 8/5/93.

Our letter dated 10/15/93 has not been responded to. This letter was sent certified, and was signed for. A copy is attached for your reference. You must respond to this letter immediately.

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, RWQCB

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

November 15, 1993
STID 2360

Attn: Syria Berry
Rivkin, Radler & Kremer, attorney at law
100 B Street, PO Box 14609
Santa Rosa CA 95402-6609

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

RE: Custom Alloy Scrap Sales
2730 Peralta St.
Oakland CA 94607

Dear Mr. Berry,

I am in receipt of your letter dated 11/10/93, requesting a file review for the above referenced site. In your letter, you requested exemptions for withholding of any documents from the file, as well as brief justifications. The following documents were withheld from the file review: a complaint, in order to protect the complainant's anonymity.

I trust this satisfies your inquiry.

Sincerely,

A handwritten signature in cursive script, appearing to read 'J. Eberle'.

Jennifer Eberle
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney
Ed Howell/file

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R048 8

Certified Mailer # P 386 338 144
October 15, 1993
STID 2360

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

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

Dear Mr. Sulprizio,

This office has received the "Quarterly Monitoring Report," prepared by Mary Lucas McDonald, dated 9/2/93, submitted under your cover letter dated 9/17/93. As you know, groundwater was sampled on 7/9/93 and 8/6/93. It had been approximately one year since the previous round of sampling. While concentrations of hydrocarbons decreased in MW3 and MW6, they increased in MW4 and RW1. The downgradient well MW5 remained non-detect once again. However, groundwater should be sampled from all wells within the same day for the data to be of value. **You are therefore requested to obtain groundwater samples from all wells on the same day for future sampling rounds.** The overall westerly groundwater flow direction appears to be consistent with previous measurements.

As per the "Quarterly Monitoring Report," prepared by Mary Lucas McDonald, dated 9/2/93, you were unable to provide documentation for disposal of free product recovered from the wells. **You are once again requested to submit records for all future product disposal.**

We are also in receipt of the "Summary Report of Previous Activities and Work Plan for Additional Site Investigation," prepared by Dennis Bates Associates, Inc. (DBA), dated 8/31/93. Please note the following omissions and typographical errors:

- A) Page 7, paragraph 4 should read "210 and 14 mg/kg" instead of "210 and 140 mg/kg."
- B) Page 8, paragraph 1, sentence 1 . . . Figure 2 does NOT indicate the locations of storm and sanitary sewers, or gas/water lines.
- C) Page 12, paragraph 4 states that "the recent presence of petroleum constituents in MW4 is not explained. . ." when in fact MW4 has contained elevated levels of TPHd since sampling began in October 1990.
- D) Table 2 should read "GS2 + GN3" instead of "GW1 + GW3" for the second sample identified.

Chal Sulprizio
STID 2360
October 15, 1993
page 2 of 4

- E) Table 7 should read 240 ppm TPHd for T5, instead of 2440 ppm.
- F) Table 7 should read "From MacKinnon 1991b," not "From MacKinnon 1990a."
- G) Page 3, paragraph 7 indicates that "the locations where the sand layer was identified are circled on Figure 2." However, Figure 2 does not indicate any such circled locations.
- H) Table 3 should read 0.006 ppm toluene for B9, not 0.066 ppm.
- I) Many of the Product Recovery Records in Appendix D are illegible due to the left side of pages cut off by the report binding.

This report is hereby rejected and you are therefore in violation of Section 13267 (b) of the California Water Code. The following are some, but not necessarily all of the reasons for said violations:

- 1) You propose "to wait until the Linford Air site is fully characterized prior to addressing the north tank area," as per DBA's cover letter dated 9/16/93. I have reviewed the file for the Linford Air site, located at 2850 Poplar St. This site has already been characterized; there are three groundwater monitoring wells. Groundwater flow direction has been documented as north-northwest during April, and as north during August 1993. This indicates that the Linford Air site is NOT upgradient of CASS. In addition, TPH as diesel was not detected during the May and August 1993 quarterly groundwater sampling events. You were concerned that the source of diesel in MW6 was emanating from offsite and upgradient. This information indicates that there is no apparent relationship between the CASS and Linford Air sites. **A proposal should be submitted immediately for delineation of the groundwater contamination in the north tank area, as previously required under order by the RWQCB dated 8/5/93.** This proposal may be written as an addendum to the 8/31/93 DBA workplan, in order not to delay the work already proposed therein. This addendum is not a waiver of our finding of violation, but will be accepted to protect the environment from immediate danger.
- 2) The proposal for five temporary piezometers (page 14), one of which will be converted to a permanent well point, requires that at least one additional permanent well point be installed, preferably in the area between proposed piezometers TP4 and TP5, for the purpose of adequately assessing offsite migration of free product. **Therefore, you are required to submit a proposal immediately for an additional permanent well**

Chal Sulprizio
STID 2360
October 15, 1993
page 3 of 4

point in the south tank area. This proposal may be written as an addendum to the 8/31/93 DBA workplan, in order not to delay the work already proposed therein. This is not a waiver of our finding of violation. Please note the following errors to the piezometer proposal on page 14:

- a) paragraph 2, line 5 should read "northwest" instead of "northeast"
- 3) The proposal for semiannual groundwater monitoring (page 16) is not acceptable. As long as elevated concentrations remain, quarterly groundwater monitoring is required, at a minimum, as per Section 2652 (d) in 23 CCR. In addition, the metals: Cd, Cr, Pb, Ni, and Zn should be analyzed in the next quarterly sampling. These metals have not been analyzed since January 1992, and are supposed to be analyzed annually. Page 10, paragraph 3 erroneously states that groundwater is ". . . currently analyzed for metals on an annual basis. . ."
- 4) The proposal for a passive product recovery system (page 17) requires that the following items be adequately addressed:
 - a) How do you define "bi-weekly?"
 - b) How will the free product removed be stored and disposed?
 - c) A qualified professional must perform the bailing and record keeping. Previous bailing records have been inadequate, due to omissions of units (i.e. feet, inches); lack of clarity of parameters (does "well depth" mean depth to water or total depth of well?); and lack of calculations (i.e. the "depth to product" column in DBA's report was not included in CASS's "field report" entitled "well development record").
- 5) The stockpiled soil (page 11) is to be removed to an offsite location for recycling. **You are required to submit legible disposal receipts to this office immediately.**
- 6) You are in violation for failing to submit "as-built drawings of your facility, including historical planning changes," and "locations of all USTs, past or present," as specified by the Legal Request from the RWQCB dated 8/5/93.
- 7) You have failed to submit the laboratory reports for the first seven samples indicated on Table 6. The 12/3/90 MacKinnon "Phase II" report from which these results were referenced also does not include the laboratory reports. I have made

Chal Sulprizio
STID 2360
October 15, 1993
page 4 of 4

several phone calls to Superior Analytical Laboratories (contact Rich Phaler), and they cannot be located. These results are discussed on page 9, paragraphs 5 and 6. I have discussed this issue with Dennis Bates and John Sammons. Unless these laboratory reports can be located, results from these borings cannot be used as data (see page 9, paragraph 6).

- 8) Page 9, paragraph 5 indicates that soil samples from MW4, MW5, B6, B7, B8, B9, B10 and B12 from "the five foot depth and from immediately above the water table (. . .10 or 11 feet bgs)" were analyzed "for TPHd, and the water table sample from selected borings were also analyzed for BTEX" (see the 12/3/90 MacKinnon "Phase II" report). However, there is no documentation of any sample at the five foot depth (See Table 3 of the 8/31/93 DBA report, and also the 12/3/90 MacKinnon "Phase II" report). Unless these laboratory reports can be located, results from these borings cannot be used as data.

These violations have been referred to the Alameda County District Attorney's office for appropriate action.

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 Hiatt, RWQCB

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ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer # P 418 724 577
August 10, 1993
STID 2360

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

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

**Notice of Legal Action by the
San Francisco Bay Regional Water Quality Control Board**

Dear Mr. Sulprizio,

The attached **Legal Request for Technical Report pursuant to Water Code Section 13267(b)** has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this **Official Action**, all communication should continue to be with this office. Please make arrangements to comply by calling me at 510-271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000.00 per day of delinquency.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Wendel, Rosen, Black, Dean, and Levitan; Attn: Christine
Noma, PO Box 2047, Oakland CA 94604-2047
Mary Lucas Macdonald, 1715 Delaware St., Berkeley CA 94703

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

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

March 8, 1993
STID 2360

Christine Noma
Wendel, Rosen, Black, Dean & Levitan
Attorneys at Law
Clorox Building
1221 Broadway, 20th Floor
Oakland CA 94612

RE: Custom Alloy Scrap Sales
2730 Peralta St.
Oakland CA 94607

Dear Ms. Noma,

We have received your letter dated March 1, 1993, regarding the above referenced site. I understand that you wish to arrange a meeting to discuss this case. This case has been referred to the District Attorney's Office of Consumer and Environmental Protection, as previously indicated in my letter to Chal Sulprizio dated 2/4/93. Please contact Gil Jensen of the District Attorney's Office at 510-569-9281 to discuss this matter.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Chal Sulprizio, Custom Alloy Scrap Sales, 2730 Peralta St.,
Oakland CA 94607
Mary Lucas MacDonald, 1715 Delaware St., Berkeley CA 94703
Gil Jensen, Alameda County District Attorney Office
Rich Hiatt, RWQCB
File/Ed Howell

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer # P 113 815 232
November 6, 1992

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

STID 2360

✓ Custom Alloy Scrap Sales
2730 Peralta St.
Oakland CA 94607
Attn: Chal Sulprizio,
Chief Operating Officer & President

Dear Mr. Sulprizio,

FINAL NOTICE

We are in receipt of a "Data Compilation Report," prepared by your new consultant, Mary Lucas MacDonald (MLM), dated 10/16/92. This report presents a comprehensive history of site investigation and remediation activities to date. As you are aware, free product has been observed on the water table beneath the site since May 1990, at which time approximately 16 inches of floating product was observed in MW-2.

The 10/16/92 "Data Compilation Report" by MLM indicates that you intend to continue hand bailing of product from MW-1 and MW-2 on a weekly basis. Remediation of the dissolved phase of groundwater contaminants is not recommended by MLM.

During a meeting with MLM on 10/16/92, MLM indicated that you did not want to submit a signed cover letter with the report, as we requested by letter dated 8/31/92. She also indicated that you do not intend to proceed with 1) delineation of the groundwater plume in the south end (back yard) of the site, or with 2) the 8/19/92 proposal by MacKinnon for 2 to 3 boreholes including groundwater samples to delineate the extent of the groundwater plume in the north end of the site (near MW-6).

You are hereby directed to respond to the following items satisfactorily within 15 days or by November 21, 1992. If you do not satisfactorily respond to all these items, this case will be referred to the Alameda County District Attorney's Office of Consumer and Environmental Protection for enforcement action.

1. Free product must be removed via an approach more diligent and aggressive than hand bailing. Free product removal must comply with the California Code of Regulations (CCR), Title 23, Section 2655.
2. A proposal for delineation of the groundwater plume in the south end of the site (back yard) must be submitted. As stated in CCR Title 23, Section 2724, "the responsible party shall conduct investigations of the unauthorized release, the

Chal Sulprizio
STID 2360
page 2 of 2
November 5, 1992

release site, and the surrounding area possibly affected by the unauthorized release, if. . . (1) there is evidence that surface water or ground water has been or may be affected by the unauthorized release; (2) free product is found at the site where the unauthorized release occurred or in the surrounding area; . . . (4) the regulatory agency requests an investigation, based on the actual or potential effects of contaminated soil or ground water on nearby surface water or ground water resources. . ."

3. The proposal for delineation of the groundwater plume in the north end of the site (near MW-6), prepared by MacKinnon, dated 8/19/92, must be implemented and must adhere to CCR Title 23, Section 2722 (e).
4. A proposal to remediate and dispose the stockpiled soil, currently located in the south end (back yard) of the site must be submitted. Your proposal to redistribute the soil onsite is not acceptable, due to concentrations a) exceeding 10 ppm TPH, and b) exceeding the STLC for lead. Disposal of contaminated soil must comply with CCR Title 23, Section 2653 (a)(4).
5. According to the 6/1/92 "Monitoring and Progress Report," prepared by MacKinnon, the Christy boxes of some of the wells had been damaged. Therefore, an assessment of the current state of repair of all the monitoring wells must be conducted by your consultant. Monitoring wells must comply with CCR Title 23, Section 2649.

If you have any questions, please contact me at 510-271-4530.

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Mary Lucas MacDonald, 1715 Delaware St., Berkeley CA 94703
Rich Hiatt, RWQCB
Mark Thomson, Alameda County District Attorney
Ed Howell/File

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0488

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

August 31, 1992

STID 2360

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

Dear Mr. O'Brien,

We are in receipt of a letter response to our letter dated 7/7/92, which includes a proposal for further investigation, dated 8/19/92, prepared by MacKinnon Environmental Consulting (MEC) for your site. The following issues were raised upon review of this information:

1. Drill cuttings from the boreholes must be properly disposed, and records from such disposal must be submitted to this office.
2. Boreholes must be properly sealed subsequent to sampling, as per Alameda County Flood Zone 7.
3. Soils encountered during boring should be screened in the field and analyzed when high vapor levels, odors, or discoloration are detected. At least one soil sample per boring must be analyzed. Analytes shall include TPH-g, TPH-d, and BTEX. Both groundwater and soil analysis shall adhere to the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of USTs, 8/10/90.
3. The laboratory data generated from groundwater sampling in the proposed boreholes will not be definitive because a) these boreholes will not be purged prior to sampling, and b) these boreholes will not be permanent well points. However, these boreholes can give us an indication of where to place permanent well points to define the lateral and vertical extent of the groundwater plume in the vicinity of MW6. (Permanent monitoring wells are preferable because they can determine consistency in groundwater concentrations over time, which would give a clearer indication of the source of the contamination.)

We approve the preceding part of the 8/19/92 proposal under the above conditions.

Pat O'Brien
STID 2360
Page 2 of 3
August 31, 1992

4. You propose to dispose of stockpiled soil with an average concentration of less than or equal to 100 ppm TPH onsite. If you want to use soil from the soil pile onsite, it must contain less than 10 ppm TPH and non-detectable amounts of BTEX. If levels are higher, then you must obtain a waste discharge permit from the RWQCB for onsite soil disposal.
5. You propose to continue free product bailing. Upon discussion with Rich Hiatt of the RWQCB on 8/28/92, we must disagree with your proposal because it does not address **dissolved constituents**. We request a more diligent and aggressive approach for groundwater treatment. Your proposal must be submitted **within 45 days** of this letter, or by **October 16, 1992**.

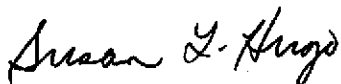
There is concern that the groundwater plume may be migrating offsite. Although MW5 shows non-detectable concentrations, it does not adequately represent the fluctuation in groundwater flow from northwest to southwest. It is very possible that the plume has migrated in a westerly or southwesterly direction. Therefore, another monitoring well in this direction from MW2 is required. We request a workplan for additional groundwater monitoring well(s) to delineate the extent of the groundwater plume in the southern portion of the site **within 45 days** of this letter, or by **October 16, 1992**.

As per a telephone conversation between Cinda MacKinnon and J. Eberle of this office on 8/31/92, Ms. MacKinnon indicated that free product had not been bailed between 6/1/92 and 8/11/92. The reason for this lack of regular bailing was that the employee from CASS responsible for the bailing was no longer employed, and there was miscommunication between Ms. MacKinnon and Custom Alloy. On 8/11/92, two wells were bailed; MW2 had 16" free product and MW1 had 2.5" free product.

Pat O'Brien
STID 2360
Page 3 of 3
August 31, 1992

In the future, please submit consultant reports under a cover letter signed by the owner or operator of Custom Alloy. If you have any questions, please contact J. Eberle at 510-271-4320.

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 Hiett, RWQCB
Ed Howell/File

je

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0488

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 Hiett, RWQCB
File

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0488

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 367 604 127

April 21, 1992

STID #2360

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

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

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

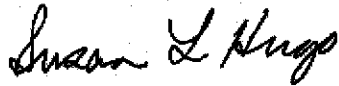
All work must be performed according to the Leaking Underground Fuel Tank Field Manual, (LUFT Manual), revised 10/89, and the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Storage Tank Sites, revised 8/10/90, as summarized in Appendix A.

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 Hugo
Senior Hazardous Materials Specialist

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

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0488

February 8, 1991

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: 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,

Gil 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

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0488

December 28, 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: 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 lease 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,

Gilbert M. Wistar

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

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0488

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

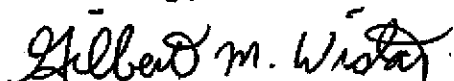
2. At least one monitoring well must be installed downgradient of the tank pit; if this absolutely cannot occur within 10 feet of the final edge of the pit, then it must occur as close to this edge as possible.

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



R0488

July 5, 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 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.

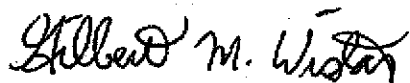
Gasoline pit

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0488

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 gasoline 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.

The 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 wells and borings are in, CASS must submit a report and supplemental work plan. This document is due to our office by June 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 documents should also be sent to the RWQCB (attention: Lester Feldman). 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

WORK PLAN REQUIREMENTS FOR AN INITIAL SUBSURFACE INVESTIGATION

This outline should be followed by professional engineering or geologic consultants in preparing work plans to be submitted to the RWQCB and local agencies. Work plans must be signed by a California-registered engineer or geologist.

This outline should be referred to in context with the "Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks" (June 2, 1988).

PROPOSAL FORMAT**I. Introduction**

A. State the scope of work

B. Provide information on site location, background, and history

1. Describe the type of business and associated activities that take place at the site, including the number and capacity of operating tanks.

2. Describe previous businesses at the site.

3. Provide other tank information:

- number of underground tanks, their uses, and construction material;

- filing status and copy of unauthorized release form, if not previously submitted;

- previous tank testing results and dates, including discussion of inventory reconciliation methods and results for the last three years.

4. Other spill, leak, and accident history at the site, including any previously removed tanks.

II. Site Description

A. Describe the hydrogeologic setting of the site vicinity

B. Prepare a vicinity map (including wells located on-site or on adjoining lots, as well as any nearby streams)

C. Prepare a site map

D. Summarize known soil contamination and results of excavation

1. Provide results in tabular form and show location of all soil samples (and water samples, if appropriate).

Sample dates, the identity of the sampler, and signed laboratory data sheets need to be included, if not already in possession of the County.

2. Describe any unusual problems encountered.
3. Describe methods for storing and disposing of all contaminated soil.

III. Plan for Determining Extent of Soil Contamination

- A. Describe method for determining the extent of contamination within the excavation
- B. Describe sampling methods and procedures to be used
 1. If a soil gas survey is planned, then:
 - identify number of boreholes, locations, sampling depths, etc.;
 - identify subcontractors, if any;
 - identify analytical methods;
 - provide a quality assurance plan for field testing.
 2. If soil borings are to be used to determine the extent of soil contamination, then:
 - identify number, location (mapped), and depth of the proposed borings;
 - describe the soil classification system, soil sampling method, and rationale;
 - describe the drilling method for the borings, including decontamination procedures;
 - explain how borings will be abandoned.
- C. Describe how clean and contaminated soil will be differentiated, and describe how excavated soil will be stored and disposed of. If on-site soil aeration is to be used, then describe:
 1. The volume and rate of aeration/turning;
 2. The method of containment and cover;
 3. Wet-weather contingency plans;
 4. Results of consultation with the Bay Area Air Quality Management District.

Other on-site treatments (such as bioremediation) require permits issued by the RWQCB. Off-site storage or treatment also requires RWQCB permits.

- D. Describe security measures planned for the excavated hole and contaminated soil

IV. Plan for Characterizing Groundwater Contamination

Construction and placement of wells should adhere to the requirements of the "Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks."

- A. Explain the proposed locations of monitoring wells (including construction diagrams), and prepare a map to scale
- B. Describe the method of monitoring well construction and associated decontamination procedures
1. Expected depth and diameter of monitoring wells.
 2. Date of expected drilling.
 3. Locations of soil borings and sample collection method.
 4. Casing type, diameter, screen interval, and pack and slot sizing technique.
 5. Depth and type of seal.
 6. Development method and criteria for determining adequate development.
 7. Plans for disposal of cuttings and development water.
 8. Surveying plans for wells (requirements include surveying to established benchmark to 0.01 foot).
- C. Groundwater sampling plans
1. Water level measurement procedure.
 2. Well purging procedures and disposal protocol.
 3. Sample collection and analysis procedures.
 4. Quality assurance plan.
 5. Chain-of-custody procedures.

V. Prepare a Site Safety Plan



Certified Mailer # P 062 127 898

DEPT. OF ENVIRONMENTAL HLTH
HAZARDOUS MATERIALS PROG.
80 SWAN WAY, SUITE 200
OAKLAND, CA 94621
430-4530

February 16, 1990

Mr. Chal Sulprizio
Custom Alloy Scrap Sales/Industrial Turning Processors
2730 Peralta St.
Oakland, CA 94607

FINAL NOTICE OF VIOLATION

**RE: Work plan prepared by Clayton Environmental Consultants for
CASS and ITP facilities**

Dear Mr. Sulprizio:

The Alameda County Department of Environmental Health, Hazardous Materials Division has completed its review of the work plan indicated above. As a plan for characterizing and remediating contamination, this document addresses some, but not all of this office's concerns; however, as a plan of correction (requested by us in the 11/16/89 final notice of violation) it is entirely inadequate. In general, the Clayton document makes such vague and nonspecific statements about corrective actions that they are virtually meaningless. Additionally, many of these statements do not commit CASS or ITP to dates of implementation, and they are presented as recommendations, rather than as binding commitments made by management to correct outstanding violations. Therefore, we are requiring that CASS/ITP prepare an amended plan of correction/work plan that at a minimum addresses the points made below.

Groundwater Characterization

Clayton proposes seven monitoring wells along the southern property boundary and in the vicinity of the diesel tank and pump dispenser, as well as two wells adjacent to the gasoline tank. This should characterize groundwater beneath the facility adequately, but there needs to be a well between the 10,000-gal. underground diesel tank and the PG&E vaults on 26th St. to determine if the product in the vaults originated from this tank. In addition, we need to know exactly when the monitoring wells will be drilled.

Mr. Chal Sulprizio
February 16, 1990
Page 2 of 4

In his cover letter accompanying the Clayton document, Leonard Becker indicates that CASS/ITP has made numerous attempts to elicit the cooperation of PG&E regarding the product in the utility vaults. We would like to know what the issue requiring PG&E cooperation is, who specifically CASS/ITP has tried to contact and in what department, and when these contacts were made. It seems odd that PG&E would refuse to cooperate on this project, since PG&E initially complained to our office about the presence of the free product in their vaults.

Soil Characterization

Clayton proposes to drill nine shallow test holes and sample the soil at 1- and 3-foot depths. They propose to analyze the samples for lead, copper, zinc, and TPH via EPA method 418.1. The proposal states that "the nature of the work operations conducted in this area [the ITP portion of the facility] may constrain the extent of sample collection locations and remedial options used."

Generally, Clayton's approach to defining soil contamination is logical, but there are several deficiencies in their strategy. In the first place, the plan ignores the bare soil area near the railroad tracks in the Custom Alloy yard (ref. para. C on p. 3 of this office's 11/16/89 letter to you). Secondly, EPA method 418.1 alone is unsuitable for TPH analysis because it may miss aromatic hydrocarbons with high boiling points; method 8015 for TPH and 503D/E for oil and grease should be used instead. Finally, the comment about the potential for work operations to limit remedial options is inappropriate. The Division is requiring that any soil or groundwater contamination associated with CASS/ITP be cleaned up, regardless of location. Thus, if readily accessible soil samples are contaminated, then soil from the less accessible areas will have to be sampled and possibly remediated.

Underground Tanks

The work plan indicates that CASS/ITP no longer uses the 10,000-gal. underground diesel tank, and Clayton "recommends" its removal. This tank has been operating without a County permit and without the ongoing monitoring required by state law, and now must be removed. You are required to submit an executed closure plan for this tank with the amended plan of correction/work plan. The Clayton document says nothing about the other underground tank at the facility, a 4,000-gal. gasoline tank, other than reiterating the results of last year's leak test. This tank is operating illegally because there are no permit applications on file and inadequate provisions have been made for its monitoring.

Mr. Chal Sulprizio
February 16, 1990
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Surface Runoff Control

The work plan states that a detailed survey will be performed to enable the design of a runoff control system. What kind of a survey will be performed? What kind of system is envisioned? When will this survey take place, and when will a runoff control system be in place?

Waste Handling

For wastes such as baghouse dust, sawdust absorbent, waste oils and fluids, and metal dust, the plan states that "appropriate testing of these materials will be performed" for waste classification. We need specifics. What tests will be performed, and when? What are the options for waste handling that will minimize potential threats to human health and the environment? In addition, where is the "designated area" of the facility mentioned in this section?

Business Plan

CASS/ITP has still not provided this office a thorough and complete hazardous material/waste inventory, nor has it submitted a document describing its Employee Training Program. Both of these are key components of the business plan requirements in the California Health and Safety Code (H&SC).

Summary

CASS/ITP is still in violation of specific provisions of the H&SC. Under groundwater and soil characterization, Sec. 25189.5 is the issue; its violation is a felony that upon conviction can result in a fine of up to \$100,000 per day. Underground tank violations include Secs. 25284, 25292, 25293, and 25298, for which Sec. 25299 specifies maximum daily fines of \$5,000 for each. Waste handling violations concern Secs. 66476, 66508, and 67243 of the California Code of Regulations, Title 22; under Sec. 25189 of the H&SC, each carry a fine of up to \$25,000 per day. Finally, business plan violations include Secs. 25504 and 25509 of the H&SC, for which Sec. 25514(b) authorizes penalties of up to \$5,000 per day.

Please submit an amended plan of correction/work plan that covers all of the above items, including specific schedule milestones. The amended plan is due to this office by March 19, 1990. The

Mr. Chal Sulprizio
February 16, 1990
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installation of monitoring wells and soil borings should be scheduled as soon as possible, and not be delayed until the County responds to your amended plan. Failure to comply fully with these requests will result in referral to the Alameda County District Attorney's office.

If you have any questions concerning the information in this letter, please contact the undersigned at 271-4320 (before March 19), or Margaret Ong at 670-5150 (after March 19).

Sincerely,



Gil Wistar
Hazardous Materials Specialist

cc: Leonard Becker, Attorney at Law (225 W. Winton Ave., #205,
Hayward, CA 94544)
Howard Hatayama, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Margaret Ong, District Attorney's Office
Alan Whitman, Oakland PD
Rafat A. Shahid, Asst. Agency Director, Environmental Health
files



Certified Mailer # P 062 127 709

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

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

Mr. Chal Sulprizio
November 16, 1989
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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
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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.

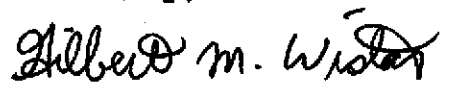
Each of these items must be addressed separately in a Plan of Correction, which is due in this office no later than Thursday, December 21, 1989 at 5:00 pm. Part of this plan must include the following:

- 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,



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

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

R0488

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.

Mr. Chal Sulprizio
Oakland, CA 94607
February 21, 1989
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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
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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,

Edgar B. Howett

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