

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



11-1-00

STD# 1101 → RO# 430
Broadway Motors
2560 Webster St. (LUST)

CLOSED

CES

StdID 1101

October 31, 2000

Mr. Greg Tachiera
Broadway Motors Ford
2560 Webster Street
Oakland, CA 94612

Eugene R Leroy Trust
Wells Fargo Bank
555 California, Suite 2700
San Francisco, CA 94104

ENV
ENV
1131
Alarm
(510
FAX

STD#1216 → RO# 268
American Building Components
6253 Dougherty (LUST)
CLOSED

**SUBJECT: INTENT TO MAKE A DETERMINATION THAT NO FURTHER ACTION IS REQUIRED
OR ISSUE A CLOSURE LETTER FOR 6253 DOUGHERTY ROAD, DUBLIN, CA**

Dear Mr. Tachiera:

This letter is to inform you that Alameda County Environmental Protection (LOP) intends to make a determination that no further action is required at the above site or to issue a closure letter. Please notify this agency of any input and recommendations you may have on these proposed actions within 20 days of the date of this letter.

In accordance with section 25297.15 of Ch. 6.7 of the Health & Safety Code, you must provide certification to the local agency that all of the current record fee title owners have been informed of the proposed action. Please provide this certification to this office within 20 days of the date of this letter.

If you have any questions about these proposed actions, please contact me at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB
Leroy Griffin, Oakland Fire Dept-OES, 1605 MLK Jr. Way, Oakland, CA 94612

bdwymotors5

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



20268

StID 327 / 1216

ENVIRONMENTAL HEALTH SERVICES

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

August 12, 1999

Mr. Paul Douglass
48 Sanborn
Orinda, CA 94563

Mr. Gary Fryer
140 Las Vegas Road
Orinda, CA 94563

**SUBJECT: INTENT TO MAKE A DETERMINATION THAT NO FURTHER ACTION IS REQUIRED
OR ISSUE A CLOSURE LETTER FOR 6253 DOUGHERTY ROAD, DUBLIN, CA**

Dear Messrs. Douglass and Fryer:

This letter is to inform you that Alameda County Environmental Protection (LOP) intends to make a determination that no further action is required at the above site or to issue a closure letter. Please notify this agency of any input and recommendations you may have on these proposed actions within 20 days of the date of this letter.

In accordance with section 25297.15 of Ch. 6.7 of the Health & Safety Code, you must provide certification to the local agency that all of the current record fee title owners have been informed of the proposed action (see enclosed sample letter). Please provide this certification to this office within 20 days of the date of this letter.

If you have any questions about these proposed actions, please contact me at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

enclosure

c: Chuck Headlee, RWQCB
Leroy Griffin, Oakland Fire Department

dougco-3

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0268

ENVIRONMENTAL HEALTH SERVICES

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

StID 1216

July 2, 1999

Mr. Ed Omernik
American Building Components
6253 Dougherty Road
Dublin, CA 94568

RE: Well Decommission at 6253 Dougherty Road, Dublin, CA

Dear Mr. Omernik:

This office and the San Francisco RWQCB have reviewed the case closure summary for the above referenced site and concur that no further action related to the underground tank release is required at this time. Before a remedial action completion letter is sent, the onsite monitoring well (MW-1) should be decommissioned, if it will no longer be monitored. Please notify this office upon completion of well destruction so a closure letter can be issued.

Well destruction permits may be obtained from Alameda County Flood Control and Water Conservation, Zone 7. They can be reached at (925) 484-2600.

If you have any questions, I can be reached at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

R0268

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

StID 1216

May 28, 1999

Mr. Ed Omernik
American Building Components
6253 Dougherty Road
Dublin, CA 94568

**SUBJECT: INTENT TO MAKE A DETERMINATION THAT NO FURTHER ACTION IS REQUIRED
OR ISSUE A CLOSURE LETTER FOR FOR 6253 DOUGHERTY ROAD, DUBLIN, CA**

Dear Mr. Omernik:

This letter is to inform you that Alameda County Environmental Protection (LOP) intends to make a determination that no further action is required at the above site or to issue a closure letter. Please notify this agency of any input and recommendations you may have on these proposed actions within 20 days of the date of this letter.

In accordance with section 25297.15 of Ch. 6.7 of the Health & Safety Code, you must provide certification to the local agency that all of the current record fee title owners have been informed of the proposed action. Please provide this certification to this office within 20 days of the date of this letter.

If you have any questions about these proposed actions, please contact me at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB
William McCammon, Alameda County Fire Dept, QIC Code 41401

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 268

September 4, 1997

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

Ed Omernik
Owner/Operator
American Building Components
6253 Dougherty Road
Dublin, California 94568

SECOND NOTICE OF VIOLATION

**Subject: American Building Components, 6253 Dougherty Road,
Dublin, California 94568**

Dear Mr. Omernik:

This office has had a documented involvement with your company at the above site since February 1987. A consistent pattern of failure to correct violations is obvious by reviewing the history in your file. During the past ten years your company has been cited for mismanagement of hazardous wastes, failure to submit a hazardous materials business plan and unpermitted operation of underground storage tanks.

During the most recent site visit and inspection on August 27, 1997, violations of the California Health and Safety Code and Titles 19 and 22 were noted. The violations are related to the improper management of hazardous wastes and for failure to submit a hazardous materials business plan. The violations found are essentially the same as those noted during the August 26, 1996 inspection of your property conducted, by Paul Smith, Hazardous Materials Specialist. He provided you with a list of noncompliances and a written narrative of issues for correction. As of August 27, 1997 (one year later) none of the items has been corrected.

Because your facility stores hazardous materials and hazardous wastes in large quantities you are required by law to submit a hazardous materials business plan. The intent of the Plan is to assist emergency responders in the identification and location of hazardous chemicals stored on your site. Especially important on a large facility (8 acres) like yours. In addition, the emergency contacts for the facility are critical to stabilizing a potentially hazardous condition. However, no Plan has ever been submitted as required. The forms needed are enclosed.

American Building Components
September 4, 1997
Page 2 of 3

Due to the manner of storage of hazardous materials and wastes, significant spillage of contaminants has occurred directly to the soil. Contamination is apparent in the area of the pressure washing operation and there are patches of stained soil throughout the site. This gross contamination constitutes on-site disposal of hazardous waste, a violation of section 25189.5 of the California Health and Safety Code (CH&SC).

The following sections describe violations found during the August 27, 1997 inspection:

Title 22

1. Section 66265.171 - Failed to transfer hazardous waste from containers not in good condition or leaking to containers in good condition.
2. Section 66265.173(a) - Failed to keep containers of hazardous waste closed except when adding and removing hazardous waste.
3. Section 66265.174 - Failed to inspect areas where containers are stored or transferred at least weekly, to look for leaking containers and deterioration of containers and containment system.
4. Section 66265.31 - Facility not maintained or operated to minimize possibility of fire, explosion, or unplanned release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
5. Section 66265.35 - Failed to maintain adequate aisle space.
6. Section 66262.34(e)(1) - Accumulated hazardous waste in containers beyond the time limits.
7. Section 66262.34(f)(3) - Failed to label containers of hazardous waste with composition and physical state of hazardous waste, hazardous properties, and name and address of generator.
8. Section 66262.40(a) - No manifests available to document disposal of hazardous waste from an active facility generating hazardous waste.
9. Section 66265.51(a) - No contingency plan for emergency procedures.
10. Section 66265.16(a)(1) - Personnel failed to complete training course to assure compliance with hazardous waste requirements.
11. Section 66265.37 - No arrangements made with police, fire department, emergency response personnel in the event of an emergency on the site.

The following violations of the California Health and Safety Code apply to the hazardous materials business plan:

American Building Components
September 4, 1997
Page 3 of 3

CH&SC

1. Section 25503.5(a), states that "any business that handles a hazardous material shall establish and implement a plan for emergency response or threatened release of a hazardous material." No plan on site or on file in this office.
2. Section 25505(d), requires that a business shall annually submit a completed inventory form to the local agency. No inventory forms submitted.

Title 19

1. Section 2731, no provisions in the business plan to include procedures for notification of emergency personnel and mitigation of releases or threatened releases.
2. Section 2732, no documented training for employees in safe handling of hazardous materials or use of emergency equipment.

You are directed to submit a written plan of correction for all of the above violations. The plan will include a timeline for resolution of the issues addressed in this notice. The plan is due within 15 days of the date of this letter and no later than September 25, 1997. This office will approve or amend the plan as necessary to return your site to full compliance. However, you are responsible for carrying out the corrective action in a timely manner. Failure to comply will be grounds for referral to the Alameda County District Attorney's Office for further action.

If you have any questions related to this matter, please contact me at (510)567-6781.

Sincerely,



Robert Weston
Sr. Hazardous Materials Specialist

enclosure

c: Richard Ambrose, City Manager, Dublin
Ken Peterson, Building Official, Dublin
Russ Reid, Fire Inspector, Alameda County Fire Department
Larry Blazer, Alameda County District Attorney's Office
Ariu Levi, Manager, Environmental Protection
Gordon Coleman, Chief, Environmental Protection
Mee Ling Tung, Director, Environmental Protection

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

R0268
RAFAT A. SHAHID, DIRECTOR

StID 1216

November 29, 1995

Mr. Ed Omernik
6253 Dougherty Rd
Dublin, CA 94568

Alameda County Environmental Health Dept.
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577
(510)567-6700 fax: (510)337-9335

SECOND NOTICE OF VIOLATION

Dear Mr. Omernik:

On April 19, 1995 the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requesting technical reports detailing the work performed in the installation of a groundwater monitoring well at 6253 Dougherty Rd, Dublin. As of the date of this letter, however, we have not received any communication from you on this matter. Therefore, this letter constitutes a Second Notice that you are in violation of specific laws and that the technical report is due.

According to Section 25298 of the California Health and Safety Code, underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. Therefore, you, as the responsible party are in violation of this section of the Code, for which Section 25299 specifies civil penalties of up to \$5,000, for each day of violation, upon conviction. Also, failure to furnish technical reports regarding documented or potential groundwater contamination violates Section 13267(b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues.

You are required to submit the technical reports for the site to this office within 15 days from the date of this letter. Failure to respond will result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
files (omernik.11)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0268

RAFAT A. SHAHID, Assistant Agency Director

StID 1216

April 19, 1995

Mr. Ed Omernik
American Building Components
6253 Dougherty Rd
Dublin CA 94568

ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIV.
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

RE: Technical Report for 6253 Dougherty Rd, Dublin 94568

Dear Mr. Omernik:

On December 14, 1994 I was present for the installation of a monitoring well at the above referenced site. To date, this office is not in receipt of a report documenting the installation and sampling of the well. Reports are usually submitted within 60 days upon completion of field work. Please provide a copy of the monitoring well installation report to this office by **May 8, 1995**.

Also, a quarterly monitoring schedule should be implemented immediately for the sampling of this well. Technical summary reports documenting each well sampling and monitoring episode are also due quarterly. This schedule shall continue until further notice. All reports must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

Should you have any questions about the content of this letter, please contact me at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: John Mrakovich, TPE, 2821 Whipple Rd, Union City 94587
files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0268

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1216

July 21, 1994

Mr. Ed Omernik
American Building Components
6253 Dougherty Rd
Dublin, CA 94568

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

SECOND NOTICE OF VIOLATION

Dear Mr. Omernik:

On May 12, 1994, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter approving a workplan for the installation of a monitoring well in the downgradient direction of the former tank pit at **6253 Dougherty Rd, Dublin**. This work was to have been completed by June 30, 1994. As of the date of this letter, however, we have not received any communication from you on this matter that this phase of the investigation has been completed. Therefore, this letter constitutes a **Second Notice** that you are in violation of specific laws and that the monitoring well must be installed.

According to Section 25298 of the California Health and Safety Code, underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. Therefore, you, as the responsible party are in violation of this section of the Code, for which Section 25299 specifies civil penalties of up to \$5,000, for each day of violation, upon conviction.

You are required to commence with the installation of the monitoring well for the site within 21 days of the date of this letter, or by August 15, 1994. Failure to respond will result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.

If you have any questions, I can be reached at (510) 337-2864.

eva chu
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
files (omernik@)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0268

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

StID 1216

May 12, 1994

Mr. Ed Omernik
American Building Components
6253 Dougherty Rd
Dublin, CA 94568

Subject: Workplan Approval for 6253 Dougherty Rd, Dublin 94568

Dear Mr. Omernik:

I have completed review of Tank Protect Engineering's May 1994 Workplan for Groundwater Monitoring Well Installation for the above referenced site. The proposal to install one monitoring well in the downgradient direction of the former tank pit is acceptable. Field activities should commence **within 45 days of the date of this letter**. Please notify this office at least 72 hours prior to the start of field work.

If you have any questions, I can be reached at (510) 271-4530.

Sincerely,

eva chu
Hazardous Materials Specialist

cc: John Mrakovich, TPE, 2821 Whipple Rd, Union City 94587
Gil Jensen, Alameda County District Attorney's Office
files

omernik8

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0268

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

March 18, 1994

Mr. Ed Omernik
American Building Components
6253 Dougherty Road
Dublin, CA 94568

RE: StID 1216 - 6253 Dougherty Road, Dublin, CA 94568

NOTICE OF VIOLATION

Dear Mr. Omernik:

On January 7, 1994, the San Francisco Bay Regional Water Quality Control Board (RWQCB) issued a letter requesting submittal of a technical report resulting from the Alameda County Department of Environmental Health's Pre-Enforcement Review Panel meeting on October 26, 1993.

The cited January 7, 1994 RWQCB letter requests, under authority of California Water Code Section 13267(b), the submittal of a work plan for the further assessment of soil and ground water pollution associated with leaks from the underground storage tanks formerly located at the above referenced site. This work plan was due within 30 days, or by February 8, 1994. This date has since passed, and no work plan has been submitted on your behalf.

Please be advised that California Water Code Section 13267(b) provides for fines of up to \$1000 per day of delinquency. Please be further advised that your case will be referred to the Alameda County District Attorney's Office for enforcement of the RWQCB request for technical reports if this office does not receive the required report by April 21, 1994.

If you have any questions, I can be reached at (510) 271-4530.

eva chu
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
files

omernik7

**ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY**

DAVID J. KEARS, Agency Director



R0268

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1216

February 25, 1994

Gil Jensen
Alameda County District Attorney's Office
7677 Oakport, Suite 400
Oakland, CA 94621

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

re: **Ed Omernik, American Building Components, 6253 Dougherty
Rd., Dublin 94568**

Dear Mr. Jensen:

As a result of the Pre-Enforcement Review Panel on October 26 1993, Mr. Ed Omernik was requested by the RWQCB (January 7, 1994) to submit a technical report to address soil and groundwater contamination at the above referenced site to this agency by February 7, 1994. To date we are not in receipt of the required technical report.

At this time, I am referring this case to your office for legal action. Please call if you need to review the case file.

Sincerely,

eva chu

cc: Rich Hiett, RWQCB
files

omernik6

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)	Notice of Official Action
American Building Components)	By the San Francisco Bay
6253 Dougherty Road)	Regional Water Quality
Dublin, CA 94568)	Control Board
<hr/>		

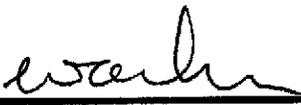
Dear Mr. Omernik:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Eva Chu, do hereby certify
that I served Mr. Ed Omernik with a copy of the
attached Notice of Official Action by the Regional Board by
certified mailer # P 418 724 697.

Dated: 1/25/94


(signature)

cc: Gil Jensen, Alameda County District Attorney's Office
files (omernik5)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :

American Building Components)
6253 Dougherty Road)
Dublin, CA 94568)

Proof of Service of
Notice of
Pre-Enforcement
Review Panel

I Eva Chu, do hereby certify
that I served Mr. Ed Omernik
with a copy of the attached Notice of Pre-Enforcement Review
Panel on October 4, 1993 by certified
mailer # P 422 218 042

Dated: 10/4/93

Eva Chu
(signature)

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :)
)
 American Building Components)
 6253 Dougherty Road)
 Dublin, California)

**Notice of
Pre-Enforcement
Review Panel**

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on **October 26, 1993 at 11:00 AM** in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. Mr. Ed Omernik
6253 Dougherty Road
Dublin, CA 94568

Dated: 10/4/93

W. S. ...
(signature)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0268

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

StID 1216

October 16, 1992

Ed Omernik
American Building Components
✓ 6253 Dougherty Rd.
Dublin, CA 94568

Subject: Summary of Meeting with the RWQCB and ACDEH

Dear Mr. Omernik:

As discussed at the meeting of October 15, 1992, the following concerns remain to be resolved before site closure can be considered:

1. The extent of soil contamination has not been delineated.
2. Well log and screen interval of the production well is lacking. Data from this well may not be representative of the same groundwater encountered during the underground storage tank removal.
3. Verified downgradient has not been determined.
4. Groundwater contamination, if any, has not been determined.

Your consultant should propose a workplan detailing work which will determine the extent and severity of soil and groundwater contamination which may have resulted from the release at this site. Please refer to the letter dated May 26, 1992, from Mr. Scott Seery of this office and the Tri-Regional Board Guidelines.

Should you or your consultant have any questions or comments about the next phase of investigation, please contact me at (510) 271-4530.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eva Chu".

Eva Chu
Hazardous Materials Specialist

cc: Rich Hiett, RWQCB
Edgar Howell/files

omernik.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0268

Certified Mailer # P 062 128 108 ;

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

December 24, 1990

Mr. Ed Omernik
American Building Components
6253 Dougherty Rd.
Dublin, CA 94568

NOTICE OF VIOLATION

Dear Mr. Omernik:

The Alameda County Department of Environmental Health, Hazardous Materials Division inspected the American Building Components facility on December 21, 1990. During this inspection you stated that you had removed two underground tanks, one containing diesel fuel and the other containing gasoline, from the ground "about a month ago." These two removed tanks were stored adjacent to the hazardous waste accumulation area. The pit from which the tanks came was still open, and the excavated soil was stockpiled around the hole. You also stated that you intended to use the tanks for water storage around the yard.

With regard to the removal of these underground tanks, American Building Components (ABC) did not file a closure plan with this office, as required prior to removal; ABC also failed to notify the Dougherty Regional Fire Authority of its intent to close the tanks, so there is no documentation that the tanks were removed safely. Finally, ABC did not collect the samples required to show the level of contamination, if any, beneath and around the tanks. This situation constitutes improper closure of underground tanks, which violates specific sections of the California Code of Regulations (CCR) and the California Health and Safety Code (H&SC). These violations will be cited later in this letter.

ABC shall take the following steps immediately:

- A. Arrange to have both tanks transported by a licensed hazardous waste hauler to a recycler certified by the state Department of Health Services. (In the Bay Area, H&H Shipping of San Francisco and Erickson Inc. of Richmond are certified for this purpose.) Underground tanks are considered hazardous waste under state law and must be handled accordingly; ABC must have a representative from the Dougherty Regional Fire Authority certify the tanks as safe prior to their removal from the site.

Mr. Ed Omernik
December 24, 1990
Page 2 of 4

- B. Arrange for an experienced environmental consultant to collect four soil samples from the bottom of the tank pit. The sampling must occur under the supervision of a representative from this office. All samples must then be analyzed by a state-certified laboratory for TPH-diesel, TPH-gasoline, and BTEX, with the results from these analyses submitted to this office 30 days after sampling.
- C. Excavated soil now stockpiled on site must be sampled and characterized in a manner approved by this office. The lab results shall be submitted here before the soil can be moved. ABC must completely cover the stockpile with an impermeable barrier to prevent the potential for contaminant runoff.
- D. Submit a deposit of \$558 to this office immediately, to cover the Division's time spent on project oversight.

These are underground tank closure requirements that apply to any tank removal under our jurisdiction.

As of December 21, 1990, ABC was in violation of the following underground tank/hazardous waste laws.

1. Sec. 2672, Title 23, CCR - Permanent closure requirements were not met because of the manner in which the tanks were removed.
2. Sec. 25298, H&SC - This section of code prohibits the improper closure of an underground tank. Sec. 25299 H&SC, in part, states the following: "Any operator of an underground tank system shall be liable for a civil penalty of not less than \$500 or more than \$5,000 for each underground storage tank for each day of violation for any of the following violations: (emphasis added)
 - failure to maintain [monitoring] records as required by this chapter;
 - failure to properly close an underground tank system, as required by Sec. 25298;
 - failure to permit inspection or to perform any monitoring, testing, or reporting required pursuant to Secs. 25288 or 25289; and
 - knowing failure to take reasonable and necessary steps to assure compliance with this chapter by the operator of an underground tank system."

Mr. Ed Omernik
December 24, 1990
Page 3 of 4

Based on previous correspondence between this office and ABC, you had indicated an awareness that underground tanks require proper monitoring, and that a closure plan was required to be submitted and approved by us before any tanks could be removed.

3. Sec. 66508, Title 22, CCR - There are at least four drums containing hydrocarbon-contaminated soil that have been stored on the facility premises well over the limit of 90 days. These same drums were the subject of a notice of violation to ABC dated October 24, 1989. These and other drums containing hazardous waste are not labeled as such.
4. Sec. 67243, Title 22, CCR - Two open cans of what appeared to be waste oil were found in the hazardous waste accumulation area. In addition, some of the drums containing solid hazardous waste were open.
5. Sec. 67244, Title 22, CCR - It remains clear that regular inspections of the yard's hazardous material/waste operations are not being conducted so that violations can be corrected, as is required pursuant to this section.

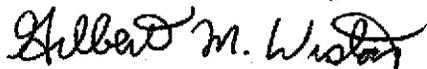
In addition, ABC is in continuing violation of all items enumerated in the October 24, 1989 notice of violation, that have not been specifically corrected to date. ABC must submit a detailed Plan of Correction to this office no later than January 14, 1991. At a minimum, the plan shall include each of the following items:

- 1) The issues raised in points A - D on pages 1 and 2 of this letter.
- 2) Proof that all areas of stained soil noted in previous inspections have been fully excavated, and that all contaminated soil has been properly disposed of. ABC must submit copies of manifests documenting the disposal of this contaminated soil.
- 3) The date that you have arranged for a consultant to collect samples or install soil borings in the area of the documented release of diesel fuel in 1987. Samples must be analyzed at a state-certified laboratory for TPH-D and TOG.
- 4) A written set of procedures that indicate specifically how ABC will prevent future spills, drips, or other releases of hydrocarbons onto the soil or gravel, including a description of who will be responsible for regular inspections of the yard's operations, how often the inspections will take place, and how they will be conducted. The response in ABC's letter of November 8, 1989 is insufficient.

Mr. Ed Omernik
December 24, 1990
Page 4 of 4

If you have any questions concerning this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

c: Howard Hatayama, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Tom Hathcox, Dougherty Regional Fire Authority
Rafat A. Shahid, Assistant Agency Director, Environmental Health
files





Certified Mailer # P 062 127 686

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)71-4320

October 24, 1989

Mr. Ed Omernik
President
American Building Components
6250 Dougherty Rd.
Dublin, CA 94568

FINAL NOTICE OF VIOLATION

Dear Mr. Omernik:

In a second notice of violation sent to you on July 28, 1989, the Alameda County Department of Environmental Health, Hazardous Materials Division, pointed out a number of violations of the Hazardous Waste Control Law at your facility. In this notice, we requested that you submit a Plan of Correction to this office, which you sent in on August 10, 1989. To check on your compliance with the items mentioned in the letter, the Division conducted a follow-up inspection on October 17.

After our inspection in June 1989, we had requested twice (in two separate notices of violation) that you 1) properly dispose of a diesel-contaminated stockpile of soil and 2) collect samples under the area from which this soil was excavated, to show that all contaminated materials had been removed. In your Plan of Correction, you indicate that this soil "will be removed...when the necessary paperwork is completed." There is no mention of any sampling being conducted in the area from which the contaminated soil was taken. In addition, this soil, now contained in four 55-gallon drums, has still not been hauled from American Building Components' yard. This violates Title 22, Sec. 66508 of the California Code of Regulations, for overtime storage of hazardous waste.

Also in your August 1989 letter, you mention that areas with noticeable oil contamination were being removed, and that you hoped to have this process, as well as all other work, completed by the end of September 1989. This office's October 17 inspection revealed that some areas of stained soil had in fact been excavated; however, many other areas of significant staining, some apparently fresh, remain. All of these contaminated areas must be excavated fully, with the resulting soil manifested and removed as hazardous waste.

Mr. Ed Omernik
October 24, 1989
Page 2 of 3

The following violations of the California Code of Regulations, Title 22, noted at your facility during the June 1, 1989 inspection, have been corrected.

- A. Sec. 66472 - EPA identification number
- B. Sec. 66508 - Labeling
- C. Sec. 67124 - Aisle space in the storage trailer
- D. Sec. 67241 - Condition of storage containers
- E. Sec. 67245 - Secondary containment

The following violations of Title 22 (over and above the points discussed on pg. 1 of this letter) were noted in the inspection of October 17, representing issues that have not been dealt with to the Division's satisfaction.

- 1. Sec. 67243 - Two open cans of solvent were found next to the wash tank adjacent to the oil storage/fuel pumping shed.
- 2. Sec. 67244 - It is clear from the appearance of the oil storage/fuel pumping shed, from the many areas of stained soil on the ground, and from the item noted above, that regular inspections of the yard's hazardous material/waste operations are not being conducted.

In addition, American Building Components is operating two underground storage tanks in violation of the California Code of Regulations, Title 23, Chapter 3, Subchapter 3, Article 4, Sec. 2641. This section requires underground tank operators to specify and implement a monitoring alternative; American Building Components has had precision leak tests on the tanks within the past year, but has failed to specify or implement any of the other required monitoring alternatives. The two tanks must either come into compliance with Title 23, or be removed from the ground immediately.

You are required to submit a Plan of Correction to this office no later than November 9, 1989. At a minimum, the plan must include each of the following items:

- 1) Proof that all areas of stained soil throughout the yard have been fully excavated, and that this "new" contaminated soil as well as the four drums of "old" contaminated soil has been properly disposed of. You must submit copies of manifests documenting the disposal of contaminated soil.

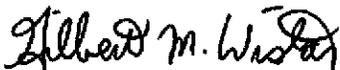
Mr. Ed Omernik
October 24, 1989
Page 3 of 3

- 2) The date that you have arranged for a consultant to collect samples under the area from which the original pile of diesel-contaminated soil was removed. These samples are designed to demonstrate that all of the residual hydrocarbons have been removed, and must be analyzed at a state-certified laboratory for TPH-D and TOG.
- 3) A written set of procedures that indicate specifically how American Building Components will prevent future spills, drips, or other releases of hydrocarbons onto the soil or gravel. This must include a description of who will be responsible for regular inspections of the yard's operations, how often the inspections will take place, and how they will be conducted.
- 4) Three sets of a completed closure plan for the underground tanks at the facility (blank enclosed), in light of your stated intention to remove the two tanks.

We strongly urge you to address these issues immediately, because Sections 25189, 25191, and 25299 of the California Health and Safety Code authorize penalties of up to \$25,000 per day for each violation of Title 22 and 23 regulations. The Alameda County District Attorney's office will follow up on this case.

If you have any questions concerning this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

c: Doug Krause, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Margaret Ong, Alameda County District Attorney's office
Tom Hathcox, Dougherty Regional Fire Authority
Rafat A. Shahid, Assistant Agency Director, Environmental Health
files



Certified Mailer # P 833 981 495

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)271-4320

July 28, 1989

Mr. Ed Omernik
President
American Building Components
6253 Dougherty Rd.
Dublin, CA 94568

SECOND NOTICE OF VIOLATION

Dear Mr. Omernik:

In a notice of violation sent to you on June 5, 1989, the Alameda County Department of Environmental Health, Hazardous Materials Division, pointed out a number of violations of the Hazardous Waste Control Law at your facility. In this notice, we requested that you submit a Plan of Correction to this office by July 5, 1989. Previously, we had requested that you properly dispose of a diesel-contaminated stockpile of soil and collect samples under the area from which this soil was excavated, to show that all contaminated materials had been removed. These requests were reiterated in the June 5 notice of violation. As of the date of this letter, however, we have received no communication from you. Therefore, you are being given a second notice for the violations indicated below.

During the inspection that prompted the June 5 notice of violation, many areas of stained soil were found, where spillage of oil, diesel, or hydraulic fluid had occurred. Contamination was particularly evident between the waste oil storage area and the steam-cleaning area, but stained soil was present throughout the facility. All of these contaminated areas should be excavated, with the resulting soil manifested and removed as a hazardous waste.

Another item noted during this inspection was the steam-cleaning setup, which cannot continue as currently configured. This is because there is no means of collecting runoff from the steam cleaner and separating the lighter oils and heavier sludges from water. Your steam cleaner setup, as well as the spillage noted above constitute on-site disposal of hazardous waste, which violates Section 25189.5 of the California Health and Safety Code.

Mr. Ed Omernik
July 28, 1989
Page 2 of 3

The following violations of the California Code of Regulations, Title 22, were also noted at your facility.

1. Sec. 66472 - The facility has no EPA identification number, which is required for all generators of hazardous waste, and will be necessary for the proper disposal of contaminated soils.
2. Sec. 66508 - Waste oil containers throughout the yard, but especially adjacent to the steam-cleaning area, are not labeled properly. In addition, none of the drums had beginning accumulation dates indicated on them, and the old wash tank towards the front of the yard contains solvent waste that has been on-site for over 90 days.
3. Sec. 67124 - The shed containing asphalt and paint materials would not permit the unobstructed movement of personnel and response equipment in the event of an emergency. This shed is a potential fire hazard, and is less than 50 ft. from the property line.
4. Sec. 67241 - Some drums and other containers throughout the property are rusted or otherwise in deteriorated condition. This is particularly apparent in the storage shed containing one-gallon cans of asphalt and paint materials, where thick, black liquid was noted leaking from one of the containers stored on its side. Product/waste in such containers should either be used up immediately or transferred to containers in better condition.
5. Sec. 67243 - Most of the waste oil containers seen during the inspection were open; they should always be kept closed except when adding or withdrawing oil from the containers.
6. Sec. 67244 - The facility has failed to carry out regular inspections of product and waste storage areas, which are in poor condition. The oil drum shed (housing the gasoline and diesel pumps) should be better maintained, as should the waste oil storage area.
7. Sec. 67245 - The waste oil storage area has no secondary containment system. The drums in this area are stored outdoors, so that the required secondary containment system should have a volume of at least 10% of the combined volume of all drums in storage plus at least 3 inches of freeboard to contain precipitation.

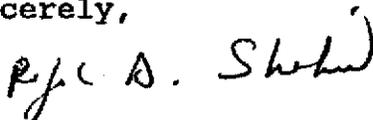
Mr. Ed Omernik
July 28, 1989
Page 3 of 3

In accordance with Sec. 66328, you must submit a Plan of Correction to this office, and no later than **August 11, 1989**. The plan should specify the actions you will take to address each of the above violations and their expected dates of completion. By this same date, we are requiring that you submit manifests documenting proper disposal of contaminated soil. With regard to the underground tanks, you must install continuous leak detection equipment, as well as overfill basins around the fill pipes, in order for them to be properly permitted. You must also implement daily inventory reconciliation and have both tanks precision leak-tested annually (the next test will be due in February 1990). Otherwise, you must remove the tanks according to state law.

We strongly urge you to address these issues immediately, because Sections 25189, 25191, and 25299 of the California Health and Safety Code authorize penalties of up to \$25,000 per day for each violation of Title 22 and 23 regulations.

If you have any questions concerning this letter, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,



Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:GW:gw

c: Doug Krause, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Tom Hathcox, Dougherty Regional Fire Authority



Certified Mailer # P 833 981 428

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

June 5, 1989

Mr. Ed Omernik
President
American Building Components
6253 Dougherty Rd.
Dublin, CA 94568

NOTICE OF VIOLATION

Dear Mr. Omernik:

In a letter sent to you on January 12, the Alameda County Department of Environmental Health, Hazardous Materials Division, requested that you remove a diesel-contaminated stockpile of soil from your facility as a hazardous waste. The Division also requested that you collect samples from under the area from which this soil was excavated, to show that all contaminated materials had been removed. To date, this has not occurred. In that same letter, you were instructed to either remove your underground tanks or get them properly permitted; despite the precision test you conducted on February 14, 1989, the two underground tanks on the premises do not comply with state regulations. In addition, during routine inspections of neighboring businesses, the Hazardous Materials Division noted areas of soil staining in the American Building Components yard. For these reasons, the Division, with the assistance of the Alameda County District Attorney's Office, conducted a follow-up inspection of your facility on June 1, 1989.

During the inspection, the pile of diesel-contaminated soil in the back of the facility was noted; it had a noticeable odor of petroleum. This soil should be removed as a hazardous waste, under manifest, to a licensed disposal facility. The inspectors also found many areas of stained soil where spillage of oil, diesel, or hydraulic fluid had occurred. Contamination was particularly evident between the waste oil storage area and the steam-cleaning area, but stained soil was present throughout the facility. All of these contaminated areas should be excavated, with the resulting soil manifested and removed as a hazardous waste.

Another item noted during the inspection was the steam-cleaning setup, which cannot continue as currently configured. This is

Mr. Ed Omernik
June 5, 1989
Page 2 of 3

because there is no means of collecting runoff from the steam cleaner and separating the lighter oils and heavier sludges from water. Your steam cleaner setup, as well as the spillage noted above constitute on-site disposal of hazardous waste, which violates Section 25189.5 of the California Health and Safety Code.

During the inspection, the following violations of the California Code of Regulations, Title 22, were noted at your facility.

1. Sec. 66472 - The facility has no EPA identification number, which is required for all generators of hazardous waste, and will be necessary for the proper disposal of contaminated soils.
2. Sec. 66508 - Waste oil containers throughout the yard, but especially adjacent to the steam-cleaning area, are not labeled properly. In addition, none of the drums had beginning accumulation dates indicated on them, and the old wash tank towards the front of the yard contains solvent waste that has been on-site for over 90 days.
3. Sec. 67124 - The shed containing asphalt and paint materials would not permit the unobstructed movement of personnel and response equipment in the event of an emergency. This shed is a potential fire hazard, and is less than 50 ft. from the property line.
4. Sec. 67241 - Some drums and other containers throughout the property are rusted or otherwise in deteriorated condition. This is particularly apparent in the storage shed containing one-gallon cans of asphalt and paint materials, where thick, black liquid was noted leaking from one of the containers stored on its side. Product/waste in such containers should either be used up immediately or transferred to containers in better condition.
5. Sec. 67243 - Most of the waste oil containers seen during the inspection were open; they should always be kept closed except when adding additional oil.
6. Sec. 67244 - The facility has failed to carry out frequent inspections of product and waste storage areas, which are in poor condition. The oil drum shed (housing the gasoline and diesel pumps) should be better maintained, as should the waste oil storage area.

Mr. Ed Omernik
June 5, 1989
Page 3 of 3

7. Sec. 67245 - The waste oil storage area has no secondary containment system. The drums in this area are stored outdoors, so that the required secondary containment system should have a volume of at least 10% of the combined volume of all drums in storage plus at least 3 inches of freeboard to contain precipitation.

In accordance with Sec. 66328, a Plan of Correction must be submitted to this office within 30 days, or by July 5, 1989. The plan should specify the actions to be taken to address each of the above violations and their expected dates of completion. By this same date, we are requiring that you submit manifests documenting proper disposal of contaminated soil. With regard to the underground tanks, you must install continuous leak detection equipment, as well as overflow basins around the fill pipes, in order to be properly permitted. You must also implement daily inventory reconciliation and have both tanks precision leak-tested annually (the next test will be due in February 1990). Otherwise, you must remove the tanks according to state law.

Your attention is directed to Sections 25189, 25191, and 25299 of the California Health and Safety Code, which authorize civil and criminal penalties of up to \$25,000 per day for each violation of Title 22 and 23 regulations.

If you have any questions concerning this letter, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,


Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:GW:gw

c: Doug Krause, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Norm Healy, D.A. Investigator, Consumer and Environmental
Protection Division
Tom Hathcox, Dougherty Regional Fire Authority

American Building Components
January 9, 1989
Page 2 of 2

If you have any questions regarding this matter, please contact
Thomas Peacock, Senior Hazardous Material Specialist, at
271-4320.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:tfp

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director



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

R0268

November 16, 1988

CM# 833 981 144

Telephone Number: (415) 271-4320

Mr. Ed Omernik
American Building Components Co.
6253 Dougherty Rd.
Dublin, CA 94568

Final Notice of Violation

Dear Mr. Omernik:

On March 4, 1988, you were given permit applications for your two underground storage tanks and a business plan application because of your having more than 55 gallons of hazardous materials on your premises. You were asked to return the completed forms to our office within 30 days. On September 20, 1988 you were again given the necessary forms and reminded of the importance of returning those forms to our office. On October 11, 1988 you were sent a Second Notice of Violation for failure to file these forms. To date this office has not received any of these plans or permit applications. The failure to submit these forms is a violation of Title 19 for Business Plans and Title 23 of the California Code of Regulations for underground tanks.

If you have any questions regarding this matter, please contact Thomas Peacock, Senior Hazardous Material Specialist, at 271-4320.

Sincerely,

Rafat A. Shahid
Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:tfp

cc: Regional Water Quality Control Board
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director



Department of Environmental Health
Hazardous Materials Division
80 Swaney, Room 200
Oakland, CA 94621

R0268

October 11, 1988

Telephone Number: (415) 271-4320

Certified Mailer #P 833 981 127

Mr. Ed Omernik
American Building Components Co.
6253 Dougherty Road
Dublin, CA 94568

SECOND NOTICE OF VIOLATION

Dear Mr. Omernik:

On March 4, 1988, you were given permit applications for your two underground storage tanks and a business plan application because of your having more than 55 gallons of hazardous materials on your premises. You were asked to return the completed forms to our office within 30 days. On September 20, 1988 you were again given the necessary forms and reminded of the importance of returning those forms. To date this office has not received any of these plans or permit applications. The failure to submit these forms is a violation of Title 19 for Business Plans and Title 23 of the California Administrative Code for underground tanks.

If you have any questions concerning this matter, please contact Thomas Peacock at 271-4320.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:tfp

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