

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R01034

RAFAT A. SHAHID, Assistant Agency Director

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

May 8, 1992

Raymond H. Peterson  
22153 North 6th Street  
Castro Valley, CA 94546

STID 1359

RE: Potential backfill contamination at 20478 Mission Blvd.,  
Hayward, California

Dear Mr. Peterson,

In July 1990, an 8,000-gallon underground storage tank, previously used to store unleaded gasoline, was removed from the above site. Four soil samples were collected from the sidewalls of the tank pit, and only one soil sample was collected from beneath the tank in the native soil. Analysis of the soil samples identified very minor concentrations of toluene (0.008 ppm) and xylenes (0.073 ppm) in the sidewalls of the tank pit, and no contamination beneath the tank. However, the soil excavated from the tank pit at the time of the tank removal was never sampled and was immediately used to back fill the tank pit after it was mixed with pea gravel. This Department is concerned that this backfill may be contaminated with petroleum hydrocarbons, and if so, may eventually be leached out into the groundwater.

On January 24, 1991, this office approved a work plan, dated January 18, 1992, submitted by your consultants which stated that one soil sample would be collected from within the backfill from Boring #1. However, during the implementation of the work plan, no soil samples were collected from the backfill, and instead, one soil sample was collected from beneath the tank pit.

You are required to submit a work plan to this office within 60 days of the date of this letter, addressing your proposal for the sampling of the backfill. A report documenting the results of work performed is due to this office within 45 days of completion of field activities. Alameda County must approve the plan before it can be implemented.

If you have any questions or comments please contact Juliet Shin at  
(510) 271-4320.

Sincerely,



Scott O. Seery, CHMM  
Senior Hazardous Materials Specialist

cc: Eddy So, RWQCB  
Jim Ferdinand, Eden Consolidated Fire Dept.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R01034

October 3, 1991

Ray Peterson  
Peterson Metal Fabricating  
20478 Mission Blvd  
Hayward CA 94541

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

RE: Soil Contamination Investigation; Former Underground Tanks

Dear Mr. Peterson:

I have reviewed the sampling results submitted by D & D Management Consultants, Inc. for the soil borings done at your site in early August. Three borings were advanced beneath the former fuel pump and one boring was done into the former tank pit. Samples taken from the borings showed no detectable hydrocarbon contamination. The work done to this point serves the important purpose of defining the extent of contamination in undisturbed soils. I spoke today both with you and with Paul Dzakowic of D&D Consultants. The following issues remain unresolved:

1. The fill soil removed from the tank pit was not tested for contamination before it was replaced into the excavation. Backfill contamination is often a problem in older tank systems due to a lack of overspill and overflow protection. Without analysis of this soil, it is not possible to determine whether it is contaminated. I understand that the fill soil was replaced in your former tank pit along with imported gravel. Regional Water Quality Control Board guidelines call for testing of backfill soils before they are replaced in an excavation.
2. No boring logs were submitted with the latest sampling results. Boring logs contain information necessary in evaluating whether further investigation is required at your site.
3. The fate of the contaminated soil removed from the former dispenser area has not been documented. Samples taken from this soil after it had been aerated showed above detectable levels of toluene, ethyl benzene, and xylene.

Paul Dzakowic agreed today to supply this office with copies of all four boring logs. I will also need information from you regarding the disposition of the soil excavated from beneath the dispenser. In addition, please inform this office of the manner in which you will determine whether soil replaced in the former tank pit is contaminated.

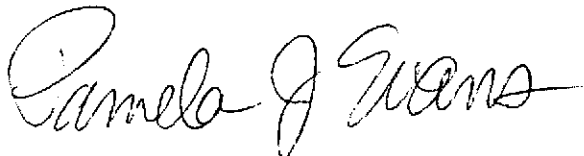
Ray Peterson  
Peterson Metal Fabricating  
October 3, 1991  
Page 2 of 2

As I have stated in past correspondence, the initial level of soil contamination found in the vicinity of the pumps was quite high

(15,000 ppm TPH), and the soil excavated from and replaced back into the former tank pit, once tested, may prove to be contaminated. Therefore, a strong possibility exists that you will be required to install monitoring wells in the future in order to demonstrate that groundwater at your site has not been impacted.

You may call me with any questions at 271-4320.

Sincerely,

A handwritten signature in cursive script that reads "Pamela J. Evans". The signature is written in dark ink and is positioned above the typed name.

Pamela J. Evans  
Hazardous Materials Specialist

c: Eddy So, RWQCB  
Paul Dzakowic, D&D Management Consultants, Inc.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R01034

May 13, 1991

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

Ray Peterson  
Peterson Metal Fabricating  
20478 Mission Blvd  
Hayward CA 94541

RE: Soil Contamination Investigation, Amended Work Plan

Dear Mr. Peterson:

I have reviewed the proposal and addendum submitted by D & D Management Consultants, Inc. for the soil contamination at your site. The plan, to advance three borings in the contaminated area beneath the fuel pump and one boring into the former tank and to take soil samples from these borings, is acceptable to this office with the following changes, additions, and comments:

1. D&D proposes to take the first soil samples for chemical analysis from the fuel pump area at a depth of 10 feet. A great deal of contaminated soil may exist between the original surface samples and this depth. In order to better characterize the soil beneath the fuel pump, the shallowest samples taken from the borings here should not be deeper than 5 feet.
2. A great deal of information about the hydrogeology of your site will be required in order to determine whether additional soil and groundwater investigation and remediation will be necessary. In investigating contamination, you must follow Regional Water Quality Control Board guidelines for soil sampling and classification. During drilling of each borehole, undisturbed soil samples must be collected at a minimum of every five feet in the unsaturated zone and at any changes in soil type both for soil classification and analytical purposes. Consult the most recent publication of **Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks** and **The Leaking Underground Fuel Tank Manual** for details. These publications are available from the Regional Water Quality Control Board.
3. All reports and proposals must be signed and stamped by a California-Certified Engineering Geologist, California-Registered Geologist, or a California-Registered Civil Engineer. None of the proposals submitted to this office have borne a such a stamp.
4. The initial level of soil contamination found in the vicinity of the pumps was quite high (15,000 ppm TPH), and the soil excavated from and replaced back into the former tank pit, once tested, may prove to be contaminated. Therefore, a strong

Ray Peterson  
Peterson Metal Fabricating  
May 13, 1991  
Page 2 of 2

possibility exists that you will be required to install monitoring wells in the future in order to demonstrate that groundwater at your site has not been impacted. In planning your investigation, keep in mind that, should wells be required, it will be necessary to re-drill at least three borings.

Please notify me at least 48 hours in advance of sampling so that I may be present. You may call me with any questions at 271-4320.

Sincerely,



Pamela J. Evans  
Hazardous Materials Specialist

c: Richard Hiatt, RWQCB  
Paul Dzakowic, D&D Management Consultants, Inc.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R01034

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

January 24, 1991

Ray Peterson  
Peterson Metal Fabricating  
20478 Mission Blvd  
Hayward CA 94541

RE: Soil Contamination Investigation

Dear Mr. Peterson:

I have reviewed the proposal submitted January 18 by D & D Management Consultants, Inc. relating to investigation of soil contamination at your site. The plan is acceptable to this office with the following changes and additions, which I have discussed with Paul Dzakowic of D&D Management:

At least three vertical borings must be done around the former fuel pump in order to delineate the extent of the contamination in this spot. Because the south side of this area so closely borders your building, no further investigation of soil contamination in that direction is required at this time. At least one of these borings must extend to first groundwater.

Please submit an amendment to the original work plan describing or depicting the locations and depths of the borings to be installed around the former fuel island. The information is required in this office by February 24, 1991. Please await my review and acceptance of the work plan addendum before proceeding with your investigation. As your deposit for overview of the tank removal process has been expended, you are required to submit a \$500 check, payable to County of Alameda, to cover this agency's additional oversight costs. You may call me with any questions at 271-4320.

Sincerely,

Pamela J. Evans  
Hazardous Materials Specialist

c: Richard Hiatt, RWQCB  
Paul Dzakowic, D&D Management Consultants, Inc.  
James Ferdinand, Eden Consolidated Fire Protection District

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R01034

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

December 19, 1990

Ray Peterson  
Peterson Metal Fabricating  
20478 Mission Blvd  
Hayward CA 94541

RE: Soil Contamination Investigation

Dear Mr. Peterson:

As we discussed at our December 10th meeting, there are unresolved contamination issues relating to the removal of your underground fuel tank and pump. Before this case can be closed, you must investigate possible groundwater impact from fuel contamination.

1. Analysis of the soil beneath the former fuel dispenser showed high levels of gasoline constituents. You are required to investigate the extent of this contamination. This investigation must include soil excavation and/or borings along with further soil sampling and analysis for BTEX components. You must also inform this office of how the soil excavated from the dispenser area will be treated or disposed. I understand that the contaminated area is adjacent to a building and this circumstance might limit removal of all affected soil.
2. D&D Management Consultants did not sample the soil removed from the tank pit at the time of the tank removal. This stockpile soil was put back into the pit. The Regional Water Quality Control Board (RWQCB) has adopted a written policy document dated January 12, 1990 requiring that stockpile soil intended to be reused onsite be sampled and analyzed prior to its reuse. One sample per 20 cubic yards of soil is required under these circumstances and fuel constituents must not exceed detectable levels. As we discussed during our meeting, even when native soils beneath a fuel tank show no contamination, it is not unusual for stockpile soils to contain detectable levels of petroleum constituents due to past overfill and overspill problems. Therefore, it is essential that this soil be characterized by sampling either from soil borings or from reexcavating and sampling stockpile soils.



Ray Peterson  
Peterson Metal Fabricating  
November 27, 1990  
Page 2 of 2

3. D&D Management Consultants took only one soil sample from beneath the tank, which was estimated to have a capacity of 8000 to 10,000 gallons. RWQCB guidelines call for two samples from native soil directly beneath a tank of this size. Although the one sample, taken from beneath the middle of the former tank, did not contain detectable contamination, this sampling was not adequate to characterize soil contamination beneath the tank. You must investigate contamination of native soil beneath the former tank either by boring and sampling or by reexcavating the overfill and resampling the pit floor.

Although there are a number of ways your site could be investigated, I recommend that soil borings be done for a number of reasons:

- Depth to groundwater could be established for your site
- Soil sampling could be carried out in conjunction with soil boring
- Characteristics such as soil types and permeability beneath any contaminated areas could be established

All of this information is necessary in order to assess possible groundwater impact at your site.

You are required to submit a work plan addressing these issues and giving a time table for their completion. The plan must be submitted to this office no later than January 20, 1991. All work must be performed according to Regional Water Quality Control Board guidelines. Please await my review and acceptance of the work plan before proceeding with your investigation. As your deposit for overview of the tank removal process has been expended, you are required to submit to this office a \$500 check, payable to County of Alameda, to cover this agency's additional oversight costs. You may call me with any questions at 271-4320.

Sincerely,



Pamela J. Evans  
Hazardous Materials Specialist

c: Richard Hiett, RWQCB  
Paul Dzakowic, D&D Management Consultants, Inc.  
James Ferdinand, Eden Consolidated Fire Protection District

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R01034

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

November 27, 1990

Ray Peterson  
Peterson Metal Fabricating  
20478 Mission Blvd  
Hayward CA 94541

RE: Soil Sampling, Remediation in Conjunction with Tank Removal

Dear Mr. Peterson:

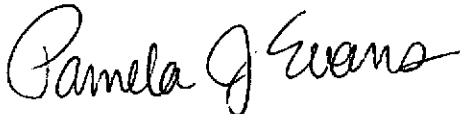
I have reviewed D&D Management Consultants' report of tank removal activities at your site and their correspondence dated 10/24/90. Yesterday I spoke with Paul Dzakowic of D&D and am writing to clarify issues of concern regarding analysis results and sampling activities:

1. The soil beneath the former dispenser showed high levels of gasoline constituents. You are required to investigate the full lateral and vertical extent of this contamination. Soil excavation and/or borings must be done and soil tested until nondetectable levels of toluene, ethyl benzene, and xylenes are found. Only in this manner can the full extent of the contamination be defined. You must also inform this office of how the soil excavated from the dispenser area will be treated or disposed.
2. No sampling of the soil excavated from the tank pit was reported. Before this soil can be used or disposed of, the concentration of gasoline constituents must be determined. A representative number of samples must be taken from this soil (one per 20 cubic yards).
3. Only one soil sample was taken from beneath the tank, estimated to have a capacity of 8000 to 10,000 gallons. Two samples are required from native soil directly beneath the former tank. The closure plan submitted to this office prior to tank removal indicated two samples would be taken from this area. You must sample the tank pit bottom as described in the tank closure plan accepted by this office on June 6, 1990.

Ray Peterson  
Peterson Metal Fabricating  
November 27, 1990  
Page 2 of 2

You are required to submit a work plan addressing these issues and giving a time table for their completion. The plan must be submitted to this office no later than December 20, 1990. All work must be performed according to Regional Water Quality Control Board guidelines as found in "Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tank Sites", August 10, 1990. You may call call me with any questions at 271-4320.

Sincerely,



Pamela J. Evans  
Hazardous Materials Specialist

c: Richard Hiett, RWQCB  
Paul Dzakowic, D&D Management Consultants

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R01034

Sept. 20, 1990

Ray Peterson  
Peterson Metal Fabricating  
20478 Mission Blvd  
Hayward CA 94541

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

RE: Soil Sampling in Conjunction with Tank Removal

Dear Mr. Peterson:

I have reviewed D&D Management Consultants' report of tank removal activities at your site. I have the following concerns regarding analysis results and sampling activities:

1. The soil beneath the former dispenser showed high levels of gasoline constituents. You are required to investigate the full lateral and vertical extent of this contamination.
2. No sampling of the excavated soil was reported. Before this soil can be used or disposed of, the concentration of gasoline constituents must be determined.
3. Only one soil sample was taken from beneath the tank, estimated to have a capacity of 8000 to 10,000 gallons. Two samples are required from native soil directly beneath the former tank. The closure plan submitted to this office prior to tank removal indicated two samples would be taken from this area.

You are required to submit a work plan addressing these issues and giving a time table for their completion. The plan must be submitted to this office no later than October 31, 1990. All work must be performed according to Regional Water Quality Control Board guidelines as found in "Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tank Sites", August 10, 1990. You may call call me with any questions at 271-4320.

Sincerely,

Pamela J. Evans  
Hazardous Materials Specialist

c: Richard Hiett, RWQCB  
Paul Dzakowic, D&D Management Consultants

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R01034

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

May 30, 1990

Ray Peterson  
Peterson Metal Fabricating, Inc.  
P.O. Box 3940  
Hayward CA 94540

RE: Site Safety Plan for Fuel Storage Tank Removal

Dear Mr. Peterson:

My staff has reviewed your Underground Tank Closure Plan received May 30, 1990. Before your plan can be accepted by this office, the following items, discussed today with Paul Dzakowic of D & D Management Consultants, must be addressed in the Site Safety Plan:

1. Specify how the excavation and confined space hazard to workers will be mitigated.
2. Include procedures for training tank removal site workers in health and safety hazards associated with underground tank removals.
3. Explain site security and site control measures.
4. Include an emergency contingency plan which includes steps to be taken in the event that a worker is injured or becomes ill due to exposure to hazardous materials. Include the name and location of a nearby medical facility that would be used in such an emergency.

Mr. Dzakowic has agreed to supply the requested information in the form of an addendum to the existing Site Safety Plan. You may contact Hazardous Materials Specialist Pamela Evans with any questions at 271-4320.

Sincerely,

Edgar B. Howell III, Chief  
Hazardous Materials Division

EBH:PJE

c: Lester Feldman, Regional Water Quality Board  
Howard Hatayam, Department of Health Services  
James Ferdinand, Eden Consolidated Fire Protection District  
Paul Dzakowic, D & D Management Consultants, Inc.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SITE: 20478 Mission Blvd.  
Hayward, CA 94541

R01034

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

Daniel C. Peterson  
Peterson Metal Fabricating, Inc.  
P.O. Box 3940  
Hayward CA 94540

Re: Plan of Correction Submitted March 8, 1990

March 19, 1990

Dear Mr. Peterson:

Your Plan of Correction has been received and reviewed by Hazardous Materials Division staff. It addresses the noncompliances listed in the Final Notice of Violation issued February 26, 1990 by this office.

It has come to my attention that your organization has not submitted a complete Hazardous Materials Business Plan. I am enclosing a copy of the Plan to be completed and returned within 30 days of the date of this correspondence. Please contact Hazardous Materials Specialist Pamela Evans with any questions regarding this requirement.

Sincerely,

  
Edgar B. Howell III, Chief  
Hazardous Materials Division

EBH:PJE

c: Rafat Shahid, Assistant Agency Director, Alameda County  
Environmental Health



DEPARTMENT OF ENVIRONMENTAL HEALTH  
470 - 27th Street, Third Floor  
Oakland, California 94612  
(415)

February 26, 1990

Dan Peterson  
Peterson Metal Mfg  
20478 Mission Blvd.  
Hayward, CA 94541

FINAL NOTICE OF VIOLATION

Dear Mr. Peterson:

On July 31, 1989, an inspection was conducted of your facility by this department. A NOTICE OF VIOLATION was sent dated August 4, 1989. The following violations of the California Code of Regulations, Title 22, Division 4, Chapter 30, were discovered:

1. There are 7 drums of waste flammable liquid and waste oil that are not labeled as hazardous waste as required by 66508(c).
2. All hazardous waste is not properly identified as required by 66471.
3. There was hazardous waste in numerous containers that were not kept closed (they had no tops) as required by 67241.
4. You have accumulated hazardous waste without a permit in excess of the 90 day storage limitation required by 66508.
5. You are apparently steam cleaning using phosphoric acid and draining the waste into the storm drain. Although the pH was measured as higher than 2.0, phosphoric acid is a listed waste, and disposal to an unpermitted facility could be a violation of 25189.5 of the California Health and Safety Code. You may be able to get approval to dispose of this waste in the sanitary sewer (Ora Loma Sanitary District). Written approval would be required.

In accordance with 66328, you were directed to submit a Plan of Correction to this Department, within 14 days, stating the actions to be taken and the expected dates of completion to correct the above violations. To date no plan has been received.

Your attention is directed to Sections 25183, 25189, and 25191 of the California Hazardous Waste Control Law, which provides for civil and criminal penalties of up to \$25,000 per day, per violation, for violations of the California Hazardous Waste Control Law and regulations.

Peterson Metal Mfg.  
February 26, 1990  
Page 2 of 2

It was also noted that you have an underground storage tank for gasoline. In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670 or
2. Apply for a permit as required by Article 10, 2710.

You were instructed to notify this Department within 10 days of your intentions and to obtain the necessary instructions and forms. On October 30, 1989 you were sent a SECOND NOTICE OF VIOLATION about this matter. To date you have made no response.

Please note that 25299(a) of the California Health and Safety Code states that any operator of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for (5) failing to properly close an underground storage tank, as required by section 25298. Also, (b) has the same penalty for abandonment or improper closure of any underground storage tank.

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

Sincerely,

  
Thomas F. Peacock, Senior HMS  
Hazardous Materials Division

TFP:tfp

cc: Howard Hatayama, Department of Health Services  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection  
Lester Feldman, RWQCB  
Ted Rimshaw, Ora Loma Sanitary District  
Bob Kevo, State Department of Fish and Game





Certified Mailer #P 062 127 695

October 30, 1989

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

Dan Peterson  
Peterson Metal Mfg  
20478 Mission Blvd.  
Hayward, CA 94541

SECOND NOTICE OF VIOLATION

Dear Mr. Peterson:

On July 31, 1989, an inspection was conducted of your facility by this department. A NOTICE OF VIOLATION was sent dated August 4, 1989. The following violations of the California Code of Regulations, Title 22, Division 4, Chapter 30, were discovered:

1. There are 7 drums of waste flammable liquid and waste oil that are not labeled as hazardous waste as required by 66508(c).
2. All hazardous waste is not properly identified as required by 66471.
3. There was hazardous waste in numerous containers that were not kept closed (they had no tops) as required by 67241.
4. You have accumulated hazardous waste without a permit in excess of the 90 day storage limitation required by 66508.
5. You are apparently steam cleaning using phosphoric acid and draining the waste into the storm drain. Although the pH was measured as higher than 2.0, phosphoric acid is a listed waste, and disposal to an unpermitted facility could be a violation of 25189.5 of the California Health and Safety Code. You may be able to get approval to dispose of this waste in the sanitary sewer (Ora Loma Sanitary District). Written approval would be required.

In accordance with 66328, you were directed to submit a Plan of Correction to this Department, within 14 days, stating the actions to be taken and the expected dates of completion to correct the above violations. To date no plan has been received.

Your attention is directed to Sections 25183, 25189, and 25191 of the California Hazardous Waste Control Law, which provides for civil and criminal penalties of up to \$25,000 per day, per violation, for violations of the California Hazardous Waste Control Law and regulations.

Peterson Metal Mfg.  
October 30, 1989  
Page 2 of 2

It was also noted that you have an underground storage tank for gasoline. In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:


1. Submit a tank closure plan to this Department as required by Article 7, 2670 or
2. Apply for a permit as required by Article 10, 2710.

You were instructed to notify this Department within 10 days of your intentions and to obtain the necessary instructions and forms. To date you have made no response.

Please note that 25299(a) of the California Health and Safety Code states that any operator of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for (5) failing to properly close an underground storage tank, as required by section 25298. Also, (b) has the same penalty for abandonment or improper closure of any underground storage tank.

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

Sincerely,



Thomas F. Peacock, Senior HMS  
Hazardous Materials Division

TFP:tfp

cc: Howard Hatayama, Department of Health Services  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection  
Lester Feldman, RWQCB  
Ted Rimshaw, Ora Loma Sanitary District  
Bob Kevo, State Department of Fish and Game

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R01034

Certified Mailer #P 062 128 030

August 4, 1989

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

Dan Peterson  
Peterson Metal Mfg  
20478 Mission Blvd.  
Hayward, CA 94541

NOTICE OF VIOLATION

Dear Mr. Peterson:

On July 31, 1989, an inspection was conducted of your facility by this department. The following violations of the California Administrative Code, Title 22, Division 4, Chapter 30, were discovered:

1. There are 7 drums of waste flammable liquid and waste oil that are not labeled as hazardous waste as required by 66508(c).
2. All hazardous waste is not properly identified as required by 66471.
3. There was hazardous waste in numerous containers that were not kept closed (they had no tops) as required by 67241.
4. You have accumulated hazardous waste without a permit in excess of the 90 day storage limitation required by 66508.
5. You are apparently steam cleaning using phosphoric acid and draining the waste into the storm drain. Although the pH was measured as higher than 2.0, phosphoric acid is a listed waste, and disposal to an unpermitted facility could be a violation of 25189.5 of the California Health and Safety Code. You may be able to get approval to dispose of this waste in the sanitary sewer (Ora Loma Sanitary District). Written approval would be required.

In accordance with 66328, submit a Plan of Correction to this Department, within 14 days, stating the actions to be taken and the expected dates of completion to correct the above violations.

Your attention is directed to Sections 25183, 25189, and 25191 of the California Hazardous Waste Control Law, which provides for civil and criminal penalties of up to \$25,000 per day, per violation, for violations of the California Hazardous Waste Control Law and regulations.

Peterson Metal Mfg.  
August 4, 1989  
Page 2 of 2

It was also noted that you have an underground storage tank for gasoline. In accordance with the California Administrative Code, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670 or
2. Apply for a permit as required by Article 10, 2710.

Notify this Department within 10 days of your intentions and to obtain the necessary instructions and forms.

Please note that 25299(a) of the California Health and Safety Code states that any operator of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for (5) failing to properly close an underground storage tank, as required by section 25298. Also, (b) has the same penalty for abandonment or improper closure of any underground storage tank.

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

Sincerely,

*Rafat A. Shahid*

Rafat A. Shahid, Chief,  
Hazardous Materials Division

RAS:tfp

cc: Howard Hatayama, Department of Health Services  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection  
Hosein Kazimi, RWQCB  
Ted Rimshaw, Ora Loma Sanitary District  
Bob Kevo, State Department of Fish and Game