

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sent 1/26/00
Including cc's

R02640

StID 5671

January 21, 2000

Dr. Joseph Ippolito
1900 Mowry Avenue, suite 301
Fremont, CA 94538

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

RE: Waste Oil Cleanup at 37409 Cherry Street, Newark, CA

Dear Dr. Ippolito:

I am the current caseworker just assigned to bring the above case file to closure. Upon review of our files, it appears that in July 1995 used oil contamination was noted along the chain-link fence at the above referenced property and along the adjacent Postal Service lot. Subsequently, 12 drums of contaminated soil was excavated at the Postal Service lot and disposed at Kettleman City, CA. Five confirmation soil samples were collected after excavation activities. Soil analytical results identified up to 4,500 part per million oil and grease. It appears that excavation was effective in removing most of the hydrocarbon-impacted soil.

Our record show that the \$750.00 deposited for oversight has been depleted (see enclosure). A check made payable to "Alameda County Environmental Health" in the amount of \$300.00 should be submitted to reinstate your account and fund this Office's oversight tasks on your project. It is anticipated this additional amount will allow for time needed to issue you a "No Further Action" letter and close the case. Any and all monies remaining in your account after the completion of the project will be refunded to you. Please be sure to write the following identifying information on your check:

project #3665A/ Stid #5671
type of project (remediation, add-on), and
site address (37409 Cherry Street, Newark, CA)

If you chose not to respond by **February 10, 2000**, I would still close the case file without issuing a "No Further Action" letter, and will send the account to Central Collections. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

enclosure

ippolito1

Printed: 01/18/2000

***** Alameda County Department of Environmental Health *****
Deposit/Refund Account History

** PROJECT INFORMATION **

Project#: --3665A Date Open: 09/20/1995 Date Closed:

Payor Information:

Site Information:

CHERRY PROPERTIES
P.O. BOX 2205
FREMONT CA 94536

CHERRY ST.LOT
37409 CHERRY STREET
NEWARK CA 94560

** DEPOSIT HISTORY **

Deposit Date	Receipt#	Amount Received
-----	-----	-----
09/20/1995	759865	\$ 750.00

		\$ 750.00

** WORKLOG HISTORY **

Work Date	Insp	Activity Description / Time Spent (hrs)	Amount Charged
-----	-----	-----	-----
07/05/1995	ps	est-investigate complaint	2.5 225.00
07/14/1995	ps	est-letter	1. 90.00
07/17/1995	ps	est-letter	0.5 45.00
09/13/1995	ps	est-call w/Dick, Joseph	0.5 45.00
09/14/1995	ps	est-call w/J.Ippolito	0.5 45.00
09/15/1995	ps	est-call w/Joseph	0.5 45.00
09/15/1995	PS	Review Plans/Reports	0.25 22.50
09/20/1995		Administrative charge	1. 90.00
11/21/1995	ml	review/call	1. 90.00
11/28/1995	nl	call	1.5 135.00
03/12/1996	ml	call	0.5 45.00
11/16/1999	tp	requested closure	0.00

			\$ 877.50

Balance:\$ - 127.50 Amount Refunded: \$

**ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY**

DAVID J. KEARS, Agency Director



R02640

RAFAT A. SHAHID, Director

Certified Mailer # Z 196 176 867

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
(510) 567-6700

July 18, 1995

Mr. Joseph Ippolito
Cherry Properties
PO Box 2205
Fremont, CA 94546

******Notice of Legal Obligation******

**Re: Contamination of 37409 Cherry Street, Newark, CA
and of US Postal Service Property (vacant lot on Clark
Street, Newark, CA 94560-9998, Tax Assessors Parcel
92-64-12)**

Dear Mr. Ippolito:

This notice documents soil contamination at the above addresses associated with the illegal dumping of motor oil along the fence line of property owned by Cherry Properties at 37409 Cherry St., Newark. Upon inspection it appeared that motor oil had been dumped from the Cherry Street site along the chain link fence onto your property and also onto the vacant Postal Service lot next door. Both properties have conspicuous oil staining along the fence line. A sample of soil collected from the Postal Service property indicated the presence of Total Oil and Grease at 12.9 % (129,000 ppm).

Section 25189.5 of the CA Health and Safety Code states that "the disposal of any hazardous waste is prohibited when the disposal is at a facility which does not have a permit pursuant to Chapter 6.5". This section also allows the court to levy fines upon persons convicted of violating this section not less than \$ 5000 or more than \$ 100,000 for each day of violation.

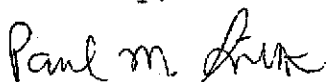
You are required to submit a work plan outlining proposed measures to address the contamination to soil along the effected area of both properties within 45 days. The work plan should include details on: coordination with the Postal Service for site access, soil removal, confirmation sampling, site safety measures, soil characterization, and transportation and disposal of contaminated soil. The work plan must be reviewed and approved by Alameda County Environmental Health Department (ACEHD) prior to implementation.

Mr. Ippolito
July 18, 1995
page 2 of 2

You are required to remit \$ 750.00 made payable to Alameda County, Environmental Protection Division. These funds will be billed at a rate of \$ 90.00 per hour. Any unused portion will be refunded to you at the completion of the project. ACEHD has established a deposit refund mechanism to cover expenses incurred by staff in conducting regulatory oversight. Section 3-180.3 Alameda County Ordinance code authorizes this deposit refund mechanism.

Please feel free to contact me at (510) 567-6707 with any questions.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

c:

Philip J. Fraher, Postmaster, 6250 Thornton Ave, Newark, CA
94560-9998
Steven Wake, US Postal Service, 1675 7th Street, Room VMF,
Oakland, CA 94615-9351
Gil Jensen, Alameda County District Attorneys Office, Consumer
and Environmental Affairs Division, 7677 Oakport St., Suite
400, Oakland, CA 94621
Jacqueline Bretschneider, City of Newark, Hazardous Materials
Bureau, 37101 Newark Blvd., Newark, CA 94560-3796