

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



*Out
04-08-06*

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

March 31, 2006

Mr. Jack Krause
Alta Properties, LLC
P.O. Box 2399
Oakland, CA 94614

Ms. Amy Neu
Mrs. Allen Schneider
Neu Investment Corporation
C/o Eden Realty
47 Parsippany Road
Whippany, NJ 07981

Subject: SLIC Case No. RO0002746, Former AAA Equipment, 745 50th Avenue, Oakland, CA

Dear Mr. Krause:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site including two proposed deed restrictions you submitted on March 15, 2006. One proposed deed restriction is for Parcel 034-2293-002-09 (formerly Parcels 034-2293-002-07 and 034-2293-002-08), which is located at 745 50th Avenue in Oakland and is owned by Alta Properties LLC. The second proposed deed restriction is for Parcel 034-2293-002-05, which is an L-shaped parcel that borders the Alta Properties LLC parcel to the north and east. Parcel 034-2293-002-05 is owned by Learner Investment Company c/o Neu Investment and has been referenced in previous reports for the site as the "Flag Lot."

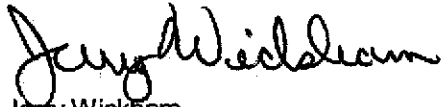
In correspondence dated February 14, 2006, ACEH indicated that due to the elevated concentrations of residual fuel hydrocarbons, PCBs, PNAs, and metals in soil at the Alta Site and Flag Lot, additional investigation and remediation is required in order for the sites to have unrestricted future use. Therefore, ACEH requested in the February 14, 2006 correspondence that you submit a Corrective Action Plan or Proposal for Deed Restriction for the above-referenced site, including the "Flag Lot." Subsequent to issuance of our February 14, 2006 correspondence, we have found that Parcel 034-2293-002-05 (the "Flag Lot") is part an adjacent site with an open SLIC case (ACEH SLIC case RO0002478; Learner Investment, 768 46th Avenue). Therefore, all future regulatory evaluations of Parcel 034-2293-002-05 (the "Flag Lot") will be conducted separately as part of ACEH SLIC case RO0002478. We will continue our review and evaluation of the proposed deed restriction for Parcel 034-2293-002-09 (Alta Site) under this case RO0002746.

A request for an additional deposit to provide regulatory oversight for case RO0002478 has been sent to Learner Investment under separate correspondence.

Mr. Jack Krause
Ms. Amy Neu
Mrs. Allen Schneider
March 31, 2006
Page 2

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File RO0002746
File RO0002478

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

February 14, 2006

Mr. Jack Krause
Alta Properties, LLC
P.O. Box 2399
Oakland, CA 94614

Ms. Amy Neu
Mrs. Allen Schneider
Neu Investment Corporation
C/o Eden Realty
47 Parsippany Road
Whippany, NJ 07981

Subject: SLIC Case No. RO0002746, Former AAA Equipment, 745 50th Avenue, Oakland, CA

Dear Mr. Krause:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, including the reports entitled, "Residual Soil Management Plan," dated April 27, 2004, and "Underground Storage Tank Removal Report," dated April 27, 2004. Both reports were prepared by Levine-Fricke. The "Underground Storage Tank Removal Report," dated April 27, 2004 concluded, "that no further soil removal be required under the current industrial use of the site, however, provided that intrusive activities (such as trenching or grading) were conducted in accordance with the Residual Soil Management Plan. The "Underground Storage Tank Removal Report," also concluded that, "further groundwater assessment or remediation in this area is not warranted at this time."

The above-referenced site consists of three adjacent parcels. Parcel 034-2293-002-07, which is located at 745 50th Avenue in Oakland and contains an office building, and parcel 034-2293-002-08, which contains two warehouses, are owned by Alta Properties LLC. These two parcels are referenced in the Levine-Fricke report as the "Alta Site." Parcel 034-2293-002-05 is an L-shaped parcel that borders the Alta Properties LLC parcels to the north and east. Parcel 034-2293-002-05 is owned by Learner Investment Company c/o Neu Investment and is referenced in the Levine-Fricke "Residual Soil Management Plan," as the "Flag Lot." For consistency, these previously referenced terms, "Alta Site and Flag Lot," are used in this correspondence in discussing the sites.

Beginning in the 1950s, the Alta site was reportedly used by AAA Equipment as a junkyard to store scrap metal, used machinery, and machine parts until Alta Properties LLC purchased the site in 2002. The Phase I Environmental Site Assessment (Hageman-Aguilar 2000) reported random spillage of various lubricating oils, waste motor oil, and motor fuels onto soil at the site. Minor handling of other chemicals, including solvents, paints, and chemicals associated with lead/acid batteries, and electrical transformers were reported. Subsequent investigations reported elevated concentrations of mercury at the site as well.

SOVT
02-15-06

Mr. Jack Krause
Ms. Amy Neu
Mrs. Allen Schneider
February 14, 2006
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In the fall of 1987, diesel fuel contamination was observed by Larry Seto of ACEH near an above ground storage tank on the Alta Site. A cleanup reportedly took place in July and August 1989 in which residual waste oil, the above ground storage tank, and associated piping and fuel dispensers were removed. On November 30, 1994, ACEH observed oil spillage and lead/acid batteries on the ground of the Alta Site.

An 800-gallon underground storage tank (UST) located in the southern portion of the site was removed on September 4, 2002. Several pinholes and some corrosion were identified on the bottom of the UST. The tank verification sample collected beneath the former tank at a depth of 7.5 feet bgs contained 4,700 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons (TPH) as diesel, 3,300 mg/kg of TPH as gasoline, and 87 mg/kg of lead. The former tank case was closed by the City of Oakland Fire Department in correspondence dated February 13, 2003.

During site development activities in October 2002, two USTs were encountered in the northwestern portion of the Alta Site and extending onto the Flag Lot. The USTs were removed in September 2003. Soil from the excavation was stockpiled and later disposed off-site at the Forward Landfill, a Class II non-hazardous waste landfill. Oily product was observed seeping from the UST excavation. To remove free product in the near surface soils, some additional excavation was conducted around the former USTs to a maximum depth of 5 feet bgs. Water-saturated soils were removed from the bottom of the excavations for geotechnical purposes. The excavations were filled with drain rock to the level of saturated soils, covered with filter fabric, and then backfilled with compacted soil derived from site grading activities.

During site development activities in 2002, the Flag Lot was graded along with the rest of the site in preparation of final paving with concrete or asphalt. The soil removed during grading (approximately 2,800 cubic yards) was stockpiled on an adjacent parcel and was termed the "Loaf Pile," (Levine-Fricke 2004). Laboratory analyses of the soil in the Loaf Pile detected elevated concentrations of fuel hydrocarbons, PCBs (Aroclor 1254 and 1260), polynuclear aromatic hydrocarbons (PNAs), and metals. The concentrations of these chemicals exceed Environmental Screening Levels for shallow soil developed by the San Francisco Regional Water Quality Control Board (Water Board 2005) for residential or commercial /industrial use. Soils from the "Loaf Pile" were placed back on the Alta and Flag Lot sites as subgrade material and were covered with concrete or asphalt. Elevated concentrations of fuel hydrocarbons have been detected in groundwater samples collected in several areas of the Alta site.

The residual chemicals in soil at the Alta Site and Flag Lot pose a potential human health risk due to direct exposure. The Alta Site is currently covered by buildings or concrete and the Flag Lot is currently covered by asphalt; therefore, there is currently no direct exposure pathway to chemicals in the surface soils. Due to the elevated concentrations of residual fuel hydrocarbons, PCBs, PNAs, and metals in soil at the Alta Site and Flag Lot, additional investigation and remediation is required in order for the sites to have unrestricted future use. The current commercial use of the sites is acceptable as long as the concrete and asphalt cover for the site is fully maintained to prevent direct exposure to soil or groundwater at the site. If additional investigation and cleanup is not conducted at the Alta and Flag Lot sites, deed restrictions are

Mr. Jack Krause
Ms. Amy Neu
Mrs. Allen Schneider
February 14, 2006
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required for each of the three parcels to minimize the potential for exposure to chemicals in soil and groundwater beneath the site.

We request that you submit a Corrective Action Plan or Proposal for Deed Restriction by April 20, 2006.

TECHNICAL COMMENTS

1. **Residual Soil Management Plan Screening Criteria.** The Residual Soil Management Plan cites Environmental Screening Levels (ESLs) developed by the San Francisco Bay Area Regional Water Quality Control Board for shallow soil and commercial/industrial use only. ESLs for residential land use are significantly lower than those cited in the Residual Soil Management Plan.
2. **Soil for Landscaped Areas.** The Residual Soil Management Plan indicates that on-site material (such as native soil) that has been specifically approved for reuse and meets the prevailing commercial standards may be used in landscaped areas that will be accessible for human use. Native soil is not to be used in landscaped areas unless the soil is fully characterized by laboratory analyses and the results approved by ACEH.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- April 20, 2006 – Corrective Action Plan or Proposal for Deed Restriction

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

Effective January 31, 2006, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the

Mr. Jack Krause
Ms. Amy Neu
Mrs. Allen Schneider
February 14, 2006
Page 4

SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at jerry.wickham@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEM must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

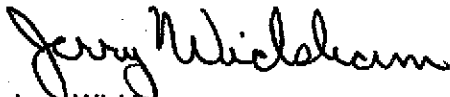
Mr. Jack Krause
Ms. Amy Neu
Mrs. Allen Schneider
February 14, 2006
Page 5

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



307
12-22-05
ENVIRONMENTAL HEALTH SERVICES

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

December 21, 2005

Mr. Jack Krause
Alta Properties, LLC
P.O. Box 2399
Oakland, CA 94614

Subject: SLIC Case No. RO0002746, Former AAA Equipment, 745 50th Avenue, Oakland, CA

Dear Mr. Krause:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, including the report entitled, "Underground Storage Tank Removal Report," dated April 27, 2004 and prepared on your behalf by Levine Fricke. The above-referenced report references several previous reports that are listed in the Request for Information below. We request that you submit these reports in order for us to complete our review of the SLIC case. We also request that you provide a response to the technical comments below by the date indicated in the Technical Report Request.

REQUEST FOR INFORMATION

ACEH's case files for the subject site contains only the report entitled, "Underground Storage Tank Removal Report," dated April 27, 2004. We request that you submit copies of the reports listed below along with other reports you have documenting additional investigation activities or other environmental work related to this site:

- Phase I Environmental Site Assessment (Hageman-Aguilar 2000)
- Soil and Groundwater Investigation Report (Harding ESE 2002)
- Underground Storage Tank Closure Report (Morgan Environmental Services 2002).

TECHNICAL COMMENTS

1. **Soil Excavation and Disposal.** The "Underground Storage Tank Removal Report," dated April 27, 2004 describes various excavations at the site, soil stockpiles, and soil disposal. However, the report is not clear as to the origins and dispositions of excavated and stockpiled soils from each area of the site. Presentation of a table with the approximate volumes of soil excavated from each area shown on Figure 3 would be useful. The table should also include a reference to the soil stockpiles shown on Figure 2, soil samples collected, and whether the soil was disposed off-site or used for backfill. If the soils were used for backfill, please clarify where the soils were placed. Based on the discussions in various locations within the report, the "Loaf Pile" appears to have been a stockpile of spoils from grading an adjacent area of the site. Please clarify whether the soils from the "Loaf Pile" were used for backfill and if so, where the soils were placed.

2. **Monitoring Well.** A monitoring well is described in section 2.0 of the "Underground Storage Tank Removal Report." Please indicate whether this monitoring well has been decommissioned or describe the current condition of the well. Please also provide any analytical data, water level measurements, well construction diagrams, boring logs, or other information relevant to the monitoring well.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **February 15, 2006** – Copies of Requested Reports and Response to Technical Comments

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at jerry.wickham@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

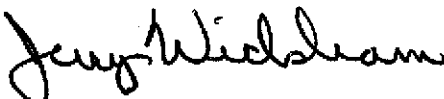
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Mr. Jack Krause
December 21, 2005
Page 4

cc: Larry Lapuyade, Levine Fricke, 1900 Powell Street, 12th Floor, Emeryville, CA 94608-1827

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT

11-7-05

ENVIRONMENTAL HEALTH SERVICES

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

November 4, 2005

Mr. Jack Krause
Alta Properties, LLC
P.O. Box 2399
Oakland, CA 94614

Subject: SLIC Case RO0002746, Former AAA Equipment, 745 50th Avenue, Oakland, CA

Dear Mr. Krause:

In order for ACEH to review reports for your site, we would require an oversight account for the above-referenced site. To set up your account, please send a check in the amount of \$6,000.00 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department.

This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "SLIC" (the type of project), the site address, and the **AR# 0312481** on your check.

If you have any questions, please contact Jerry Wickham at (510) 567-6791.

Sincerely,


Ariu Levi
Division Chief

cc: Larry Lapuyade
Levine Fricke
1900 Powell Street, 12th Floor
Emeryville, CA 94608-1827

Donna Drogos, ACEH
Jacquelyn Jacobs, ACEH
Jerry Wickham, ACEH

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02746

Certified Mail #P 062 128 230

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

November 26, 1990

Mr. Ed Kovell
AAA Equipment Company
745 - 50th Ave.
Oakland, CA 94601

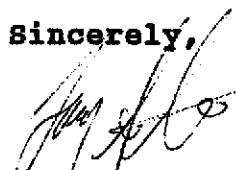
RE: 750 - 50th Ave., Oakland, CA 94601

Dear Mr. Kovell:

During our meeting with your consultant on November 21, 1989, it was agreed upon that you would submit an investigation plan that would define the extent of contamination on your property. As of this date, I have not received it. Please submit this plan, with your present investigation/remediation status within thirty (30) days of the receipt of this letter.

If you have any questions, please contact me at 271-4320.

Sincerely,


Larry Seto, Senior,
Hazardous Materials Specialist

LS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency

RWQCB
Charlene Williams, DOHS
Rafat A. Shahid, Assistant Agency Director, Environmental Health
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SITE: 745 50th Ave

R02746

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

October 31, 1989

Mr. Ed Kovell
AAA Equipment Company
745 - 50th Ave.
Oakland, CA 94601

RE; 750 - 50th Ave., Oakland, CA 94601

Dear Mr. Kovell:

We have reviewed your investigation report dated October 19, 1989, that was prepared by Groundwater Technology. It has been accepted.

If you have any questions, please contact Larry Seto, Senior Hazardous Materials Specialist, at 271-4320.

Sincerely,

Edgar B. Howell, Acting Chief,
Hazardous Materials Program

EBH:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Rafat A. Shahid, Assistant Agency Director, Environmental Health
RWQCB
Howard Hatayama, DOHS
Sandra Lindsey, Groundwater Technology
Files

**ALAMEDA COUNTY
HEALTH CARE SERVICES**

AGENCY

DAVID J. KEARS, Agency Director



Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621

R02746

Certified Mail #P 708 402 830

~~XX~~
~~XX~~
~~XX~~
~~XX~~
Oakland California 94621
(415) 271-4320

November 28, 1988

Mr. Ed Kovell
AAA Equipment Co.
745 - 50th Ave.
Oakland, CA 94601

RE: Final Notice of Violation

Dear Mr. Kovell:

A notice of violation was sent to you dated, September 23, 1987, requesting a plan of correction. A follow-up letter was sent dated, March 8, 1988. As of this date, you have not responded to this office.

Your case has been forwarded to the Alameda County District Attorney's Office for review.

If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 271-4320.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Program

RAS:LS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer & Environmental Protection Agency
Dwight Hoenig, DOHS
Larry Seto, Hazardous Materials Specialist
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

J. MICHAEL LEAHY, Agency Director



R02746

470-27th Street, Third Floor
Oakland, California 94612
(415)

Certified Mail #P 119 024 078

March 9, 1988

Mr. Ed Kovell
AAA Equipment Co.
745 - 50th Ave.
Oakland, CA 94601

RE: SECOND NOTICE OF VIOLATION

Dear Mr. Kovell:

A letter dated September 23, 1987, was sent to you requesting a plan of correction for the clean-up of contaminated soil near your diesel pump. We have not received your plan as requested.

Your attention is directed to Section 25189, 25189.5 and 25191, of the California Hazardous Waste Control Law, which provides for civil and criminal penalties of up to \$25,000, per day, per violation, for violations of the California Hazardous Waste Control Law and/or regulations.

Please submit your plan of correction within ten (10) days of the receipt of this letter.

If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 874-7237.

Sincerely,

R/j A. Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Dwight Hoenig, DOHS

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVID J. KEARS AGENCY
~~XXXXXXXXXXXX~~ Agency Director



R02746

470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

September 23, 1987

Mr. Ed Kovell
AAA Equipment Co.
745 - 50th Avenue
Oakland, CA 94601

Dear Mr. Kovell:

An inspection was made on your premises at the above address on September 15, 1987, by Larry Seto and Lizabeth Rose, from our office. During the inspection, they noticed an area approximately 20' x 15', adjacent to your diesel pump that is discolored. This material must be analyzed for soil contamination. The following test schedule must be used:

1. Gasoline or diesel - total Pet Hydrocarbons
2. Waste Oil
 - a. Total Pet Hydrocarbons
 - b. Oil & Grease
 - c. Volatile Organics

Section 25189(d), California Health and Safety Code, states that any person who negligently disposes or causes the disposal of any hazardous or extremely hazardous waste, at a point which is not authorized, shall be subject to a civil penalty of not more than twenty-five thousand (\$25,000) dollars for each violation.

Section 66328(d), Title 22, California Administrative Code, states, "if corrections are needed, the operator shall provide the department with a written plan of correction, which states the actions to be taken and the expected dates of completion."

Your plan of correction must include, but not be limited to the following:

1. Defining the problem
2. Determining the extent of contamination
3. Name of licensed hazardous waste hauler
4. Location of disposal facility

Mr. Ed Kovell
745 - 50th Ave.
Oakland, CA 94601
September 23, 1987
Page 2 of 2

5. Proposed clean-up action
6. Measures that will be enacted to prevent the problem from recurring.

Your plan of correction must be approved by our department before clean-up commences. Please submit your plan within 30 days of the receipt of this letter.

If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 874-7237.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc

cc: Dwight Hoenig, DOHS
Pete Johnson, RWQCB
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency