

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 2786

July 7, 1998

RonWinters
TRUMARK COMMERCIAL, Inc
4135 Blackhawk Plaza Circle, Suite 280
Danville, CA- 94506

ENVIRONMENTAL HEALTH SERVICES

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

Ref.: *Stevenson Business Park, 6000 Stevenson Boulevard, Fremont, CA - 94538*

Dear Mr. Winters:

I am in receipt of the *Phase I report*, dated September 16, 1997, *Workplan for Removal of Lead*, dated January 26, 1998, *Verification sampling results*, dated April 9, 1998, and *Addendum to Verification Sampling Letter*, dated June 22, 1998 prepared by Lowney Associates for the referenced site.

Significant amount of lead was identified in the foundry sands imported to the site from American Brass and Iron Foundry and stockpiled on the site between 1985 to 1986. According to the reports, the sand was removed from the site and returned to ABI. However, this process was not documented or performed under the oversight of a regulatory agency. Hence, to evaluate the soil quality in the referenced site, 56 soil samples were collected and up to 1200 ppm of lead was detected in the samples.

In March 1998, verification soil samples were collected at a depth of half foot below ground surface and the samples were analyzed for lead. The laboratory analysis of the samples did not detect lead above the 300-ppm site specific clean up objective.

Also based on an information search conducted by this Department on the treatment processes that occurred at ABI facility, it appeared that the foundry sands could potentially contain poly aromatic hydrocarbons (PAHs) and dioxins due to the inefficient combustion of coke. Hence, in response to a request from this Department, the foundry sands were sampled for both dioxins and PAHs. The laboratory results of the soil samples indicated the presence of dioxins at concentrations below the Region 9 PRGs (preliminary remediation goals). No PAHs were detected.

Based on the information submitted to this Department, the site does not pose a threat to public health and no further action is required. If you have any questions, you may reach me at (510) 567-6764.

Sincerely,

Madhulla Logan

Madhulla Logan
Hazardous Material Specialist

C: Lowney Associates, 129 Filbert Street, Oakland, CA 94607-2531

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02786

RAFAT A. SHAHID, Assistant Agency Director

June 3, 1992

Mr. Paul La Courreya
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

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

RE: FOUNDRY SANDS, 6000 S CORPORATION, 6000 STEVENSON BOULEVARD,
FREMONT

Dear Mr. La Courreya:

Since the April 23, 1992 meeting held at the Alameda County District Attorney's Office to discuss the numerous environmental concerns associated with the referenced site, I have had the opportunity to review Appendix F of the January 9, 1992 Bechtel Environmental, Inc. Site Inspection report. Appendix F of this report presents Bechtel's sample and analysis recommendations intended solely for EPA Hazard Ranking System analysis data acquisition. My review focused on that sample and analyses strategy targeting the foundry sand waste stream.

Following are my comments:

- 1) As I understand the facts, the subject foundry "sand" has already been removed from the subject site. From discussion at the April meeting, I further understand that environmental samples would be collected from the area of the subject site where the foundry "sand" had historically been stockpiled. These samples would in turn be analyzed for the same compounds as those targeted for the foundry "sand."

Sampling methods, whether for the waste itself or environmental samples, should be consistent with those outlined under Subsection 66261.20(c), of Article 3, Chapter 10, Division 4.5, Title 22, California Code of Regulations (CCR), or other sampling methods specified in Appendix I of that Chapter.

- 2) The genesis and homogeneity of the subject foundry "sand" has not been clearly established. However, research into the waste handling practices of the source foundry, American Brass and Iron Foundry (ABI) of Oakland, indicates that ABI historically mixed all solid waste streams together prior to "disposal." Such solid waste streams could include spent foundry sands and baghouse waste, among others. Hence, the material described as foundry "sand" was more likely a mixture of solid waste generated from more than one process at ABI.

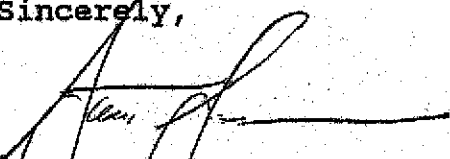
Mr. Paul La Courreys
RE: 6000 S Corp., 6000 Stevenson Blvd., Fremont
June 3, 1992
Page 2 of 2

Research into ABI's air pollution abatement compliance record, archived at the Bay Area Air Quality Management District (BAAQMD) offices in San Francisco, revealed that ABI experienced numerous afterburner malfunctions in the years immediately preceding the delivery of the subject "sand" to the 6000 S Corporation site. The afterburner is designed to destroy unburned hydrocarbons (HC) liberated from the incomplete combustion of the cupola furnace's fuel coke. Such malfunctions inundated the baghouse with unburned HC. The particulates collecting in the baghouse, now saturated by these unburned HC, were then (potentially) mixed with other solid wastes, including foundry sand, before disposal.

As a result of this discovery, and others associated with emission tests for and the operation of a similar foundry elsewhere in Alameda County, the Department required that the subject foundry "sand" be analyzed for other compounds in addition to 12 priority metals. Namely, the "sand" was also to be tested for polyaromatic hydrocarbons (PAH), and dibenzodioxins / dibenzofurans. We recommend that these additional tests be incorporated into any sample strategies for the environmental assessment of former foundry "sand" stockpiling areas, and the "sand" itself.

Please feel free to call me at 510/271-4320 should you have any comments or questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Eddie So, RWQCB
Jill Duerig, ACWD
Linda Vrabel, City of Fremont
Patti Barni, DTSC

File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02786

Certified Mailer # P 367 604 446

August 23, 1991

Mr. Dale Sobek
6000 S Corporation
6000 Stevenson Boulevard
Fremont, CA 94539

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

RE: FOUNDRY SAND SAMPLING PROPOSAL; 6000 S CORPORATION, 6000
STEVENSON BOULEVARD, FREMONT

Dear Mr. Sobek:

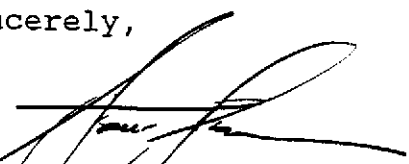
In correspondence dated May 17, 1991, you were directed to submit a foundry sand sampling proposal to this Department no later than July 1, 1991. The May 17 notice outlined the technical and regulatory scope of this sampling proposal. Having failed to submit an acceptable proposal by the July 1 deadline, you were directed in correspondence dated July 23, 1991 to submit a foundry sand sampling and analysis proposal/work plan by August 23, 1991. The certified mailer return receipt documents the July 23 notice was received by your office on July 26, 1991.

You were advised in the July 23 notice that your case would be referred to the Alameda County District Attorney's Office should this latest deadline not be met to the satisfaction of this Department. As of the close of business on August 23, the Department has not received the cited proposal/work plan, nor was there any contact initiated by you or your attorney on, or the days immediately preceding, this date.

Based on information received by this Department, we understand that there was an approximate 2 week delay after receipt of the July 23 notice before an initial attempt was made to contact a consultant capable of preparing the type of technically-rigorous work plan required for the foundry sand characterization project. Please be advised that as a result of the facts outlined in this letter, your case has been turned over to the Alameda County District Attorney's Office for appropriate action.

Should you have any questions about the content of this letter, you may have your attorney contact me at 415/271-4320.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

Mr. Dale Sobek
RE: 6000 S Corp., 6000 Stevenson Blvd.
August 23, 1991
Page 2 of 2

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DHS
Lester Feldman, RWQCB
Jill Duerig, ACWD
Paulette Garcia, City of Fremont Attorney's Office
Elizabeth Stowe, City of Fremont Environmental Protection
Bob Eppstein, City of Fremont Building and Safety Department
Ann Draper, City of Fremont Planning Department
Janet Harbin, City of Fremont Planning Department
Gary DiMercurio, City of Fremont Planning Commission
Larry Lulofs, Esq.
files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02786

Certified Mailer # P 367 604 439

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

July 23, 1991

Mr. Dale Sobek
6000 S Corporation
42080 Osgood Road
Fremont, CA 94539

RE: FOUNDRY SAND SAMPLING PROPOSAL; 6000 S CORPORATION, 6000
STEVENSON BOULEVARD, FREMONT

Dear Mr. Sobek:

On May 17, 1991, you were directed to submit a foundry sand sampling proposal to this Department no later than July 1, 1991. In a response to this Department dated June 24, 1991, your attorney, Larry Lulofs, submitted contract proposals from two environmental consulting firms. Each consultant's contract proposal identified, as one of several tasks, the requirement to prepare a sampling work plan for submittal to this Department and other agencies, should they be hired for this project.

The June 24, 1991 submittal has been rejected for its failure to provide a detailed foundry sand sampling and analysis proposal/work plan as stipulated in the May 17, 1991 directive from this Department.

As stipulated in the May 17 directive, you are required to submit a detailed sampling proposal which clearly and completely satisfies the requirements articulated by both the referenced departmental directive, and Title 22, California Code of Regulations, as such code pertains to sampling protocol and waste analysis, among other elements. Clearly, this Department was not requesting a copy of contract proposals received by you during your negotiations with potential consultants. The Department expected, and continues to expect, the submittal of a bonafide foundry sand sampling and analysis proposal/work plan. The Department feels that this requirement was made abundantly clear in the May 17 directive and in subsequent telephone conversations with your attorney.

You are directed to submit a foundry sand sampling and analysis proposal/work plan by the close of business on August 23, 1991.

Be advised that this Department will not tolerate further delays in submittal of the referenced sampling and analysis proposal/work plan, or future delays initiating work at this site. Should the August 23 deadline not be met to the satisfaction of this Department, this case will be turned over to the Alameda County District Attorney's Office for enforcement action.

Mr. Dale Sobek
RE: 6000 S Corporation, 6000 Stevenson Blvd.
July 23, 1991
Page 2 of 2

Please be further advised that your statement on page 2, paragraph 1, of your July 10, 1991, correspondence to Ms. Jill Duerig of the Alameda County Water District, with regard to submittal of a foundry sand "testing" proposal as directed by the Department on May 17, 1991, is incorrect for the reasons discussed in this letter.

Should there be any questions regarding the content of this letter, please have your attorney contact me at 415/271-4320.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DHS
Lester Feldman, RWQCB
Jill Duerig, ACWD
Paulette Garcia, City of Fremont Attorney's Office
Elizabeth Stowe, City of Fremont Environmental Protection
Bob Eppstein, City of Fremont Building and Safety Department
Ann Draper, City of Fremont Planning Department
Janet Harbin, City of Fremont Planning Department
Gary DiMercurio, City of Fremont Planning Commission
Larry Lulofs, Esq.
files



Certified Mailer # P 367 604 364

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

May 17, 1991

Mr. Dale Sobek
6000 S Corporation
42080 Osgood Road
Fremont, CA 94539

NOTICE OF REQUEST FOR SAMPLING PROPOSAL
6000 S CORPORATION PROPERTY, 6000 STEVENSON BOULEVARD, FREMONT

Dear Mr. Sobek:

The Alameda County Department of Environmental Health, Hazardous Materials Division, has completed review of the reported facts associated with the placement of an estimated 2000-3500 cubic yards of foundry sands at the subject site. The review of the noted facts follows the January 31, 1991 correspondence from this Department that notified you of our role as lead agency in the foundry sand issue.

Following this discovery period, the Department has determined that additional sampling and tests of the subject foundry sand are necessary to adequately characterize the waste, and to determine appropriate standards for its treatment or disposal. The reasons supporting this determination are presented in greater detail in this letter. However, in summary, we are basing this requirement upon: 1) our review of reports cited in this letter that document limited sampling and analysis of foundry sand at the site; 2) our knowledge of operations and waste management practices at the source foundry; 3) the limitations of the source foundry's air pollution abatement equipment; and, 4) the potential for contaminants other than metals to be present in the waste foundry sand.

The discovery period entailed, in part: 1) review of the range of regulatory standards, law, and policy, and applicable exemptions to these standards, law, and policy, which govern the generation, treatment, and disposal of iron foundry waste streams, including waste foundry sands; 2) inspection of the source foundry, American Brass and Iron Foundry Company of Oakland; 3) review of the air emission permit standards and compliance history of the source foundry; 4) interviews with industry and regulatory professionals acquainted with the chemistry of iron foundry waste streams; 5) review of correspondence pertaining to the subject site from a variety of sources covering approximately the last three years; and, 6) review of sampling and contaminant analysis data presented in formal reports from consultants, as well as those data attached to correspondence submitted under 6000 S Corporation cover.

Mr. Dale Sobek
RE: 6000 S Corp., 6000 Stevenson Blvd.
May 17, 1991
Page 2 of 6

Other contaminants, in addition to certain target metals, may be present in the foundry sands generated by the subject foundry. American Brass and Iron Foundry Company (ABI) uses a coke-fired cupola furnace in their smelting process. Emissions from the cupola furnace are routed through an afterburner, designed to combust and, hence, remove organics from the furnace exhaust, and then through a multi-chamber "baghouse" to collect remaining particulates. Afterburners are often inefficient at removing organic compounds, as proper afterburner temperatures are difficult to maintain without strict temperature monitoring; in addition, equipment breakdowns occur frequently.

Compliance records retained by the Bay Area Air Quality Management District (BAAQMD) present a history of such afterburner malfunctions, which resulted in residual organics inundating the baghouse. ABI has been cited repeatedly by the BAAQMD for air emission violations following such afterburner malfunctions. ABI has also been the subject of both administrative and civil actions as a result of these and other violations. The potential for residual organics to adsorb onto particulates collected in the baghouse because of afterburner inefficiency is high; during afterburner malfunctions, the potential is particularly high.

BAAQMD engineers identified another iron foundry in southern Alameda County which uses similar source iron, fuel (coke), smelting processes, and air pollution abatement technology to that of ABI. Air emission source tests performed at this foundry during October 1990, in response to requirements of AB 2588, the "Air Toxics Hot Spots Information and Assessment Act of 1987," identified 12 metals, hydrogen chloride, and organic compounds (specifically, polyaromatic hydrocarbons (PAH), dibenzodioxins, and dibenzofurans) being emitted. These tests were conducted by collecting exhaust gasses that had passed through the cupola afterburner and baghouse.

Among the many dibenzodioxins identified during these tests was 2,3,7,8-tetrachlorodibenzodioxin, or 2,3,7,8-TCDD, which is recognized as the most toxic of the 75 dioxins known to man. Oral-rat and -mouse LD₅₀ values published in Volume 2 of the 1981-82 Registry of Toxic Effects of Chemical Substances are as low as 22500 ng/kg and 114 ug/kg for this compound, respectively; oral-rat LD₅₀ values published in Volume III of Sax and Lewis' Dangerous Properties of Industrial Chemicals, 7th Edition, are as low as 20 ug/kg. Such compounds exhibit long residency times in soils and are bioaccumulative in animals. Many of the other organic compounds identified in this source test are toxic and known or suspected carcinogens, mutagens, and teratogens. An assessment of the risks for the surrounding community, associated with exposure to these emissions, is pending.

Mr. Dale Sobek
RE: 6000 S Corp., 6000 Stevenson Blvd.
May 17, 1991
Page 3 of 6

ABI, in response to AB 2588, performed their own air emission test. We understand that this test, however, was conducted without concurrence from BAAQMD as to its scope, which was limited solely to analyzing for metals. We further understand that as a consequence of the outcome of tests performed at the foundry in southern Alameda County during 1990, BAAQMD will be requiring additional emissions tests for dibenzodioxins, -furans, and PAHs, among others, at ABI in the near future.

During a recent inspection of ABI, there was an enormous accumulation of foundry sands and slag at the site, with a wide variation of material color, consistency, and apparent composition. Information gathered during this inspection indicated that, up until just "recently," it was the policy of ABI to mix all solid waste streams together before transporting them off-site. Such solid wastes may include a range of foundry sand types (e.g., "green" sands with clay binders, core sands with resin binders, etc.), slag, and baghouse waste, among other potential solid wastes.

Several consultant reports and other data pertaining to the sampling and analysis of waste foundry sands at the subject site, as well as recommended options for the treatment or disposal of this waste, were reviewed, including, but not limited to, the following:

- o June 27, 1991 Levine-Fricke "Draft" report entitled, Sampling of Foundry Sands, 6000 Stevenson Boulevard, Fremont, California (this report also incorporates the sampling and analysis data from a cited January 1990 ENSCO report, and the July 9, 1986 Frederikson Engineering laboratory analysis report).
- o January 12, 1988 Earth Metrics Inc. report, as revised February 1, 1988, entitled, Site Contaminant Characterization History at the Fremont, California Site of 6000 S Corporation (this report incorporates the July 9, 1986 Frederikson Engineering laboratory analysis report, among others).

Pursuant to Section 66694, Article 11 of Title 22, California Code of Regulations (CCR), sampling and sample management must follow those procedures specified in Section One of "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," SW-846, 2nd edition, U.S. Environmental Protection Agency, 1982. Consistent with SW-846, a waste sampling plan must be responsive to both regulatory and scientific objectives. If chemical information is to be considered reliable, it must be both accurate and sufficiently precise.

Mr. Dale Sobek
RE: 6000 S Corp., 6000 Stevenson Blvd.
May 17, 1991
Page 4 of 6

To accomplish these objectives, such sampling strategies rely heavily upon the science of applied statistics. Sample accuracy is typically achieved by "random" sampling; whether such sampling is to be in the form of simple, stratified, or systematic random sampling depends upon the nature of the waste and how it was produced. Sampling precision is generally accomplished by collecting an appropriate number of samples, determined by employing Equation 8 of Table 1, SW-846. Further, samples must be "representative" of the sampled population, exhibiting average properties of the whole waste. None of the cited reports document how sampling and analysis protocol followed such SW-846 criteria.

You are directed to submit for review a proposal that clearly outlines plans to conduct further testing of the subject waste foundry sands. This proposal is to discuss sampling strategies and analyses in accord with Article 11, 22 CCR, "Criteria for Identification of Hazardous and Extremely Hazardous Wastes," which by reference incorporates the sampling and analyses protocol of EPA SW-846, and which is consistent with the type of waste at this site and the range of potential contaminants.

Sample analyses are to include the following target compounds, using test methods approved for use by the Department of Health Services Hazardous Waste Laboratory Certification Program:

o Title 22 metals

arsenic
beryllium
cadmium
chromium, total
chromium, hexavalent
copper
lead
manganese
mercury
nickel
selenium
zinc

- o polyaromatic hydrocarbons (PAH)
o dibenzodioxins / dibenzofurans

Mr. Dale Sobek
RE: 6000 S Corp., 6000 Stevenson Blvd.
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Samples found to contain total concentrations of any organic or inorganic persistent or bioaccumulative target compounds that exceed published STLC values for those compounds by a factor of 10 or more will require additional waste extraction tests (WET).

Should elevated levels of any target compounds be identified following chemical analyses of the foundry sand, native soil in the area where this sand was historically stockpiled may require additional testing at the discretion of the oversight agencies. The potential for additional sampling of native soil is to be addressed by either: 1) incorporation of a native soil sampling plan in the current proposal; or, 2) by submittal of a supplemental native soil sampling plan should one become necessary following review of the foundry sand analysis results.

You are directed to submit the noted foundry sand sampling proposal within 45 days of the date of this letter, or by the close of business on July 1, 1991. A final report documenting the results of all activities associated with the foundry sand sampling and analysis, and any other tasks that may be required, is to be submitted within 45 days of the close of field sampling activities. This report should provide recommendations for any additional work at the site, and treatment or disposal options applicable to the waste foundry sand.


This Department continues to coordinate with the other oversight agencies involved with this case. Therefore, you are further directed to provide copies of this or any supplemental sampling proposal and subsequent reports to the Alameda County Water District (ACWD) and the City of Fremont Environmental Protection Division (EPD). Further, as has been stipulated previously by various authors, copies of all correspondence regarding the subject site are to be provided to the oversight agencies identified at the close of this letter.

Please be advised that until directed otherwise from this Department, you are prohibited from moving, treating, sampling, transporting, or otherwise handling the subject waste foundry sand. Any requests for such activity must be cleared in advance with this Department and the City of Fremont EPD.

Mr. Dale Sobek
RE: 6000 S Corp., 6000 Stevenson Blvd.
May 17, 1991
Page 6 of 6

Please feel free to have your attorney call me at 415/271-4320 should there be any questions regarding the content of this letter.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DHS
Lester Feldman, RWQCB
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Gary DiMercurio, City of Fremont Planning Commission
Larry Luloff, Esq.
files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02786

Certified Mailer # P 062 128 354

January 31, 1991

Mr. Dale Sobek
6000 S Corporation
42080 Osgood Road
Fremont, CA 94539

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

RE: CASE REFERRAL; 6000 S CORPORATION, 6000 STEVENSON BOULEVARD,
FREMONT

Dear Mr. Sobek:

For your information, this Department has primary jurisdiction for enforcement of the California Hazardous Waste Control Act, as codified in Chapter 6.5 of the state Health and Safety Code. Over the course of the last two years, this Department has been monitoring your progress in satisfying the requirements of the City of Fremont, Alameda County Water District, and San Francisco Bay Regional Water Quality Control Board (RWQCB) which deal with a multitude of hazardous materials and hazardous waste issues, and the ongoing environmental investigations associated with this site.

Please be informed that, based upon our evaluation of your past compliance efforts, as well as upon a request from the City of Fremont, this Department will now assume lead responsibility for the proper disposition of, and the cleanup of any potential impacts resulting from, the approximate 2500 yards³ of foundry sand currently stockpiled on site, east of Building 1. Our future oversight may not be limited to this waste stream alone, but may be inclusive of any and all hazardous waste issues related to this site, as such issues are referred to this Department from the other agencies currently involved with this case.

As previously noted, other investigations and/or issues regarding this site include, but are not limited to, the following:

- o The potential source and proper disposition of soils stockpiled east of the Home Depot store are unresolved. Apparently, some sources suggest the noted soil came from the area of former California Oil Recyclers (Bldg. 3 and 4); others indicate the subject soil originated from beneath the present Home Depot;
- o Air photos indicate that there was a significant level of activity in proximity to the present site of Home Depot prior to its construction, suggesting the potential for contamination in this area. We understand that no environmental investigation occurred in this area prior to construction of the Home Depot store. Hence, the issue of an environmental investigation in this area is presently viable;

Mr. Dale Sobek
RE: 6000 S Corp., 6000 Stevenson Blvd.
January 31, 1991
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- o We understand that a soils and groundwater investigation was performed by Harding Lawson Associates, based upon a previously-approved work plan composed by Levine-Fricke, and that a report documenting the results of this investigation is months overdue for submittal to all agencies involved with this site. We further understand that this report was completed during October or November 1990. Such reports are to be submitted in a timely fashion, with failure to do so possibly subjecting you to enforcement actions.

Preliminary results of the noted investigation have reportedly shown that a well (or wells) in proximity to the Home Depot store is (are) contaminated, and that the stockpiled soil to the east of the store is also contaminated. This information, if true, strongly supports the aerial photo interpretation mentioned previously which described an area of activity proximal to the current Home Depot store;

- o The issue of unlawful disposal of hazardous waste (foundry sand) potentially impacting waters of the state through contaminated surface run-off has additionally been raised. Such potential impacts may be a violation of Water Code Section 13271, which provides for the assessment of civil penalties upon conviction;
- o A letter authored by you, and dated August 1, 1990, indicated that your attorney had initiated contact with the American Brass and Iron Foundry regarding the disposal of foundry sand. We understand that this company was the source of the sand presently on your site. We further understand, from correspondence dated January 3, 1991, that "...[t]he foundry sand disposal is in litigation." What is the final outcome of this endeavor, if any?

At this time, you are advised not to further manipulate, move, redistribute, dispose of, transport, or otherwise handle the foundry sand until such activity is approved by this Department. The next few weeks will be used to acquaint staff with the specifics of this case and to familiarize ourselves with the requirements imposed by state law for the management of this waste stream. We understand that several options for the treatment or disposal of this waste were previously presented in the June 27, 1990 Levine-Fricke report, and that at least one service proposal has been submitted by Reed & Graham, Inc. for chemical stabilization of this material. However, implementation of any method may not proceed without prior written approval from this Department.

Mr. Dale Sobek
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January 31, 1991
Page 3 of 3

For this Department to begin oversight of this case, you are requested to remit a deposit totalling \$1340. The deposit, authorized by Section 3-141.6 of the Alameda County Ordinance Code, is placed into an account from which funds are drawn at a rate of \$67 per hour, deferring costs incurred by the county in oversight of this project. Funds remaining in the account at the close of this project will be promptly refunded. Conversely, should these funds be depleted before completion of the project, additional funds will be requested. This deposit is due within 10 days, or by February 11, 1991.

Should you have any questions regarding the content of this letter, please call me at 415/271-4320.

Sincerely,



Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DHS
Lester Feldman, RWQCB
Jill Duerig, ACWD
Paulette Garcia, City of Fremont Attorney's Office
Elizabeth Stowe, City of Fremont Hazardous Materials Bureau
Bob Eppstein, City of Fremont Building and Safety Department
Ann Draper, City of Fremont Planning Department
Janet Harbin, City of Fremont Planning Department
Gary DiMercurio, City of Fremont Planning Commission
Larry E. Luloff, Esq.