

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



*Sent 11-8-99  
Including CC's*  
Envision: # 6707 Bay St. Emeryville

R0548

ENVIRONMENTAL HEALTH SERVICES

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

November 8, 1999

Mr. John Nady  
Nady Systems, Inc.  
6701 Bay Street  
Emeryville, CA 94608  
STID 6394

RE: Nady Systems Inc., 6701 Bay Street, Emeryville, CA 94608

**LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS**

Dear Mr. Nady:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

**LANDOWNER NOTIFICATION**

Re: Nady Systems Inc., 6701 Bay Street, Emeryville, CA 94608

November 8, 1999

Page 2 of 2

In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6774 should you have any questions about the content of this letter.

Sincerely,



Larry Seto  
Sr. Hazardous Materials Specialist

Attachments

cc: Chuck Headlee, RWQCB

## SAMPLE LETTER (2): LIST OF LANDOWNERS FORM

-----

Name of local agency  
Street address  
City

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (*Site Name and Address*)

(Note: Fill out item 1 if there are multiple site landowners. If you are the sole site landowner, skip item 1 and fill out item 2.)

1. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:
  
2. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that I am the sole landowner for the above site.

Sincerely,

Signature of primary responsible party

Name of primary responsible party

**SAMPLE LETTER 3: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY**

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Name of local agency  
Street address  
City

**SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY FOR *(Site Name and Address)***

In accordance with section 25297,15(a) of Chapter 6.7 of the Health & Safety Code, I, *(name of primary responsible party)*, certify that I have notified all responsible landowners of the enclosed proposed action. Check space for applicable proposed action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0548

July 07, 1998

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

ATTN: Accounts Payable

Nady Systems Inc  
6707 Bay St  
Emeryville CA 94608

RE: Project # 1209A - Type A  
at 6707 Bay St in Emeryville 94608

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$3,418.75, payable to Alameda County, Environmental Health Services, within two weeks of receipt of this letter.

It is expected that the amount requested will allow the project to be completed with a zero balance. Otherwise, more money will be requested or any unused monies will be refunded to you or your designee.

The deposit refund mechanism is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$94 per hour.

Please be sure to write the following identifying information on your check:

- project #
- type of project and
- site address

(see RE: line above).

If you have any questions, please contact Amir Gholami at (510) 567-6876.

Sincerely,

Tom Peacock, Manager  
Environmental Protection

c: files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro# 548

December 16, 1996  
SLIC # 414

Mr. James J. McClay  
MRCP Realty  
6262 Hollis Street  
Emeryville, California 94608

Mr. Charles Tsou  
Nady Systems, Inc.  
6701 Bay Street  
Emeryville, California 94608

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

**RE: Nady's Systems, Inc. (Former MRCP) - 6707 Bay Street, Emeryville, CA 94608**

Dear Messrs. Mclay and Tsou:

This office is currently preparing a case closure summary for the above referenced site. The closure document will be submitted to the Regional Water Quality Control Board (RWQCB) for concurrence that further remediation and /or monitoring related to the former underground storage tanks removed from the site is not required. However, the recorded deed notice must be modified to include the following risk management measures:

- 1) **The shallow groundwater beneath the site shall not be used.** This statement should replace condition # 2 as recorded in the previous deed notice.
- 2) **Appropriate Health and Safety plans shall be prepared prior to and followed during any activities involving exposure to pollution in soil or groundwater.** This statement should replace condition #4.
- 3) **A health risk assessment shall be required if a change in land use, structural configuration or site activities are proposed such that more conservative scenarios should be evaluated.** This statement should replace condition # 5.
- 4) **Potential vertical conduits between the shallow and deeper aquifers shall not be created.** This statement should be added as condition # 6.

A copy of the recorded deed notice with the risk management measures listed above must be submitted to this office and the City of Emeryville Planning / Building Dept.

I will be submitting the case closure summary to RWQCB concurrently while modification to the deed notice is in progress. The closure letter will be issued by this office after receiving the case closure summary signed by the RWQCB and a copy of the recorded deed notice.

Mr. McClay and Mr. Tsou  
RE: 6707 Bay Street, Emeryville, CA 94608  
December 16, 1996  
Page 2 of 2

Please call me at (510) 567-6780 regarding any questions you may have concerning this letter or the subject site.

Sincerely,



Susan L. Hugo  
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health  
Gordon Coleman, Acting Chief, Environmental Protection Division  
Sum Arigala, San Francisco Bay RWQCB  
William Rudolph, SCI, 3736 Mt. Diablo Blvd., Suite 200, Lafayette, CA 94549  
Maureen Bennett, Graham & James, One Maritime Plaza, Suite 300  
San Francisco, CA 94111

SH / files

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

R0548

December 30, 1994

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

Mr. James J. McClay  
MRCP Realty  
Scenic Art, Inc.  
6262 Hollis Street  
Emeryville, California 94608

Mr. Charles Tsou  
Nady Systems, Inc.  
6701 Bay Street  
Emeryville, California 94608

**RE: Investigation / Remediation Related to the Former Underground Storage Tanks at Nady's Systems, Inc. (Former MRCP)  
6707 Bay Street, Emeryville, California 94608**

Dear Messrs. Mclay and Tsou:

The Alameda County Department of Environmental Health, Environmental Protection Division has reviewed the Workplan and Revised Request for "No Further Action" Alternative Compliance Points Monitoring Program dated October 18, 1994, prepared and submitted by Subsurface Consultants, Inc. for the referenced site.

Based on this review, the proposed workplan is acceptable provided the following issues are addressed:

- 1) The contaminant plume associated with the former underground storage tanks must be contained on-site. If site conditions indicate a trend of **increasing contaminant levels or the plume is migrating off-site, mitigating measures must be implemented.**
- 2) A copy of the recorded deed notice must be submitted to this office and the City of Emeryville Planning/Building Department.
- 3) A typographical error on page 6 must be changed to August, 1995.
- 4) Appropriate quantitation reporting limits for target compounds must used. Any inconsistencies in the detection limits must be justified and an explanation of the detection limits used must be submitted with the laboratory data sheets.
- 5) Due to the inconsistency of groundwater flow directions at nearby sites, it is necessary to coordinate/ tie-in the groundwater elevation readings with a neighboring site, Emery Bay Plaza located at 1650 65th Street, Emeryville. These groundwater data will be an important tool in determining groundwater flow direction in the area.



Mr. James McClay and Mr. Charles Tsou  
RE: 6707 Bay Street, Emeryville, California 94608  
December 30, 1994  
Page 2 of 2

- 6) Please notify this office at least 72 hours in advance of any scheduled sampling so I can arrange a site visit.

Following the groundwater monitoring event of January, 1996, the site will be evaluated for case closure.

The workplan had been discussed with Mr. Sum Arigala of the RWQCB and accepted for implementation.

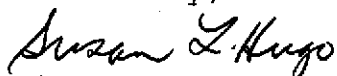
Until clean up is complete, reports should be submitted to this office every three months. The following items must be incorporated in the future reports:

- site map delineating contamination contours for soil and groundwater based on recent data should be included
- any changes in the groundwater flow direction and gradient based on measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports ( including quality control/quality assurance ) and chain of custody documentation

All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professional involved with the project. Any extensions of stated deadlines or changes in the workplan must be confirmed in writing and approved by this agency.

If you have any questions concerning this letter, please contact me at (510) 567-6780.

Sincerely,



Susan L. Hugo, Sr. Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Edgar B. Howell, Chief, Hazardous Materials Division / file  
Sumadhu Arigala, RWQCB, San Francisco Bay Region  
Brian F. Berger, Eqs., Petit & Martin, 101 California Street  
San Francisco, California 94111  
Mr. R. William Rudolph, SCI, 171 -21th St., Oakland, CA 94607  
Russell W. Juncal, P.O. Box 130 Milford, California 96121

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0548

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

June 15, 1994

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

Mr. Brian F. Berger, Esq.  
Petit & Martin  
101 California Street  
San Francisco, California 94111

**RE: Investigation / Remediation at Nady Systems, Inc.  
(Former MRCP) - 6707 Bay Street, Emeryville, California 94608**

Dear Mr. Berger:

Our records indicate that the deposit/refund account for the referenced site has fallen below the minimum deposit amount. This deposit is authorized under Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to cover the expenses incurred by the County personnel in the execution of their oversight responsibilities associated with the project. Records of the time County employees commit to the project are maintained and the deposit is charged an hourly rate of \$75.00. Upon completion of the project, the balance of the deposit will be refunded to you.

Please submit a deposit of \$ 2500.00 made payable to Environmental Health Services.

If you have any questions concerning this letter, please contact me at (510) 271-4530.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Hugo".

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Edgar B. Howell, Chief, Hazardous Materials Division / file  
James J. McClay, MRCP Realty, Scenic Art, Inc.,  
6262 Hollis Street, Emeryville, CA 94608

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0548

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

June 15, 1994

Mr. James J. McClay  
MRCP Realty  
Scenic Art, Inc.  
6262 Hollis Street  
Emeryville, California 94608

**RE: Investigation / Remediation at Nady Systems, Inc.  
(Former MRCP) - 6707 Bay Street, Emeryville, California 94608**

MRCP = Mike Roberts Color Production

Dear Mr. McClay:

This letter documents that the on going investigation / remediation at the referenced site is under the direction of this agency since 1989. After cleanup is complete, the site will be evaluated for a no further action and if the findings support closure of the case, this office will recommend site closure to Regional Water Quality Control for concurrence.

In addition, MRCP is identified as the responsible party under the Corrective Action Regulations (23 CAC, Chapter 16, Article 11). The current landowner, Nady Systems, Inc. is named as secondarily liable.

If you have any questions concerning this letter, please contact me at (510) 271-4530.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Hugo".

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Edgar B. Howell, Chief, Hazardous Materials Division / file  
Sumadhu Arigala, RWQCB, San Francisco Bay Region  
Charles Tsou, Nady Systems, Inc., 6701 Bay Street  
Emeryville, California 94608  
Brian F. Berger, Eqs., Petit & Martin, 101 California Street  
San Francisco, California 94111  
Robert L. Wainess, Petit & Martin, 101 California Street  
San Francisco, California 94111

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R0548

RAFAT A. SHAHID, Assistant Agency Director

May 10, 1993

Mr. John Nady  
Nady Systems Inc.  
6707 Bay Street,  
Emeryville, CA 94608

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

Subject: Workplan for removal of vapor extraction system,  
6707 Bay Street, Emeryville, CA 94608

Dear Mr. Nady:

This office has received and reviewed the proposed workplan to decommission the soil vapor extraction system, dated April 22, 1993, submitted by Subsurface Consultants Inc., your current consultant of record. Thank you for the submission of the document. Below are some comments on the workplan and the investigation to date:

- 1) This office has received no data in the last one and a half years concerning the chemical constituents of the ground water. There will be a need to monitor for a full hydrologic cycle prior to any recommendations from this office.
- 2) This office concurs with the workplan for the abandonment/closure of the vapor extraction wells. Please give this office forty-eight (48) hours notice prior to such abandonment.
- 3) Since there are high concentrations of petroleum hydrocarbons (TPH) noted in the soil (20,000 parts per million, oil and grease), there is a potential threat to groundwater. Please indicate how the observed levels of TPH will not adversely effect the public health and the environmental health stemming from such levels observed at the site. Please note, without addressing this point, long term monitoring of the site may be required by this office.

If you have any questions concerning this response, Please call this office. The number is (510) 271-4322.

Sincerely,

Brian P. Oliva, REHS REA  
Hazardous Materials Specialist

cc: Rich Hiett, SFBRWQCB  
R. William Rudolph, Subsurface Consultants Inc.,

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0548

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

January 31, 1991

Erin M. Diggins  
Legal Assistant  
PETTIT & MARTIN  
101 California St., 34th Floor  
San Francisco, CA 94111

Dear Ms. Diggins:

In response to your request of January 28, 1991, the following information is presented concerning the property at 6701-6707 Bay St. Emeryville, CA.

The file is primarily concerning the removal of underground tanks and the resultant groundwater plume investigation and action taken to date for the correction of this situation.

The file consists of:

Copy of January 24, 1989 inspection report  
Notice of Violation dated March 2, 1989  
Response from Mike Roberts Color Productions dated  
March 9, 1989  
Copies of Uniform Hazardous Waste Manifest  
# 88402513  
# 88402520  
# 88204041  
# 88402541  
# 88514025  
# 88513918  
Closure Plan accepted Aug. 30, 1989  
Final report/ Tank removal LW Environmental Services dated  
Nov. 3, 1989  
Environmental Assessment for 6707 Bay St. Emeryville by SCS  
Engineers dated Jan. 30, 1990  
Update report by SCS Engineers dated Aug. 20, 1990  
Soil Vapor Recovery and Groundwater Remediation Systems  
prepared by SCS Engineers dated Feb. 26, 1990  
Letter from Erskine & Tulley response to notice of violation  
dated Feb. 26, 1990  
A copy of a letter from Erskine & Tulley to John J. O'Conner  
dated Feb. 27, 1990

Erin M. Diggins  
Pettit & Martin  
San Francisco, CA 94111  
Page 2 of 2  
January 31, 1991

The tanks were removed and the contaminated soil removed. The MEK plume has been identified and the proposed pump and treatment plan has been submitted to our office. It is under review by Mr. Dennis Byrne of this office at this time.

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

As requested, please find attached copies of our letter of delegation from the Regional Water Quality Control Board and our Alameda County Resolution setting fees for 1991.

Sincerely,



Edgar B. Howell, III, Chief  
Hazardous Materials Division

EBH:mnc

cc: Dennis Byrne, Senior Hazardous Materials Specialist  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0548

30 January 1991

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

Charles Tsou  
Nady Systems Incorporated  
6707 Bay Street  
Emeryville, CA 94608

Subject: 6707 Bay Street, Emeryville.

Dear Mr. Tsou:

In follow up to our telephone conversation of this morning, I would like to clarify the concerns which this agency has concerning the environmental investigative and remedial actions taken at this site. An environmental assessment prepared by SCS Engineers was submitted to this office in 1990. Within this report was a proposal for the implementation of a pump and treat system to address a ground water contamination plume associated with underground storage tanks formerly located at this site. Ordinarily, a discharge permit is requested from the East Bay Municipal Utility District for the release of water so treated into the sanitary sewer system. In the SCS proposal this treated water would be used for irrigation purposes as a means of avoiding the EBMUD permit fee. Approval for the implementation of this process cannot be granted until this agency can be assured that no violation of the California Water Code is likely to result. This assurance will be based upon an analysis of the quantity of water to be generated by this process with consideration as to the water absorbing potential of the property. Our concern is to ensure that there will be no likelihood of surface runoff to adjacent properties. To date, no analysis has been submitted to address this concern.

The assessment also presented data derived from soil borings taken at various locations throughout the property. A number of the borings detected soil contamination of sufficient concentration to be of concern to this agency. Total Petroleum Hydrocarbons, Total Oil and Grease and the heavy metals; Copper, Lead and Zinc, were measured in concentrations requiring further excavation and investigative follow up. The SCS proposal did not address these issues.

A discussion of these matters with John Cummings of SCS Engineers led to the understanding that SCS was only involved with the groundwater pump and treat aspect of the property and that some

Charles Tsou  
Nady Systems Inc.  
6707 Bay St.  
Emeryville, CA 94608  
Re. 6707 Bay St.  
30 January 1991  
Page 2 of 2

other party was going to follow up on the soil contamination problems that may be present. Such an arrangement is suboptimal from our perspective. We would prefer to have a single agent with which to interact as we fulfill our oversight role.

These are the outstanding issues from the perspective of this agency. If you have any questions concerning these matters, please contact me at (415)271-4320.

Sincerely,



Dennis J. Byrne  
Senior Hazardous Materials Specialist

cc: Lester Feldman, SFBRWQCB  
Howard Hatayama, DOHS  
Rafat Shahid, Assistant Director, Alameda County Department of Environmental Health.  
John Cummings, SCS Engineers



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

R0548

Telephone Number: (415) 271-4320

Certified Mailer # P 833 981 186

2 March, 1989

James McClay  
Mike Roberts Color Production  
6707 Bay Street  
Emeryville, Ca. 94608

\*\*\*\*NOTICE OF VIOLATION\*\*\*\*

Dear Mr. McClay:

On the 24th of January, 1989, your facility at 6707 Bay Street in Emeryville was inspected by a member of our staff. The purpose of these inspections is to identify those industries within Alameda County which generate a hazardous waste stream, utilize hazardous materials in their processes and ascertain that these substances are managed properly to reduce the risk of exposure to workers, the general public and the environment. These inspections are conducted on an annual basis.

As a result of this inspection your operation is considered to be in violation of the following sections of the California Code of Regulations:

- 1) Section 66472 (a)(d) of the CCR, Title 22, which mandates that any generator of a hazardous waste must obtain an EPA Identification Number. It is unlawful to treat, store, dispose of, transport or offer for transportation a hazardous waste without having received an EPA identification Number. This number can be obtained by calling (916) 324-1781.
- 2) Section 66492 (a) of the CCR, Title 22, which requires that a copy of all hazardous waste manifests must be kept on site for a period of three years and made available for inspection by representatives of a local health officer as stipulated in Section 25185 (4) of the California Health and Safety Code.

James McClay  
Mike Roberts Color Productions  
6707 Bay Street  
Emeryville, Ca. 94608  
Notice of Violation  
2 March, 1989  
Page 2 of 3

3) Section 66508 (b) of the CCR, Title 22, which forbids the on-site storage of a hazardous waste for greater than ninety days unless the facility is a licensed hazardous waste treatment, storage and disposal facility. Section 66508 (a) (2) and (3) of the CCR, Title 22, stipulate that hazardous waste containers be labeled with the words HAZARDOUS WASTE, identify the material being contained and specify the date on which waste material was first entered into the container.

4) Section 67245 (a) and (b) of the CCR, Title 22, which requires that hazardous waste storage areas be equipped with a secondary containment system to prevent the runoff of material should a container rupture or spill. Such a containment system should include an impervious surface to prevent the leaching of spilled material into the underlying soil and be of sufficient capacity to contain the precipitation from at least a 24-hour, 25-year storm plus ten percent of the aggregate volume of all containers, or the volume of the largest container, whichever is greater.

The staining of the pavement in the chemical storage area at the rear of your facility is evidence of spillage. This may constitute a violation of Section 25189.5 of the California Health and Safety Code which forbids the on-site disposal of a hazardous waste at other than a licensed hazardous waste treatment, storage and disposal facility. Such an action could result in the levying of a substantial fine as stipulated in Section 25189.5 (d) of the Code.

You are requested to submit to our office, a Plan of Correction for 6707 Bay Street on or before the 2nd of April, 1989. This Plan should address each violation specified in this letter and describe what consequent actions you propose to take. Following a review of the Plan, this office will inform you of any changes or additions required for approval.

James McClay  
Mike Roberts Color Productions  
6707 Bay Street  
Emeryville, Ca. 94608  
Notice of Violation  
2 March, 1989  
Page 3 of 3

Please give this matter your immediate attention. Sections 25189.5  
25190 and 25191 of the California Health and Safety Code provide  
for civil and criminal penalties of up to \$25,000.00 per day, per  
violation.

Included with this letter is an Alameda County Hazardous Materials  
Business Plan. Please complete the pertinent sections of this  
document and submit it to our office within thirty days.

The Alameda County Department of Environmental Health, Hazardous  
Materials Division is eager to see these issues resolved in an  
expedient and responsible manner. If you have any questions or  
require further clarification concerning the actions which need to  
be taken to address these matters, please contact, Dennis Byrne,  
Hazardous Materials Specialist, at (415) 271-4320.

Sincerely,

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

RAS:DB

enclosure: Alameda County Business Plan

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

D. Krause, DOHS  
Jim Eversole, Assistant Fire Marshall, Emeryville Fire  
Department