

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

R0535

STID 4611

January 15, 1997

PHH Homequity c/o Mark Dunn
Mason McDuffie Real Estate
25 Orinda Way, Suite 220
Orinda, CA 94563

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

"NOTICE OF VIOLATION"

RE: RESIDENCE - 1142 SUNNYHILLS ROAD, OAKLAND, CA 94610

Dear Mr. Dunn:

This letter serves to follow-up to a Alameda County Health Care Services Agency (ACHCSA) letter dated March 6, 1996. In this letter you were requested to **submit all manifests for the disposal of contaminated soils within 30 days, or by April 8, 1996. In addition you were requested to submit an Unauthorized Leak Report (ULR).**

A letter from AllPro Environmental Corporation dated March 18, 1996, stated that copies of the non-hazardous manifests were forwarded to the client, and that copies may be obtained by contacting Keller Canyon Landfill. **Please be advised that it is the responsibility of the responsible party(s) to submit this required documentation.** To my knowledge, neither the soil disposal manifests or the ULR report have been received by this office. A copy of the March 6, 1996 letter is enclosed for your review, along with an additional copy of an ULR.

At this time you are directed to submit the above requested information within 30 days of the date of this letter, or no later than February 18, 1997.

Please be advised that failure to satisfy this request will result in the referral of this case to the Alameda County District Attorneys Office. Please be further advised that Section 25299(b) of the California Health and Safety Code, among other possible statutes, provides for civil penalties of up to \$5000 per tank per day for failure to comply with this directive.

Please contact Thomas Peacock at 510/567-6782 should you have any questions about the content of this letter.

Sincerely,

Dale Klettke, CHMM
Hazardous Materials Specialist
enclosure

Mark Dunn

RE: 1142 Sunnyhills Road, Oakland

January 15, 1997

Page 2 of 2

c: Bob Chambers, Alameda County District Attorney's Office
Jeffery Hacker, PHH Homequity, 400 East Las Colinas Blvd., Suite 300,
Irvine, TX 75039-5536
Michael Falk, AllPro, 1125-B Arnold Drive, Suite 284, Martinez, CA 94553
Resident, 1142 Sunnyhills Road, Oakland CA 94610
Thomas Peacock, LOP Manager--files

4611nov1.ubr

PC

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO # 535
RAFAT A. SHAHID, DIRECTOR

STID 4611

March 6, 1996

PHH Homequity c/o Mark Dunn
Mason McDuffie Real Estate
25 Orinda Way, Suite 220
Orinda, CA 94563

DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

"SECOND NOTICE"

RE: UNDERGROUND STORAGE TANK REMOVAL
RESIDENCE - 1142 SUNNYHILLS ROAD, OAKLAND, CA 94610

Dear Mr. Dunn:

This letter serves to follow-up to a Alameda County Health Care Services Agency (ACHCSA) letter from Jennifer Eberle dated February 17, 1995. In this letter you were requested to **submit all manifests for the disposal of contaminated soils within 30 days, or by March 17, 1995. In addition you were requested to submit an Unauthorized Leak Report (ULR).**

To my knowledge, neither the soil disposal manifests or the ULR report have been received by this office. A copy of the February 17, 1995 letter is enclosed for your review.

At this time you are directed to submit the above requested information within 30 days of the date of this letter, or no later than April 8, 1996.

Please be advised that failure to satisfy this request may result in the referral of this case to the Alameda County District Attorneys Office. Please be further advised that Section 25299(b) of the California Health and Safety Code, among other possible statutes, provides for civil penalties of up to \$5000 per tank per day for failure to comply with this directive.

I have just recently taken over management of this case from Jennifer Eberle of this office. Please call me at your earliest convenience concerning this matter. Failure to reply to this request may subject you additional penalties under the Water Code. Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,

Dale Klettke, CHMM
Hazardous Materials Specialist

enclosure

Mark Dunn

RE: 1142 Sunnyhills Road, Oakland

March 6, 1996

Page 2 of 2

bc c: Gil Jensen, Alameda County District Attorney's Office
Jeffery Hacker, PHH Homequity, 400 East Las Colinas Blvd., Suite 300,
Irvine, TX 75039-5536
Michael Falk, AllPro, 1125-B Arnold Drive, Suite 284, Martinez, CA 94553
Resident, 1142 Sunnyhills Road, Oakland CA 94610
Thomas Peacock, LOP Manager--files

4611sec.not

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0535

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 17, 1995
STID 4611

PHH Homequity
c/o Mark Dunn
Mason McDuffie Real Estate
25 Orinda Way, Suite 220
Orinda CA 94563

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

re: Underground Storage Tank Removal follow up
Residence, 1142 Sunnyhills Rd., Oakland CA 94610

Dear Mr. Dunn,

My last letter to you was dated 11/2/94, in which I requested 1) proper documentation of soil disposal, and 2) a letter from a California-Registered civil or structural engineer stating that further excavation would have jeopardized the structural integrity of the house.

I have since received two letters from Jeffrey Hacker of PHH Homequity, dated 11/8/94 and 11/22/94. I have also received your two letters, dated 11/16/94 and 11/18/94. The former letter included the appropriate letter from a Professional Engineer. The latter letter was addressed to All Pro Environmental Corp, requesting a manifest for soil disposal.

To date, I have not received a manifest for the disposal of soil. **This case remains open until I receive this documentation. Since you have been identified as the "responsible party" for this site, you are responsible for submitting this documentation.** I believe our mutual goal is the closure of this case. At that point, a closure letter, signed by our director, will be issued, stating that no further action is required. **Kindly submit this documentation within 30 days, or by March 17, 1995. Please fill out the enclosed Unauthorized Leak Report (ULR) and include it along with the soil disposal documentation.** The ULR is standard procedure for these type of sites, and is a necessary document for case closure. The ULR is a carbonless, 5-part form. Do not tear off a copy of the ULR. I will sign it in the upper right hand corner, and then distribute the copies. You will get the bright orange copy.

If you have any questions, please contact me at 510-567-6761.

Sincerely

A handwritten signature in cursive script, appearing to read "Jennifer Eberle".

Jennifer Eberle
Hazardous Materials Specialist

February 17, 1995
STID 4611
PHH Homequity
c/o Mark Dunn
page 2 of 2

cc: Jeffrey Hacker, PHH Homequity, 400 E. Las Colinas Blvd.,
Suite 300, Irving TX 75039-5536
Resident, 1142 Sunnyhills Rd., Oakland CA 94610
Ed Howell/file

je.4611-F

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0535

ALAMEDA COUNTY 430-453
HEALTH CARE SERVICES
DEPT. OF ENVIRONMENTAL HEALTH
1131 HARBOR BAY PKWY 2ND FLOOR
ALAMEDA CA 94502-6577

November 2, 1994
STID 4611

PHH Homequity
c/o Mark Dunn
Mason McDuffie Real Estate
25 Orinda Way, Suite 220
Orinda CA 94563

re: Residence
1142 Sunnyhills Rd.
Oakland CA 94610

Dear Mr. Dunn,

My last letter to you was dated 2/24/94, in which I requested that you 1) repair the plywood fence, 2) remove the stockpiled soil to an appropriate disposal facility, and 3) backfill the excavation with certified clean fill, upon written certification from a California-Registered civil or structural engineer stating that further excavation would jeopardize the structural integrity of the house.

This case remains open until I receive the following documentation: 1) proper documentation of soil disposal, and 2) a letter from a California-Registered civil or structural engineer stating that further excavation would have jeopardized the structural integrity of the house.

This information was requested of you by letter dated 2/24/94, as well as numerous subsequent telephone calls. A closure letter will be written upon receipt of this information. I visited the site on 4/11/94 to confirm that the excavation had been restored.

If you have any questions, please contact me at 510-567-6761.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Derek Matthews, PHH Homequity, 1855 Gateway Blvd., Suite
950, PO Box 4039, Concord CA 94524-4039
Ed Howell/file

je4611-E

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

R0535

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 24, 1994

DEPARTMENT OF ENVIRONMENTAL HEALTH

PHH Homequity
c/o Mark Dunn
Mason McDuffie Real Estate
25 Orinda Way, Suite 220
Orinda CA 94563

re: Residence
1142 Sunnyhills Rd
Oakland CA 94610

STID 4611

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

Dear Mr. Dunn,

As you know, cleanup has been delayed at the above referenced site. Soil remains stockpiled onsite, and the excavation remains open. I visited the site on 2/8/94 and took photographs. I have been in contact with Derek Matthews, the Western Regional Counsel for PHH Homequity. We discussed the need for removing stockpiled soil, repairing the plywood fence, and backfilling the excavation. Mr. Matthews indicated agreement to this course of action, and has been in the process of obtaining bids for this work.

It appears that all concerned parties would like to resolve this matter in a timely fashion. Therefore, you are requested to do the following:

- 1) repair the plywood fence within 3 days, or by February 27, 1994
- 2) remove the stockpiled soil to an appropriate disposal facility within 2 weeks, or by March 3, 1994
- 3) backfill the excavation with certified clean fill, upon written certification from a California-Registered civil or structural engineer stating that further excavation would jeopardize the structural integrity of the house, within 3 weeks, or by March 10, 1994

Soil disposal receipts must be submitted to this office upon completion of work. If you have any questions, please contact me at 510-271-4530. Please notify me at least 2 business days in advance of field activities so that I may arrange to be onsite.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Derek Matthews, PHH Homequity, 1855 Gateway Blvd., Suite
950, PO Box 4039, Concord CA 94524-4039
Daniel Piccinini, 506 Midcrest Rd., Oakland CA 94610
Rich Hiatt, RWQCB
Ed Howell

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0535

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 16, 1994
STID 4611

Daniel Piccinini
506 Midcrest Rd.
Oakland CA 94610

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: 1142 Sunnyhills Rd.
Oakland CA 94610

Dear Mr. Piccinini,

This letter responds to your letter dated 2/10/94. According to our contract with the State Water Resources Control Board (SWRCB), we can only charge responsible parties for time spent overseeing a particular site. Inquiries and complaints from you and Mr. Carpino cannot be charged to the responsible parties. The Local Oversight Program (LOP) contract pays 100% of our program's operation, which does not include the type of request in your letter dated 2/8/94. Public funds are not used for these activities. Our staff has spent several hours responding to your inquiries. Our agency is very concerned about the cleanup of contaminated sites. We are progressing with oversight of this case towards closure.

Sincerely,

A handwritten signature in cursive script that reads "Edgar B. Howell III".

Edgar B. Howell III, Chief
Hazardous Materials Division
Alameda County Environmental Health Department

cc: Jennifer Eberle
Mr. Robert Carpino, 1154 Sunnyhills Rd., Oakland CA 94610
Mark Dunn, Mason McDuffie Real Estate Inc., 25 Orinda Way,
Suite 220, Orinda CA 94563

**ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY**

DAVID J. KEARS, Agency Director



R0535

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 8, 1994
STID 4611

Daniel Piccinini
506 Midcrest Rd.
Oakland CA 94610

RE: 1142 Sunnyhills Rd.
Oakland CA 94610

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

Dear Mr. Piccinini,

This letter is per our phone conversation earlier today. We are in receipt of your fax dated 2/8/94 requesting further clarification of stated concerns. We request a deposit of \$150.00 for oversight costs for future work on our behalf at \$75.00 per hour.

Sincerely,

for Edgar B. Howell III, Chief
Hazardous Materials Division
Alameda County Environmental Health Department

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R0535

RAFAT A. SHAHID, Assistant Agency Director

February 4, 1994
STID 4611

Daniel Piccinini
506 Midcrest Rd.
Oakland CA 94610

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

RE: 1142 Sunnyhills Rd.
Oakland CA 94610

Dear Mr. Piccinini:

I am responding to your letters dated January 24, 1994 and February 1, 1994 concerning the activities of Alameda County in overseeing the removal of a home heating oil underground storage tank (UST) located at the above referenced site. As you probably know, the (UST) tank was removed on 8/11/93. Soil in the UST excavation was found to be contaminated. Further soil excavation was strongly recommended by the County in a letter dated 10/26/93. The driveway belonging to Bob Carpino at 1154 Sunnyhills Rd. was the sole access for the backhoe equipment needed for this work. However, site access was denied by Mr. Carpino, who wanted a letter from this office documenting that his property was not contaminated. We sent a letter to Mr. Carpino dated 11/12/94, and expected the site closure to continue. Again, site access was denied by Mr. Carpino, as per subsequent conversations with Mark Dunn from Mason McDuffie Realtors.

We responded to your complaints of 11/10/93 and 11/16/93, as well as Mr. Carpino's complaints of 11/19/93 and 11/16/93 regarding the "uncovered excavation and the contaminated stockpiled soil." Subsequently, the excavation was reportedly secured, and the stockpiled soil covered. We are concerned about the site as well as you are; however, without cooperation regarding access, it has become near impossible to continue site remediation.

If you have any questions or solutions to the problem I can be reached at 271-4320.

Sincerely:

Edgar B. Howell III, Chief
Hazardous Materials Division
Alameda County Environmental Health Department

cc: Mr. Robert Carpino, 1154 Sunnyhills Rd., Oakland CA 94610
Mark Dunn, Mason McDuffie Real Estate Inc., 25 Orinda Way,
Suite 220, Orinda CA 94563
Jennifer Eberle, files

ALAMEDA COUNTY - DEPT. OF ENVIRONMENTAL HEALTH - HAZARDOUS MATERIALS

LOP - INSPECTOR'S DAILY ACTIVITY REPORT

02/04/94
pg 2

InspDate	Init /Assoc	Site ID#	Insp Hours	Activ.	Foll- Up	Company - Name / Zip
for Jennifer EBERLE						
----- Grou -----						
10/21/93	JE	4611	0.80	312		/94610
	- Spoke w/M. Dunn. Wrote him a letter					1142 Sunnyhills Rd
10/26/93	JE	4611	1.20	312		Thursday : 0.8
	- Spoke w/J. Kaiser of SB and w/J. Mrakovich. Discussed w/TP. Revised letter to RP					/94610
						1142 Sunnyhills Rd
11/01/93	JE	4611	0.10	312		Tuesday : 1.2
	- Spoke w/M. Dunn					/94610
						1142 Sunnyhills Rd
11/05/93	JE	4611	0.20	312		Monday : 0.1
	- Spoke w/Mark Dunn					/94610
						1142 Sunnyhills Rd
11/09/93	JE	4611	0.40	312		Friday : 0.2
	- Spoke w/M. Dunn and Jaff of TPE					/94610
						1142 Sunnyhills Rd
11/10/93	JE	4611	0.20	312		Tuesday : 0.4
	- Spoke w/Jaff of TPE					/94610
						1142 Sunnyhills Rd
11/15/93	JE	4611	0.20	312		Wednesday: 0.2
	- spoke w/M. Dunn					/94610
						1142 Sunnyhills Rd
11/16/93	JE	4611	0.30	312		Monday : 0.2
	- spoke w/M. Dunn and TPE					/94610
						1142 Sunnyhills Rd
11/17/93	JE	4611	1.00	315		Tuesday : 0.3
	- Spoke w/Louise White from Home Equity. Discussed w/TP. Researched H&SC. left mess. for L. White. Spoke w/M. Dunn.					/94610
						1142 Sunnyhills Rd
12/28/93	JE	4611	0.30	312		Wednesday: 1.
	- spoke w/M. Dunn					/94610
						1142 Sunnyhills Rd
01/26/94	JE	4611	0.20	312		Tuesday : 0.3
	- spoke w/Mark Dunn					/94610
						1142 Sunnyhills Rd

for Tom PEACOCK						
----- Grou -----						
10/26/93	TP	4611	0.30	215		/94610
	- w/JE, what to do?					1142 Sunnyhills Rd
11/02/93	TP	4611	0.10	206		Tuesday : 0.3
	- w/EH					/94610
						1142 Sunnyhills Rd
11/17/93	TP	4611	0.10	215		Tuesday : 0.1
	- consult w/JE					/94610
						1142 Sunnyhills Rd

for Barney CHAN						
----- Grou -----						
10/26/93	BC	4611	0.20	215		/94610
	- JE letter reviewed					1142 Sunnyhills Rd

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0535

RAFAT A. SHAHID, Assistant Agency Director

February 3, 1994

Daniel Piccinini
One Hallidie Plaza, Suite 202
San Francisco, CA. 94102

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

Dear Mr. Piccinini:

In response to your letter of February 1, 1994 concerning the activities of Alameda County in overseeing the removal of one Home Heating Oil Tank at 1142 Sunnyhills Road. From our files we find that the tank was removed 8/11/93 and the contamination found under the tank required further soil removal. The owners/contractor was denied entry to the area via the next door neighbor unless he could be given a letter that his property was not involved. We sent a letter dated Nov. 12, 1993 at his request and expected the site closure to continue. The next I hear the contractor has been denied access. We are concerned about the site as well as you and Mr. Carpino however without cooperation between neighbors to allow access it becomes very difficult to remediate the site. We have been in contact with Mr Carpino and Mr. Mark Dunn representing the owners of the property.

If you have any questions or solutions to the problem I can be reached at 271-4320.

Sincerely:

A handwritten signature in cursive script that reads "Edgar B. Howell III".

Edgar B. Howell III, Chief
Hazardous Materials Division
Alameda County Environmental Health Department

cc. Mr. Robert Carpino

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0535

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

October 26, 1993
STID 4611

Mark Dunn
Mason McDuffie Real Estate
25 Orinda Way, Suite 220
Orinda CA 94563

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: Residence
1142 Sunnyhills Rd.
Oakland CA 94610

Dear Mr. Dunn,

I am in receipt of laboratory results, a site map, and an Unauthorized Leak/Release (ULR) report for the above referenced site. The laboratory results indicate that concentrations as high as 11,000 parts per million (ppm) were detected in soils in the former tank excavation. It is strongly recommended to remove as much contaminated soil as possible, to the best practicable means available. If contamination is found to migrate offsite, then its extent should be determined, and remediation should be conducted.

Please note that reports and documents no longer need to be copied to the Regional Water Quality Control Board. Kindly submit a cover letter with your consultant's reports. If you have any questions, please contact me at 510-271-4530. Please notify me at least 2 business days in advance of field activities so that I may arrange to be onsite.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Ed Howell/file

John Mrakovich, Tank Protect Engineering, 2821 Whipple Rd.,
Union City CA 94587-1233

enclosure

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0535

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

August 19, 1993
STID 4611

Lori Casias
SWRCB
LOP Program
PO Box 944212
Sacramento CA 94244-2120

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: Residence
Home heating oil UST
1142 Sunnyhill Rd.
Oakland CA 94610

Lori,

I am requesting use of state funds for the above referenced site. It is a single-family dwelling property from which a 250-gallon heating oil UST was removed on 8/11/93. Up to 11,000 ppm TPH-d was detected in the soils beneath the UST.

If you have any questions, please contact me at 510-271-4530.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Ed Howell/file

je