

Hayward

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH

DATE: June 21, 1989  
TO: Supervisor Charles Santana  
FROM: Takeo H. Shirasawa, Acting Asst. Agency Director, *THS*  
Department of Environmental Health  
SUBJECT: **SUNNYSIDE NURSERY**

The attached memoranda describe the status of our site mitigation activities. The chronology of events is described in the attachments, as well as the need for submission of the necessary permit applications and AB 2185 business plans. In addition, the process has required interaction with many contacts.

The concerns of our Department are:

1. The necessity for compliance with all regulations and, therefore, the need to work in conjunction with other agencies, and
2. To clearly see that the County's position with regard to present or future liabilities is not compromised in any way.

Please contact Mr. Rafat Shahid, Chief of the Hazardous Materials Division, or me on this matter if we can be of further assistance.

THS:fh

cc: David J. Kears, Director, HCSA  
Rafat Shahid, Chief, Hazardous Materials Division ✓

H300/D10

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

DATE: June 20, 1989

TO: Tak Shirasawa

FROM: Rafat A. Shahid *RAS*

SUBJ: Sunnyside Nursery, Hayward

Please find attached two memoranda highlighting our activities in the Sunnyside Nursery development project.

We are currently working with the City of Hayward, the owner of the property Mr. Yoshida and representatives of the developer "Plymouth Group" to expedite the process necessary for mitigating this site. The complexity of this process is manifested in the following:

- 1) City of Hayward is considering annexing the site after filing negative declaration including but not limited to the absence of soil contamination. This condition cannot be attained unless the site is properly cleaned to meet the negative declaration requirements.
- 2) The developer "Plymouth Group" is requesting an immediate approval on a plan of correction for the cleanup of the site.
- 3) It is the understanding of this Department that the property owner will continue operating the nursery activities after the plan of correction is submitted, reviewed and accepted. This activity will in effect render the plan of correction invalid because of potential use of pesticides and consequently the change of soil contamination data. We are working very closely with all agencies to evaluate the site and reach a decision within the requirements of the statutes and regulations. It is in the best interest of all concerned that this site receives adequate oversight in order to avoid any future liabilities.

The staff of this Division are overseeing over 400 sites with various degrees of complexity. Staff services to the Nursery site are being expedited within the limitation of staff and regulatory requirements.

RAS:mam

Attachments

6/19/89

To: Rafat A. Shahid  
From: Edgar Howell

Sunnyside Nursery events to date:

Received a call from Tak that Supervisor Santana has requested information concerning the events taking place with the above site being evaluated for residential development.

The following are as I recall the events:

June 1 or 2 I received a call from Supervisor Santana and I informed him that a meeting was being called by the City of Hayward Fire Dept. Steve Falez and Planning Dept. Diane Anderly for the following week and I would be at the meeting. He requested I see what could be done to expedite the activity. I told Him to have Mr. Yoshida call me next week and I would inform him of activities.

June 8, 1989 Met with Steve Falez and Diane Anderly of the City of Hayward with Tom Peacock. We reviewed what was before us the plan for development on the site presently occupied by Sunnyside Nursery. The City is evaluating if a negative declaration is possible rather than a full fledged EIR. According to Diane in order to get the neg. declaration she must be able to answer no to a number of questions. including is there any contamination of the soil. A preliminary report has been given to the developer Plymouth Group. Tom has reviewed it and we now need the sampling plan for the area, after the plan is approved and sampling completed then we will evaluate if the mitigation plan provided by the consultants is acceptable.

Call from Mike Green Ag. Commissioner Alameda Co. He stated that Mr. Yoshida had called him and that the tanks on the site are agricultural and exempt from permitting and testing. I informed Mike Green that the tanks are not less than 1000 gallons and used for agricultural equipment (off road) only and therefore are not exempt from our inspection, permit and fees. I told Mr. Green to have Mr. Yoshida call me and I would explain to him the above.

Mr. Yoshida called and I informed him of the above and that the permit and inspection fees would not be in the multiple of 10s of thousands of dollars. also if he so desired he could remove the tanks now to facilitate the transfer of property and do the testing of the area under the tanks to show that no contamination exists. He then could install above ground tanks for fuel for the remaining 10 months he plans on operating. He said he would come in next week and take out the necessary permit application and 2185 business plans.

6/9/89

Received a call from a Mr. Scott Wray of Plymouth Group, He stated that he wanted to meet with me concerning the site and I informed him that a letter had been written to Him and when he received the letter if a meeting is necessary then he could call for one.

Mr. Wray called later in the day and said he wanted a meeting I told him that I could not meet the next week due to prior commitments but the week after was available. He stated this was unacceptable and he wanted a meeting the next week, I told him to call mon and speak to either Mr. Shahid Chief, or Tom Peacock Sr. Spec. working on the site.

Tom met with the Plymouth group on tues. 6/13/89 and I have requested his notes for this site.

## MEMORANDUM

DATE : June 19, 1989  
TO : Rafat Shahid  
FROM : Tom Peacock  
SUBJECT: Sunnyside Nursery, Hayward

Following is a chronology of actions taken regarding the Sunnyside Nursery in Hayward:

1. Late April 1989 received Terratech Environmental/Toxics Investigation of Feb. 89 (copy)
2. May 5, 1989 left underground tank permit applications and Business Plan instructions with operator of Sunnyside Nursery.
3. May 5, 1989 Eric Lautenbach of Terratech called.
4. May 16, 1989 Vance Yoshida of Sunnyside Nursery called, I returned the call and left a message about his tanks and Business Plan.
5. May 24, 1989 Jeff of Terratech called.
6. May 17, 1989 Eric left 5 reports for our review including:
  - a. February 1989 Investigation
  - b. Feb. 22 letter to Miura
  - c. Apr. 14 letter to Miura
  - d. Apr. 18 letter to Miura
  - e. May 3 latest soil analysis.
7. May 19, 1989 \$448 deposited on account by Kathy Miura of The Plymouth Group.
8. May 19, 1989 letter received for Rafat Shahid from Steve Faelz concerning the Sunnyside Nursery and scheduling a meeting.
9. Mid May, 1989 resolved scheduling conflicts and set up meeting with Steve Faelz, Dyana Anderly, and Eric Lautenbach for June 6, 1989. Reviewed literature on toxicity of endosulfan versus endrin.
10. May 30, 1989 reviewed reports for Sunnyside Nursery.
11. May 30, 1989 Miura called.
12. June 1, 1989 Miura called.
13. June 2, 1989 returned call and discussed with Miura.
14. June 3, 1989 Miura called about Eric coming by our office.
15. June 6, 1989 Meeting with Ed, Faelz, Anderly concerning issues at Sunnyside Nursery. Received review with comments from City of Hayward.
16. June 6, 1989 meeting with Eric who showed up after the first meeting.
17. June 7, 1989 wrote letter to Miura as result of meeting.
18. June 8, 1989 Miura called.
19. June 9, 1989 Scott Ward of The Plymouth Group called.
20. June 12, 1989 returned calls to Ward and Miura and left messages at both.
21. June 13, 1989 mitigation meeting with Miura, Lautenbach (Kim Caison-EHS Trainee sat in) on Sunnyside Nursery.
22. Mid June received letter dated June 14, 1989 from Miura.
23. June 19, 1989 Miura called.
24. June 19, 1989 Ed asked that I prepare a chronological report for you, report prepared. ( There are omissions of short phone calls

Sunnyside Nursery  
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between City of Hayward agencies and the developers and their consultants when we were both in the office and no messages were taken.)