

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

May 31, 2018

Bhatia, Vijay
3248 Bruce Drive
Fremont, CA 94539

Subject: Stop Work Order – Unpermitted Import/Grading Operation
Eden Canyon Road, Castro Valley (APN 85A-6437-002-00), Case ID RO0003312 & GeoTracker Global ID
T10000011675

Dear Owner(s):

Alameda County Department of Environmental Health's (ACDEH) Local Oversight Program (LOP) for Hazardous Material Releases has received a referral from the Alameda County Community Development Agency's (CDA) Code Enforcement Division to evaluate import activities of fill material (soil, concrete, and other material) at the subject property. This referral has been made in order to ensure that fill material that has been imported to the site does not pose a potential risk to human health and the environment and is associated with the Stop Work Order dated May 16, 2018 issued by the Alameda County Public Works Agency (PWA) requiring cessation of import and grading operations at the subject site (included as Attachment 1).

In order to obtain clearance from ACDEH for past import activities, the following documents are required to be submitted to ACDEH for review and approval:

1. Site map showing the location(s) and quantity (in cubic yards) of fill material that has been imported to the site. The site map must include a scale, north arrow, existing landmarks (streets, property boundary, etc.), site development, graded/fill areas, topographic contours of existing terrain, water wells, surface water and groundwater drainage structures and drainage ways (ex: infiltration trenches, interceptor drains, swales, culverts, etc.) within 150 feet of the fill area(s).
2. Background information on the imported fill material source area(s) including location/address and historic land use (site development and operations) of each source.
3. An evaluation of the imported fill material, signed and stamped by an appropriately licensed environmental professional, that includes at a minimum (a) references to regulatory guidance documents that were used to conduct the evaluation; (b) documentation of the location of the source area(s) and environmental sampling and analysis methods and protocols used to characterize fill material; (c) copies of certified laboratory analytical reports; (d) the environmental screening levels that were used to evaluate the analytical laboratory results prior to importing fill material to the site; and (e) tables summarizing the analytical results and identifying samples that had concentrations exceeding environmental screening levels.
4. Bills of lading/manifests documenting the quantity of material imported to the site.

Please submit the above-listed documents along with a completed Preliminary Review Application Form (included as Attachment 2) and an initial fee deposit of \$1,000 to ACDEH in accordance with the instructions on the form by **Friday, June 22, 2018**. Upon review of the submitted documents, ACDEH will contact you to schedule a site visit and discuss supplemental information and additional fees that may be required to complete the evaluation of the appropriateness of the fill material imported to the site.

Stop Work Order – Unpermitted Import/Grading Operation
Eden Canyon Road, Castro Valley (APN 85A-6437-002-00)
May 31, 2018

Please do not hesitate to contact me at (510) 777-2478 or paresh.khatri@acgov.org should you have any questions or concerns.

Sincerely,

Paresh C. Khatri
Supervising Hazardous Materials Specialist
Local Oversight & Site Cleanup Programs

Attachments:

Attachment 1 – Stop Work Order

Attachment 2 – Preliminary Site Review Application Form

Cc: Ken Singh (*Sent via email to: simranwest@yahoo.com*)
Bill Lepere, Deputy Director, Construction & Development Services, PWA (*Sent via e-mail to: bill@acpwa.org*)
Andy Cho, Assistant Engineer, PWA (*Sent via e-mail to: andyhjc@acpwa.org*)
Albert Lopez, Planning Director, CDA (*Sent via e-mail to: albert.lopez@acgov.org*)
Rodrigo Orduna, Assistant Planning Director, CDA (*Sent via e-mail to: rodrigo.orduna@acgov.org*)
Edward Labayog, CDA (*Sent via e-mail to: Edward.Labayog@acgov.org*)
Paul daSilva, CDA (*Sent via e-mail to: paul.dasilva@acgov.org*)
Ronald Browder, ACDEH Director (*Sent via e-mail to: ronald.browder@acgov.org*)
Dilan Roe, ACDEH Chief – Land & Water Division (*Sent via e-mail to: dilan.roe@acgov.org*)



Public Works Agency
Alameda County

Daniel Waldesenbet, Ph.D., P.E., Director

399 Elmhurst Street • Hayward, CA 94544-1395 • (510) 670-5480 • www.acgov.org/pwa

May 16, 2018

<Certified Letter>

Bhatia, Vijay
3248 Bruce Drive
Fremont, CA 94539

Subject: **Stop Work Order - Unpermitted Import/Grading Operation
Eden Canyon Road, Castro Valley (APN 85A-6437-002-00)**

Dear Owner(s):

This letter is prepared to notify you, as the owners of the subject property located at Eden Canyon Road, Castro Valley (APN 85A-6437-002-00), that you are ordered to STOP all grading work on the subject site until you have secured a grading permit or exemption in accordance with the provisions of Chapter 15.36.

Our records indicate that, on October 5, 2017, a verbal warning was given to *Ken Singh* to cease the import and grading operation and, subsequently, on October 18, 2017, a "Notice to Appear" was issued. During the previous discussions, we were informed that the purpose of the project is to develop an almond orchard along with organic vegetable farming. On February 20, 2018, an e-mail was sent to *Ken Singh* requesting additional information about the operation (copy attached), but no response has been received until now. Undesirably, the site inspection conducted on May 9, 2018 revealed that a significant amount of soils and construction debris have been imported and deposited again.

You are ordered to STOP all grading work on the subject site until you have secured a grading permit or exemption in accordance with the provisions of Chapter 15.36. Furthermore, it is your responsibility to secure necessary permits or approvals for the work which is regulated by any other jurisdictional agencies.

Failure to comply with the direction of the enforcement officer could subject you to additional enforcement including fines; see the attached schedule of fees and fines, as taken from Article VIII. You should also be aware that we have the authority to refer this violation(s), in whole or in part, to other officers of the County for resolution under the alternative civil, criminal, and/or abatement procedures described in Article VIII.

You may reach me at (510) 670-6451 or andyhjc@acpwa.org if you have any questions.

Yours truly,

Andy Cho, Authorized Enforcement Officer
County of Alameda

/ac

attachments: Copy of the e-mail dated Feb. 20, 2018
Schedule of Fees and Fines, and Section 15.36.686

Cc: Ken Singh (via email: simranwest@yahoo.com)
Code Enforcement Division, Alameda County CDA
Bill Lepere, Deputy Director, Const. & Development Services

Cho, Andy Hyun-Jae

From: Cho, Andy Hyun-Jae
Sent: Tuesday, February 20, 2018 2:32 PM
To: 'D Works'
Cc: Labayog, Edward, CDA
Subject: RE: Eden canyon , Castro valley

Hi Ken,

Please provide us additional information about the proposed import/grading operation including, but not limited to, the followings for review:

- Purpose of the proposed import/grading
- Location of the fill area and estimated maximum depth of fill
- Quantities of the proposed import (in Cubic Yards)
- Borrow site location(s)
- Duration of the import/grading operation

It is advised that supplemental information may be requested upon any subsequent reviews. Also, it is your responsibility to verify with other jurisdictional agencies for their regulations and the permit requirements. Feel free to contact me if you have any questions.

Regards,



Andy Cho, P.E.,
Assistant Engineer
Construction & Development Services Department
399 Elmhurst Street, Room 141, Hayward, CA 94544
Phone 510.670.6431, Fax 510.670.5787, email: andyhjc@acpwa.org

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: D Works [mailto:simranwest@yahoo.com]
Sent: Tuesday, February 13, 2018 1:01 PM
To: Cho, Andy Hyun-Jae <andyhjc@acpwa.org>
Subject: Eden canyon , Castro valley

Hi Andy ,

I want to request that I did the erosion control measures at the Eden canyon land and it's no rain for next few weeks.

I want to request also that I want to bring in dirt there and I want to assure you that I will maintain and reinstall all erosion control measures along with and not violate the sediment control measures .

Please advice ,

Thanks

Ken

Attachment; Schedule of Fees and Fines per Section 15.36.674B of the General Ordinance Code

Fines and Fees for Administrative Violations	
<u>Unpermitted grading work</u>	
<ul style="list-style-type: none"> Investigation fee, per Section 15.36.770: 	<ul style="list-style-type: none"> \$250.00. <p>The director of public works shall have the authority to waive this fee.</p>
<ul style="list-style-type: none"> Fine for failure to comply with the directions of the director of public works following his/her investigation. 	<ul style="list-style-type: none"> \$1000.00 Additional \$1000.00 for each failure to comply with subsequent direction of the director of public works, except that following the third overall failure to comply, the director shall have the authority to levy a \$1000.00 per day fine in accordance with the provisions of Section 15.36.676 of this chapter.
<ul style="list-style-type: none"> Fee for review of construction plans: 	<ul style="list-style-type: none"> Actual cost.
<ul style="list-style-type: none"> Permit fee 	<ul style="list-style-type: none"> See Section 15.36.310 of this chapter.
<u>Permitted grading work</u>	
<ul style="list-style-type: none"> Fine for violating the conditions of a permit: 	<ul style="list-style-type: none"> \$250.00 for initial violation. Additional \$1000.00 for each subsequent failed reinspection, except that following the third failed reinspection, the director shall have the authority to levy a \$1000.00 per day fine in accordance with the provisions of Section 15.36.676 of this chapter.
<u>All grading work (permitted and unpermitted)</u>	
<ul style="list-style-type: none"> Fee for administrative hearing per Sections 15.36.220 and 15.36.686 of this chapter: 	<ul style="list-style-type: none"> \$50.00 <p>The hearing officer shall have the authority to waive this fee.</p>
<ul style="list-style-type: none"> Fee for processing appeals to the board of supervisors: 	<ul style="list-style-type: none"> \$25.00
<ul style="list-style-type: none"> Fee for processing abatement per Section 15.36.680 of this chapter: 	<ul style="list-style-type: none"> See Section 15.36.680.
<ul style="list-style-type: none"> Fee for other enforcement actions, per Section 15.36.684 of this chapter: 	<ul style="list-style-type: none"> See Section 15.36.684.
<ul style="list-style-type: none"> Fee for civil proceedings, per Section 15.36.690 of this chapter: 	<ul style="list-style-type: none"> See Section 15.36.690.

Unless otherwise specified by law, the invoice for any fine levied in accordance with this Section 15.36.674 not paid to the county within sixty (60) days of such levy may be sent to county collections for action. In the event that such an invoice is not paid promptly to county collections, the director of public works shall have the authority to place a lien upon and against the property involved in the violation.



REQUEST FOR PRELIMINARY SITE REVIEW

The Responsible Party identified below hereby requests that the Alameda County Department of Environmental Health (ACDEH) provide preliminary site review for the site listed below.

Date of Request: _____

RESPONSIBLE PARTY ENTERING AGREEMENT		
Name:		Type of Entity: <i>Individual, Corporation, Trust, etc.</i>
Contact Name:		Phone:
Mailing address:		Email:
City:	State:	ZIP Code:
Relationship to Property/ Authority: <i>Describe the basis of your authority to request assistance and enter into the agreement.</i>		
CURRENT PROPERTY OWNER		
Name:		Type of Entity: <i>Individual, Corporation, Trust, etc.</i>
Mailing Address:		E-mail:
City:	State:	ZIP Code:

SITE INFORMATION		
Project/Case Name:		Site APN(s) ¹ :
Site Address:		RO ² :
City:	State:	ZIP Code:
Approximate Size of Site:		Current Land Use:
Type and Extent of Contamination: <i>Identify history of site and substances found at site.</i>		

¹ Include a Site Map illustrating all parcels that comprise the project

² RO Case Number To Be Determined by Agency

VOLUNTARY REMEDIAL ACTION AGREEMENT

SITE INFORMATION - CONTINUED

Planned Redevelopment/Project Description: *Provide brief description of type of planned redevelopment. Include a discussion of the entitlement process status and applicable planning and building department permit numbers and approvals.*

The Responsible Party shall submit to ACDEH all background information, environmental assessment reports (including Phase I Environmental Assessment Reports), analytical results, and if redevelopment is proposed, include any info available on development project (conceptual plans, planning documents, etc). All available information is to be provided to ACDEH by the Responsible Party within 5 working days of any request.

Please check all submitted

- | | | |
|--|---|--|
| <input type="checkbox"/> Parcel Map / Site Map | <input type="checkbox"/> Building Plans | <input type="checkbox"/> Conceptual Development Plan |
| <input type="checkbox"/> Phase I | <input type="checkbox"/> Phase II | <input type="checkbox"/> Environmental Assessment Report |

By signing below, Responsible Party and Current Property Owner represent that the Responsible Party has the authority to make this request for preliminary site review.

_____	_____	_____
Signature (Responsible Party)	Printed Name	Date

Acknowledged by current property owner (APN _____)

_____	_____	_____
Signature	Printed Name	Date

ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH INSTRUCTIONS FOR PRELIMINARY SITE REVIEW

In order to request that ACDEH conduct a preliminary review for your site, please follow the steps provided below.

1. Complete the request form with site, responsible party, and current property owner information.
2. Submit a deposit of \$1,000.00 payable to Alameda County Department of Environmental Health with the site address and APN(s) written on the check. Checks are to be **mailed** to the attention of ACDEH Finance Department, Suite 111, 1131 Harbor Bay Parkway, Alameda, CA 94502.
 - a. This deposit will be applied towards work performed for opening an account, preliminary site review time by ACDEH staff, and determination whether a Site Cleanup Program (SCP) case under a Voluntary Remedial Action Agreement (VRAA) case needs to be opened.
3. Once the application has been accepted, a Case Number will be established in the State Water Resources Control Board's GeoTracker website (<http://geotracker.waterboards.ca.gov>).
4. Submit all technical reports in PDF format describing the environmental conditions for the site onto GeoTracker.

Submit the completed request form and send it to Paresh Khatri, ACDEH, 1131 Harbor Bay Parkway, Alameda, CA 94501 (email preferred: paresh.khatri@acgov.org).

Once ACDEH has received payment and requisite documents have been uploaded to the GeoTracker, ACDEH will complete its review within 30 days. ACDEH will review the submitted information to determine whether the site is eligible for oversight in the SCP including consulting with other regulatory agencies to make a determination as to whether a SCP case under a VRAA will be required to be opened. ACDEH may request additional information and an in person meeting during the preliminary review process.

Responsible parties for a release of waste may request that the Alameda County Department of Environmental Health (ACDEH) provide regulatory oversight for investigation and cleanup of contaminated sites under California Health and Safety Code Section 101480. ACDEH may supervise the remedial action provided that adequate staff resources and the requisite technical expertise and capabilities are available. Supervision by ACDEH is provided pursuant to a Voluntary Remedial Action Agreement.