

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

April 22, 1993
StID # 4240

Ms. Deborah David, Attorney at Law
Lebovits and David
2049 Century Park East- Suite 3100
Los Angeles, CA 90067

Trans removed 4/9/90

NOTICE OF VIOLATION

**Re: Request for Additional Work Plan for Subsurface Investigation
for 106-110 Hegenberger Rd., Oakland CA 94621**

Dear Ms. David:

Our office received your February 11, 1993 letter on February 16, 1993. Recall, this letter stated that you were working on an alternative proposal and that you hoped to have this proposal within the next 15 days. I assume that this "alternative" proposal is in response to my January 6, 1993 letter to you. This letter commented on the work plan for further investigation provided to our office authored by West Coast Environmental, which our office determined to be inadequate. You were requested to provide a revised work plan **within 30 days of that letter, or by February 6, 1993.** To this date, over 2 months later than anticipated, our office has not received the "alternative" proposal, which you had hoped to receive by February 26, 1993 ie fifteen days after February 11, 1993. Please provide a revised work plan to our office **within 30 days, or by May 22, 1993.**

Our office is concerned about the apparent lack of work which has occurred at this site since the Preliminary Assessment of the former sump location, performed on April 3, 1991. After this investigation, the following events occurred:

* September 4, 1992, a letter to Mr. J. L. David requested a work plan which addressed a series of concerns regarding further investigation for potential soil and groundwater contamination at this site. You were requested to submit this work plan within 30 days.

* September 15, 1992 our office received a letter from you documenting the disposal of stockpiled soils from this site to various landfills. You also stated that you were in the process of "investigating the alternative with respect to the above property" ie 106-110 Hegenberger Rd.

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106-110 Hegenberger Rd.
April 22, 1993

You also stated in this letter that all future correspondence concerning this property should be addressed to you.

* October 6, 1992 a letter was sent to you in the form of a Second Notice of Violation, since our office has yet not received the requested work plan. A copy of Appendix A, a guidance document for a typical work plan was also included in this letter. You were requested to provide the work plan within 45 days.

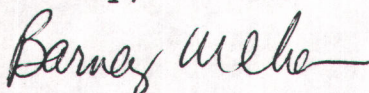
* November 20, 1992 letter from you stated that you had received a proposal from your consultants and you were going to allow the co-owner, your brother, to review it.

* On November 18, 1992, our office received the November 17, 1992 work plan for additional assessment for this site provided by West Coast Environmental.

* In my January 6, 1993 letter to you, I commented on the submitted work plan. I also requested that you submit a timetable which states when the various actions will be performed. You were requested to provide a written response and a revised work plan within 30 days, or by February 6, 1993.

This brings us to the current situation whereby you stated in your Feb. 11, 1993 letter that you are working on an "alternative proposal" which you will be discussing with your brother. It would appear to me that our office should have received the requested written response and revised work plan by this time. For over two years our office has gone back and forth with you in an attempt to obtain an appropriate work plan and a time schedule for the initiation of additional investigation. You should be aware that failure to submit the requested documents may subject you to civil liabilities and case referral to the Water Board or the District Attorney Office for enforcement. You may contact me at (510) 271-4530 or 271-4320 should you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
R. Hiatt, RWQCB
C. Casavan, West Coast Environmental, 4245 Market St., Suite
206, Ventura, CA 93003
E. Howell, files Nov106-110