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December 16, 1992



Millie Allred
Assistant Project Manager
(415) 691-4314

Ravi Arulanantham, Ph.D., CHMM
Alameda County Health Agency
Division of Hazardous Materials
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

1616 N. Shoreline Blvd.
Mountain View, CA 94043-1316
FAX (415) 968-5619

Re: Sunnyside Nursery Asbestos Removal

Dear Dr. Arulanantham:

Confirming our discussion of yesterday, I am enclosing copies of the Bay Area Air Quality Management District's Order Granting Variance No. 2515 resulting from our March 19, 1992 hearing before the Hearing Board of the Bay Area Air Quality Management District.

I am also enclosing a copy of our response letter to Bay Area Air Quality Management District dated May 13, 1992 indicating that all work was completed in accordance with the requirements of the District.

To further clarify, all work was done under the close scrutiny of Bay Area Air Quality Management District from start to finish beginning after our March 19, 1992 hearing and completing prior to our May 13, 1992 letter.

I am also enclosing of a letter from J.M. Cohen Inc., Environmental & Occupational Health Services indicating that their monitoring results were well within the limits established by Cal/OSHA and EPA.

Ravi Arulanantham, Ph.D., CHMM
December 16, 1992
Page 2

Once again, thank you very much for your cooperation on this project, and please feel free to call me at (415) 691-4300 if you have any questions or need additional information.

Very truly yours,

THE PLYMOUTH GROUP

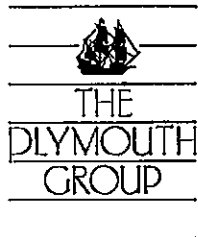


Curtis S. Peterson
Chairman and CEO

CSP/sk

enclosure

copy to: Tom Graf, Geomatrix Consultants, Inc.



92 DEC 17 11:26

VIA FACSIMILE 928-8560

May 13, 1992

Ms. Carol Bradley
Clerk, Hearing Board
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

Re: Docket No. 2515
The Plymouth Group

Dear Ms. Bradley:

As required in Section B on Page 6 of the letter Granting Extension of Variance, we hereby advise (in advance of the required June 15, 1992 report date) that all work has been completed on the project in accordance with the requirements of the Bay Area Air Quality Management District.

Thank you very much for your cooperation on this project.

Very truly yours,

THE PLYMOUTH GROUP

Curtis S. Peterson
Chairman and CEO

CSP/sk

copy to: Ms. Toby Sherwood, Assistant District Counsel
Mr. James Arnold, Severson & Werson

SEVERSON & WERSON

A PROFESSIONAL CORPORATION

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April 15, 1992

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BY MESSENGER

Thomas J. Ferrito, Esq.
Chairperson
Hearing Board
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

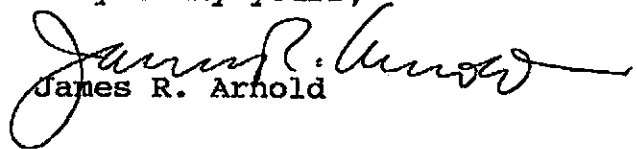
Attn: Ms. Mary Romaidis

Re: Docket No. 2515, The Plymouth Group; Variance
Hearing March 19, 1992 (8486-005)

Dear Mr. Ferrito:

Enclosed is a final draft of the proposed Variance Order.
We have incorporated additional modifications requested by the
District.

Very truly yours,


James R. Arnold

cc: Toby Sherwood, Esq. (by messenger)
Mr. Curtis S. Peterson ✓

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6 BEFORE THE HEARING BOARD

7 OF THE

8 BAY AREA AIR QUALITY MANAGEMENT DISTRICT

9 STATE OF CALIFORNIA

10 In the Matter of the Application of)

11 THE PLYMOUTH GROUP)

NO. 2515

12 For a Variance from Regulation 11,)

ORDER GRANTING VARIANCE

13 Rule 2, Section 304)

14 The above-entitled matter, being an Application for
15 amendment of a Variance, No. 2515, for a variance from the
16 provisions of Regulation 11-2-304, having come on for hearing on
17 March 19, 1992; JAMES R. ARNOLD, Counsel appearing for Applicant;
18 TOBY SHERWOOD, Counsel appearing for the Air Pollution Control
19 Officer; and the Hearing Board having heard all persons wishing
20 to be heard on the Application:

21 THE HEARING BOARD STATES as the reasons for its decision and
22 FINDS as to those matters in which findings are required:

23 1. Notice of this hearing on the Application for a Variance
24 has been given for the time and in the manner required by law,
25 and the hearing was conducted in accordance with the terms of the
26 Health and Safety Code.

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1 2. Testimony, documents, and argument on behalf of the
2 Applicant and the Air Pollution Control Officer were received and
3 are included in the record of this hearing.

4 3. Members of the public were given an opportunity to
5 testify as to said application. Ms. Dyana Anderly, a city
6 planner who represented the City of Hayward testified as to the
7 City's concern that the demolition project be completed as soon
8 as possible, and testified in support of the variance. Mr. Fred
9 Sullivan, a homeowner whose residence is across the street from
10 the project, testified in favor of the variance.

11 4. Mr. Robert Trotter, Enforcement Officer for the federal
12 "NESHAP" (National Emission Standards for Hazardous Air
13 Pollutants) program of the U.S. Environmental Protection Agency,
14 Region IX, also testified in favor of the variance.

15 5. Removal of the abandoned greenhouse structures on the 16
16 acre property located at 29434 Mohr Drive, Hayward, California
17 94540 owned by the Applicant, is subject to Regulation 11-2,
18 Asbestos Demolition. The glazing compound around each piece of
19 greenhouse glass of many of the greenhouses contains asbestos.
20 While not all of the glazing material in its current state is
21 friable, it is expected that demolition operations will cause
22 portions of the glazing materials to become friable.

23 6. The original variance was issued on October 31, 1991.
24 On December 4, 1991 the District amended Regulation 11-2. In
25 that amendment, Regulation 11-2-303.11, Ordered Demolition, was

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1 added. That regulation requires, when a demolition has been
2 ordered by a state or local governmental agency, that the owner
3 or operator of the demolition comply only with the wetting
4 requirements of Regulation 11-2-303.1 and the disposal
5 requirements of Regulation 11-2-304.

6 7. During demolition and removal, Applicant will be unable
7 to comply with Regulation 11-2-304, Waste Disposal. This
8 regulation requires certain procedures to be followed in handling
9 asbestos-containing waste material in demolition. It is
10 practically impossible to separate the relatively small amounts
11 of asbestos containing glazing compound from the rest of the
12 structural greenhouse material. It would be very difficult for
13 Applicant to seal all of the asbestos containing construction
14 debris into leak-tight containers. Applicant estimates that
15 about 17 cubic yards of the asbestos containing glazing compound
16 is contained in the approximately 3,000 to 3,500 cubic yards of
17 greenhouse demolition debris. The greenhouse debris is part of a
18 larger demolition (including other structures at the site) of
19 approximately 20,000 cubic yards.

20 8. Applicant was unable to complete work under the original
21 variance, issued October 31, 1991, because it was unable to reach
22 agreement on an appropriate landfill disposal technology.

23 9. Applicant has received from Alameda County a letter
24 order requiring abatement of the greenhouse buildings because
25 they are partially destroyed and structurally unsound, and a
26 nuisance.

1 10. Applicant has received a resolution from the City
2 Council of the City of Hayward, requiring clearance of the tract
3 by April 14, 1992.

4 11. Applicant has given consideration to curtailing
5 operations in lieu of obtaining a variance, but cannot comply
6 with the orders issued to it by the City of Hayward and the
7 County of Alameda, nor comply with the Regulation, by doing so.

8 12. During the period the Variance is in effect, Applicant
9 will reduce excess emissions to the maximum extent feasible by
10 complying with all of the requirements of Regulation 11-2 for an
11 Ordered Demolition, pursuant to Regulation 11-2-303.11, except
12 for Regulation 11-2-304.

13 13. The District has not requested Applicant to monitor or
14 quantify actual emissions.

15 14. Excess emissions are estimated to be minimal.

16 15. The Air Pollution Control Officer did not oppose the
17 granting of the variance.

18 16. This Variance will not cause injury, detriment,
19 nuisance, or annoyance to any considerable number of persons or
20 to the public, or endanger the comfort, repose, health or safety
21 of any such persons or the public, or cause or have a natural
22 tendency to cause injury or damage to business or property.

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1 17. Due to conditions beyond the reasonable control of
2 Applicant, requiring compliance with Regulation 11-2-304 in an
3 ordered demolition pursuant to Regulation 11-2-303.11, would
4 result in an arbitrary and unreasonable taking of property and
5 the practical closing and elimination of a lawful business
6 activity of Applicant, without a sufficient corresponding benefit
7 in the reduction of air contaminants.

8 THEREFORE, THE HEARING BOARD ORDERS:

9 A. A Variance from Regulation 11-2-304 is hereby granted
10 from March 20 to and including June 22, 1992 subject to the
11 following conditions:

12 1. This order applies to all material from the greenhouses
13 (hereafter "all greenhouse debris"): all wood, glass, glazing
14 material, putty, concrete, and any other material from the
15 greenhouses. All greenhouse debris will be wetted and kept wet
16 during demolition, transportation, and disposal.

17 2. All demolished greenhouse debris will be removed daily.

18 3. All greenhouse debris will be put into plastic lined
19 trucks or debris boxes and covered with plastic while in transit
20 to the landfill.

21 4. All greenhouse debris will be taken to a landfill
22 operated in accordance with all federal, state, and local laws
23 and regulations.

24 5. All greenhouse debris will be buried in an area where
25 there will be no working of the asbestos containing material.

1 6. All greenhouse debris will be covered within 4 hours of
2 disposal and at the end of each day all material will be covered
3 with six inches of inert material.

4 7. All work will be done in such a way as to avoid a public
5 nuisance.

6 8. Applicant shall comply with all federal, state, and
7 local regulations (other than regulation 11-2-304) regarding the
8 removal, transportation, and disposal of asbestos containing
9 construction debris.

10 B. Applicant shall report to the Hearing Board in writing,
11 in an original and eight copies, on June 15, 1992 as to its
12 progress towards compliance. The report should be addressed to:
13 Ms. Carol Bradley, Clerk, Hearing Board, Bay Area Air Quality
14 Management District, 939 Ellis Street, San Francisco, California
15 94109. Reports to other offices or individuals at the Bay Area
16 Air Quality Management District are not reports to the Hearing
17 Board.

18 C. Applicant shall report immediately to the Hearing Board
19 in writing, in an original and eight copies, its failure to
20 comply with this Order, and such failure shall constitute a
21 violation of this Order, and shall subject Applicant to
22 enforcement action for each subsequent violation of Regulation
23 11-2-304, and further, the Hearing Board may order a hearing on
24 revocation of this Order.

25 D. The Air Pollution Control Officer shall advise the
26 Hearing Board in writing, in an original and eight copies, of any

3 violation of the Variance requirements.

4 DATED: April ____, 1992.

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Thomas J. Ferrito, Chair

Henry J. Ongerth, Vice-Chair

James P. Hughes, M.D.

Ruth H. Koehler

Gail E. McCarthy, Ph.D.