

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R02709

RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
(510) 567-8700

StID 3314

August 16, 1995

Ms. Hilliary Rolls
PMG
4325 Auburn Blvd, Suite 300
Sacramento, CA 95841

RE: Additional Deposit for 6709 S. Front Rd, Livermore, CA

Dear Ms. Rolls:

This office received \$400.00 on March 29, 1995 to oversee site cleanup for the above referenced site. At a rate of \$90/hr, this equates to 4.44 hours. To date, approximately 8 hours have been spent on the project. It is anticipated another 3 to 5 hours is required to bring this case to closure. Please remit an additional \$1,200 to continue oversight of the project. Any monies not spent will be reimbursed.

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

eva chu
Hazardous Materials Specialist

cc: files

ALAMEDA COUNTY
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R02709

Certified Mailer # P 062 127 770

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

March 21, 1991

Mr. Edward Pestana
Edward J. Pestana Construction Co.
6709 Southfront Rd.
Livermore, CA 94550

NOTICE OF VIOLATION

Dear Mr. Pestana:

As you may be aware, on March 7, 1991, the Alameda County Department of Environmental Health, Hazardous Materials Division inspected your firm's construction service and storage yard at 6709 Southfront Rd. in Livermore. During the inspection, which was intended to check on compliance with California hazardous waste handling, storage, and disposal regulations, many drums and other apparently stray containers of hazardous waste were found throughout the yard, as follows:

In the vicinity of the 10,000-gallon above-ground tank were two containers, one an open, unlabeled 5-gallon pail with dirty diesel or solvent, and the other an open half 55-gallon drum with floating hydrocarbons.

Around two above-ground rectangular tanks, which themselves were unlabeled, was an overflowing container with three oil filters floating in it. In this same general area were a group of 10 open, unlabeled 55-gallon drums, and a smaller container of waste oil with an oil filter floating on top. There was also a separate group of three unidentified 55-gallon drums, two of which were open.

In the western portion of the yard, there were several other above-ground tanks and containers, located haphazardly and labeled as diesel or waste oil; some contained unknown wastes.

Behind the office trailer there were several open drums partially filled with what appeared to be used oil.

At the rear of the truck shed there were several open and unlabeled containers of petroleum products.

Due to their having been stored for so long outdoors, many of these containers are in deteriorated condition. In addition, as noted,

Mr. Edward Pestana
March 21, 1991
Page 2 of 4

few are labeled properly, and most are open, either because of missing bungs or because they have no lids whatsoever. In every area mentioned above, petroleum products have contaminated the ground below. This is particularly true at both ends of the 10,000-gallon above-ground tank, and beneath the 250-gallon above-ground tank. Such spillage could be construed as on-site disposal of hazardous waste, which violates Section 25189.5 of the California Health and Safety Code.

During the inspection, the following additional violations of the California Code of Regulations, Title 22, and of the California Health and Safety Code were found at this facility.

Title 22

1. Sec. 66471 - As noted, the facility has not identified and labeled the nature and hazard categories of the wastes stored in the yard.
2. Sec. 66508 - Unidentified hazardous wastes in drums, pails, and other containers throughout the facility have been stored beyond 90 days, and no beginning accumulation dates are identified on any of these containers, described in previous paragraphs. Few of these containers is labeled properly, and it is impossible to distinguish hazardous materials (i.e., usable chemicals) from hazardous wastes.
3. Sec. 66492 - The facility could not produce a full set of receipts (dating back three years) for disposal of hazardous wastes.
4. Sec. 67241 - As described, many drums and other containers throughout the property are rusted or otherwise in deteriorated condition. **Hazardous waste in these drums must be identified and disposed of immediately, in a lawful manner.** Usable product in these drums, to the extent that there is any, must be transferred to containers in better condition prior to the final disposition of these materials.
5. Sec. 67243 - Nearly every hazardous waste containers on the premises is open; hazardous waste containers must be kept closed at all times except when adding fluids to them.
6. Sec. 67244 - The facility has clearly failed to carry out regular inspections and maintenance of waste storage areas, which appear to have been neglected and are therefore in unacceptable condition.

Mr. Edward Pestana
March 21, 1991
Page 3 of 4

7. Sec. 67245 - None of the areas in which waste is stored has a secondary containment system. For outdoor storage of hazardous wastes, the volume of required secondary containment must be 10% of the combined volume of all drums in storage plus at least 3 inches of freeboard to contain precipitation.

Health and Safety Code

1. Sec. 25504(a) - No Hazardous Materials Management Plan (HMMP) has been submitted to this office. The HMMP requires inventory information on all hazardous materials or wastes in quantities beyond specified thresholds. This list has not been provided.
2. Sec. 25504(b) - The HMMP also requires emergency response plans and procedures in the event of a reportable release or a threatened release of a hazardous material or waste. At a minimum, this requirement consists of the following: agency notification procedures; procedures to mitigate a release or threatened release; and evacuation plans and procedures. This material has not been provided.

In accordance with Sec. 66328, please submit a Plan of Correction to this office by April 19, 1991. The plan shall specify the actions your company will take to address each of the above violations and the dates by which these corrections will be implemented. At a minimum, this plan must contain the following elements:

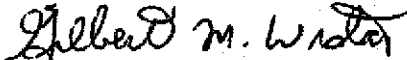
- A. Plan for identification of all hazardous materials/wastes on the facility premises, including the contents of all drums, pails, and other containers;
- B. Anticipated means of disposal (or treatment methods) for all of these materials;
- C. Method(s) for identifying and removing all contaminated soil in the yard, and for preventing such contamination in the future; and
- D. A treatment of all other violations noted in this letter that are not specifically mentioned in this subsection.

A completed HMMP is also due in this office at the same time that the Plan of Correction is due.

Mr. Edward Pestana
March 21, 1991
Page 4 of 4

If you have any questions concerning this letter, please contact
the undersigned at 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

c: Danielle Stefani, Livermore Fire Dept.
Howard Hatayama, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Rafat A. Shahid, Asst. Agency Director, Environmental Health
files

