

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
04-03-06

March 30, 2006

Mr. Richard Neu
Edenwood Corp.
47 Parsippany Road
Whippany, NJ 07981

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

Subject: SLIC Case RO0002478, Learner Investment Company, 768 46th Avenue, Oakland, CA

Dear Mr. Neu:

Our records indicate that the current balance on the above-referenced SLIC oversight account is a negative \$770.00. In order to continue to provide regulatory oversight, we are requesting the submittal of a check made payable to Alameda County Environmental Health in the amount of \$3,000.00. Please send your check to the attention of our Finance Department.

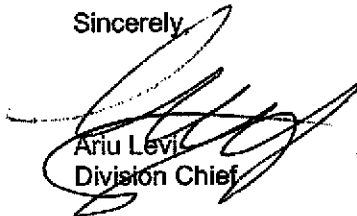
This deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "SLIC" (the type of project), the site address, and the AR# 0306002 on your check.

If you have any questions, please contact Jerry Wickham at (510) 567-6791.

Sincerely,



Ariu Levic
Division Chief

cc: D. Drogos, J. Jacobs, Jerry Wickham

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



12-29-00

RO2478

StID 3705

December 26, 2000

Mr. Richard Neu
Edenwood Corp.
47 Parsipiny Road
Whippany, NJ 07981

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

RE: **Project #162A, Add-on**
at 768 46th Avenue, Oakland, CA 94601

Dear Mr. Neu:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. Enclosed is a summary of deposits and charges to the account. A total of \$1800.00 was deposited. To date, a total of \$1982.75 was charged. The account is currently in a **negative balance of \$182.75**. To replenish the account, please submit an additional deposit of \$1500.00, 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 \$105 per hour.

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

project #162A/ Stid #3705
type of project (site mitigation, add-on), and
site address (768 46th Avenue, Oakland, CA)

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

A handwritten signature in black ink, appearing to read "eva chu".

eva chu
Hazardous Materials Specialist

learner-1

***** Alameda County Department of Environmental Health *****
 Deposit/Refund Account History

** PROJECT INFORMATION **

Project#: ---162A Date Open: 04/26/1988 Date Closed:

Payor Information:

Site Information:

LEARNER INVESTMENT COMPANY
 2711 NAVY DRIVE
 STOCKTON CA 95206

THE LERNER CO
 768 - 46th Avenue
 Oakland CA 94601

** DEPOSIT HISTORY **

Deposit Date	Receipt#	Amount Received
04/26/1988	505662	\$ 300.00
03/07/1994	725559	\$ 1,500.00
		<hr/>
		\$ 1,800.00

** WORKLOG HISTORY **

Work Date	Insp	Activity Description / Time Spent (hrs)	Amount Charged
03/24/1988		site review	2. 106.0
04/12/1988		plan review \$\$53/hr	53.0
04/26/1988		ADMIN FEE AT 25% OF DEPOSIT	75.0
11/15/1991		File Review	2. 134.0
03/04/1992		REVIEW CASE	0.5 35.5
03/25/1992	ec	review transfer to LOP	1.5 106.5
04/20/1992		TRANSFER CASE TO P.SMITH	0.25 17.7
05/24/1992		REVIEW CASE	3. 213.0
07/20/1992	ps	call w/E.Swenson	0.25 17.7
08/24/1992	ps	File Review	3. 213.0
08/27/1992	ps	Plan review	1.5 106.5
08/31/1992		Letter	3. 213.0
09/11/1992		CALL W/DAVID	0.25 17.7
12/09/1992		call w/Everett	0.25 17.7
02/16/1993	ps	call w/Swenson	0.25 18.7
03/15/1993		review/letter	2. 150.0
03/22/1993	ps	letter	1.5 112.5
04/06/1993		Letter	1.5 112.5
05/10/1993		review call w/B.Devanez	1. 75.0
05/13/1993		review SSP	0.25 18.7
05/17/1993		On-site visit	1.5 112.5
11/23/1993	ps	call w/Hecht/Bob	0.75 56.2

Total Charges P 1982.75

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO# 2478

ENVIRONMENTAL HEALTH SERVICES

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

May 19, 1998

ATTN: Sir Or Madam

Learner Investment Co
2711 Navy Dr
Stockton CA 95206

RE: Project # 162A - Type A
at 768 46th Ave in Oakland 94601

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 \$182.75, 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



R02478

RAFAT A. SHAHID, Assistant Agency Director

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

April 7, 1993

Mr. Jack Hecht
Learner Investment Company
2711 Navy Dr.
Stockton, CA 95206

**Re: Site remediation at Learner Property, 768 46th Avenue,
Oakland, CA 94601**

Dear Mr. Hecht:

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the Investigation Workplan, dated February 16, 1993, prepared by Weiss and Associates. The workplan specifies the installation of eight soil borings, four to be placed around the former bailing area and four in the drive area. Additionally, three monitoring wells are to be installed. The workplan states that the locations of these wells will be based upon the results of grab groundwater sampling results.

The workplan is approved with the following modifications and inclusions:

1) When determining the placement of wells rather than considering grab water data, you are required to consider all previous soil contamination data. Data to be considered are particularly those where levels exceed the allowable California Code of Regulations, Title 22 total threshold limit concentration (ttlc) and the soluble limit threshold concentrations (stlc). Both ttlc and stlc levels were exceeded in B-11 and B-12 (see Kleinfelder data in Weiss report, August 21, 1991) indicating 5230 and 83.5 ppm of lead and 8180 and 379 ppm of zinc in B-11 and 1210 and 102 ppm of lead and 2090 and 240 of zinc in B-12.

Values obtained during the ttlc test in borings B-3, B-10, B-11, B-12 were exceeded for Cd, Cr and Ni. Analytical data obtained in B-8 and B-9 were exceeded for Cr. Results from all previously collected borings (B-1 - B12) contained levels of lead which exceeded ten times the CCR title 22 allowable stlc value.

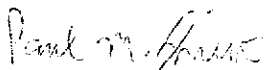
Based upon the Tri-Regional Guidelines, August 12, 1990 when petroleum hydrocarbon contamination exceeds 100 ppm in soil, groundwater monitoring wells are required within 10 feet in the confirmed down gradient direction.

Mr Hecht
April 7, 1993
page 2 of 2

- 2) The workplan does not discuss the size of the wells, the initiation and duration of quarterly sampling and the type of water analyses to be performed. You are requested to have your consultant provide this information to this office.
- 3) Please have your consultant notify this office in advance of this next phase of scheduled work at the site.
- 4) Please have your consultant provide this office with a copy of the health and safety plan for the work to be performed at the site. The safety plan should include but not be limited to the name of the site safety officer, personal protective equipment, monitoring equipment, site security measures and name and address of the medical facility used in the event of an emergency.

If you have any questions please direct them to me at (510) 271-4320.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Everett Sorenson, Weiss Associates, 5500 Shellmound St.,
Emeryville, CA 94608
David Sadwick, Cadwalader, Wickersham and Taft, 660 S.
Figueroa St., Los Angeles, CA 90017
Rich Hiett, SFRWQCB, 2101 Webster St., Fifth Floor, Oakland,
CA 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02478

RAFAT A. SHAHID, Assistant Agency Director

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

September 1, 1992

Mr. Jack Hecht
Learner Investment Company
2711 Navy Dr.
Stockton, CA 95206

**Re: Site remediation at Learner Property, 768 46th Avenue,
Oakland, CA 94601**

Dear Mr. Hecht:

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the Remedial Action Workplan, dated August 21, 1992, prepared by Weiss Associates.

The work plan documents contamination in three main areas of the above property which include: the access drive, the former bailing area and the soil piles. Contaminants detected at the site include Total Petroleum Hydrocarbons (TPH) as high as 28,000 ppm, polychlorinated bi-phenyls as high as 25.2 ppm, cadmium contamination as high as 43 ppm, chromium contamination as high as 218 ppm, lead as high as 5150 ppm, nickel as high as 698 ppm and zinc as high as 8820 ppm.

The work plan proposes in situ soil stabilization and capping of the above materials. Before an adequate evaluation of whether this proposed methodology will be effective the following information must first be provided to this office:

In order to properly characterize soil contamination you are required to use the waste extraction test (WET) to determine the soluble threshold limit concentration (stlc) in the soil for each area where highest levels for Cd, Cr, Pb, Ni and Zn were detected.

The preparation of a work plan defining the lateral and vertical extent of soil contamination for each pollutant is needed. Additionally, the installation of groundwater monitoring wells are necessary to determine whether impacts to groundwater have occurred. You are required to submit a work plan to this office addressing the definition of soil contamination and implementing a ground water investigation. In addition to the above items the work plan should include a site safety plan prepared by the consultant/contractor performing the work at the site, a listing of the analytes sought in soil and groundwater, a description of the quality assurance quality control measures for laboratory

Mr. Jack Hect
September 1, 1992
page 2 of 2

samples and a time schedule for the completion of the next phase of work.

Once the extent of the contamination from each of the pollutants has been ascertained an adequate assessment of offsite vs onsite disposal can then be determined.

If the in situ option is selected, an in depth study addressing the likelihood that the contamination (either currently or in the future) will impact groundwater is necessary. This Agency will seek concurrence from the San Francisco Regional Water Quality Control Board (SFRWQCB) prior to approval of this alternative.

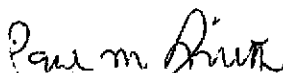
You should be aware that onsite disposal of hazardous waste [material exceeding the total threshold limit concentration (ttlc)] may require a variance or another special requirement, issued by the California EPA, Department of Toxic Substances Control (DTSC) Division. You are directed to contact the DTSC regarding this matter.

You should also be aware that if hazardous waste levels are left onsite additional long term ground water monitoring may be required.

You are required to submit a work plan outlining the proposed measures to delineate the extent of contamination and also specifying the locations of ground water monitoring wells within 45 days of the receipt of this letter.

If you have any questions please direct them to me at (510) 271-4320.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Everett Sorenson, Weiss Associates, 5500 Shellmound St.,
Emeryville, CA 94608
David Sadwick, Cadwalader, Wickersham and Taft, 660 S.
Figueroa St., Los Angeles, CA 90017
Gil Jensen, Alameda County District Attorney's Office, 7677
Oakport St, Suite 400, Oakland, CA 94621
Rich Hiett, SFRWQCB, 2101 Webster St., Fifth Floor, Oakland,
CA 94612
Barbara Cook, CalEPA, DTSC Reg. 2, 700 Heinz Ave., Suite 200,
Berkeley, CA 94710-2737

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVID J. KEARS, AGENCY
~~CARLE N. LESTER~~, Agency Director



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

R02478

March 24, 1989

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
(415) 271-4320

Mr. Roger Carrick
Heller, Ehrman, White & McAuliffe
Suite 1230
515 South Figueroa Street
Los Angeles, CA 90071-3301

Re: Learner Company at 768 46th Ave. in Oakland

Dear Mr. Carrick:

It is apparent from your letter to this office dated December 12, 1988, that Learner Company questions the need for remediation at 768 46th Ave. in Oakland. This position, though clearly not supported by the results of soils analysis as performed by the environmental consulting firm of Dames and Moore, appears to be based on the assumption that 22 CCR and CHSC are unclear on the status of waste hydraulic oil as hazardous waste. Several of your points in support of this position merit discussion.

As indicated in your letter, by your evaluation of California hazardous waste control laws there is a degree of ambiguity concerning whether waste hydraulic fluid should be considered waste slop oil. Since industrial hydraulic fluid consists of paraffinic and cycloparaffinic petroleum fractions, there is little question in this office's opinion that waste hydraulic fluid is waste slop oil. To further this opinion consider that slop oil is a generic phrase for petroleum wastes in the molecular weight range of oils and grease. Also, proper testing for quantifying waste with spent hydraulic fluid is the same as would be used for other types of waste oil, i.e., DHS (TPH; GC-FID), EPA (TOG; 3550 & 503E)

Further, fundamental definitions of what constitutes a hazardous waste, as set forth under Articles 9 and 11 of 22CCR, and the applicability of such criteria as cited under Article 2, need to be reviewed. Pursuant to 22CCR, Section 66300 (a) (1), any waste determined to be hazardous according to any criterion in Article 11 and consists of or contains a material cited under Article 9 shall be handled as a hazardous waste. Section 66305 (a) (1) further requires that a waste must be classified a hazardous waste if it is within the scope of Section 66300 and is hazardous pursuant to any criterion of Article 11.

Learner Facility
March 24, 1989
Page 2

As you also discussed, criteria with which petroleum hydrocarbon contamination in soil is assessed, in terms of waste classification, is not strictly based upon language set forth in 22CCR. The State Department of Health Services, though, by executive memorandum, determined that a total petroleum hydrocarbon concentration of 1,000 ppm in soil constituted a hazardous waste. This determination is based upon ignitability characteristics of gasoline in sandy soil. Waste with TPH concentrations at or above the 1,000 ppm threshold, then, are to be handled as hazardous waste, until proven to be otherwise.

The Regional Water Quality Control Board, San Francisco Bay Region, as the agency responsible for the licensing of certain solid waste disposal facilities and delegated by the State to ensure the integrity of surface and subsurface water resources in this region, has further included with DHS's waste classification any materials contaminated with total oil and grease in like concentrations. As such, any contaminated material exhibiting TPH or TOG concentrations at or above 1,000 ppm must be excavated. This material may then be transported off-site, by a DHS-licensed hazardous waste hauler under manifest to a Class I landfill. Alternatives to Class I disposal, as discussed in an earlier letter to you, exist and their use should be considered.

Concerning Learner Facility's desire to declassify their waste as "nonhazardous", several considerations have been overlooked. Pursuant to 22CCR, Section 66305 (a) it is the waste producers responsibility to determine if a waste is a hazardous waste. This evaluation entails the implementation of all applicable, or potentially applicable, criteria cited under Article 11. Specifically, by the details of your letter and the supporting report, the toxicity criteria will be grossly under evaluated.

You propose, in part, to declassify as nonhazardous, waste from the Learner Facility through the use of 22CCR, Section 66696 (a) (4); the acute aquatic 96 hour bioassay criteria. Use of this method on a waste which contains compounds that exhibit little solubility in water is questionable, and the results inconclusive. Generally speaking, petroleum hydrocarbons are hydrophobic compounds and, as such, are not completely miscible in water. Therefore, it would not be expected that sufficient stress would be placed upon the test subjects to cause excessive, if any, mortalities during the course of the analysis. Due to the inherently poor solubility of petroleum hydrocarbons in water, a more conclusive acute toxicity analysis may be through implementation of the oral LD50 criterion.

Learner Facility
March 24, 1989
Page 3

However, acute toxicity does not stand alone as the only criteria by which a waste may be determined to be toxic and, hence, hazardous. Under Section 66696 (a) (6) of Article 11, a waste or material is toxic or hazardous if it "... (h) as been shown through experience or testing to pose a hazard to human health or environment because of its carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment..." The key to satisfying the requirements of Section 66305 (b), which by reference requires the waste producer to determine whether a waste is hazardous pursuant to any criterion of Article 11, can be found in the language of Section 66696 (a) (6).

Since your goal appears to be declassification, one possible recourse to handling this waste material as hazardous waste is provided under 22CCR, Section 66305 (e). Pursuant to this section, a waste producer may apply to the DHS to handle such waste as "nonhazardous" because of mitigating physical or chemical properties which reduce the risk to human health or the environment to insignificant levels. An application for approval must be approved in writing by the DHS, or designee, before said waste may be declassified.

Last, the lack of empirical evidence of ground water contamination at the Learner Facility should not be considered sufficient to dismiss the need for further evaluation of the subsurface waters. Undoubtedly you will agree, the possibility exists that the soil investigation conducted to date at this facility may not have fully evaluated the soil profile, or have fully evaluated the extent of vertical soil contamination to the point that it can be stated that ground water contamination did not occur. Since ground water in the bay region has been classed "potential beneficial use" by the Water Quality Control Board, and the possibility exists that soil contamination at this facility may have impacted the ground water, the ongoing site clean up should include a technical review of this area. The following documentation will be required to support the resulting position:

Plan for determining ground water contamination

- Construction and placement of wells should adhere to the requirements of the Regional Water Quality Control Board.
- Provide a description of placement and rationale for the location of monitoring wells including a map to scale.

Learner Facility
March 24, 1989
Page 4

- A. Drilling method for the construction of monitoring wells
- expected depth and diameter of monitoring wells
 - date of expected drilling
 - casing type, diameter, screen interval, and pack and slot sizing techniques
 - depth and type of seal
 - development method and criteria for adequacy of development
 - plans for cuttings and development water
- B. Ground water sampling plan
- method for free product measurement, observation of sheen
 - well purging procedures
 - sample collection procedures
 - chain of custody procedures

This position was discussed with Lisa McCann of the RWQCB, during an office conference on February 7, 1989. Ms. McCann agreed that ground water at this facility must be evaluated for the possibility of contamination, and the above noted documentation would also be required by her office to evaluate the clean up at this facility.

Pursuant to California Water Code, Section 13267 (a), a regional board may investigate the quality of any waters of the state within it's region. Further, Section 13267 (b), states, in conducting an investigation specified in subdivision (a), the regional board may require that any person discharging waste within it's region shall furnish, under penalty of perjury, those technical or monitoring program reports as the board may specify.

Learner Facility
March 24, 1989
Page 5

Please be advised that the Alameda County District Attorneys' Office, Consumer and Environmental Protection Agency, has reviewed and concurs with the content of this letter. If you have any questions concerning the contents of this letter or the status of this case, please contact Hazardous Materials Specialist, Ariu Levi. Mr. Levi can be reached at 415-271-4320.

Sincerely,

Edgar B Howell

Rafat Shahid, Chief
Hazardous Materials Program

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Mark Thompson, Alameda County District Attorney, Consumer and
Environmental Protection Attorney,
Lester Feldman, RWQCB
Howard hatayama, DOHS
Jack Hecht, Learner Facility
Paul Shorb, Heller, Ehrman, White & McAuliffe
Files

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

R02478

Telephone Number: (415) 271-4320

February 1, 1989

Mr. Roger Carrick
Heller, Ehrman, White & McAuliffe
Suite 1230
515 South Figueroa Street
Los Angeles, CA 90071-3301

Re: Learner Company at 768 46th Ave. in Oakland.

Dear Mr. Carrick:

The report provided by Dames and Moore dated August 26, 1988 and submitted to this office on December 14, 1988 for the ongoing site assessment of Learner Company property at 768 46th Ave. in Oakland has been reviewed.

It is apparent from this report, titled "Phase II of Environmental Site Assessment", that surface and subsurface soils contamination exists at levels that will require remediation.

The findings by Dames and Moore show soil contamination by petroleum hydrocarbons to 3770 ppm at 2.5 ft depth and PCBs by composite sampling to 25.2 ppm from soil pile P1. Soil contamination by TPH was discovered in concentrations in excess of 1,000 ppm in all areas sampled. PCBs were found in both soil piles and the narrow drive.

In light of the contamination found, Dames and Moore presented four general recommendations for further site assessment and remediation alternatives. This office finds these recommendations acceptable as the general approach to further assessing the degree of contamination, and as alternatives to off hauling the contaminated soil to a Class 1 dump.

The proposed additional sampling to segregate clean from contaminated soil will be accepted with the following provisions:

1. A sampling plan that provides for a minimum number of samples per area of concern will be submitted as part of the plan of correction.

Learner Company
February 1, 1989
Page 2

2. The required sampling will include a minimum number of discreet samples. Composite samples will be accepted as indicators of zones of contamination.

In addition to the soils contamination, two other problems must be addressed. The railroad ties are creosote saturated timber and as such must be treated as hazardous. Also, the possibility of ground water contamination cannot be dismissed without proper evaluation.

If you have any questions concerning the contents of this letter or the status of this case please contact Hazardous Materials Specialist, Ariu Levi. Mr. Levi can be reached at 415-271-4320.

Sincerely, *Rafat A. Shahid*
Rafat Shahid, Chief
Hazardous Materials Program

cc: DOHS, Howard Hatayama
RWQCB, Lester Feldman
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Jack Hecht, Learner Company

Section 66328d, California Administrative Code, Title 22, states, if corrections are needed, the operator shall provide the department with a written plan of correction, which states the actions to be taken and the expected dates of completion.

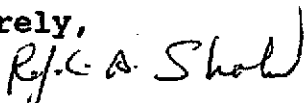
Your plan of correction must include, but is not limited to the following:

1. Define the horizontal and vertical extent of contamination by sampling. Identify sampling methods.
2. Proposed clean up actions
3. Name of licensed hazardous waste hauler
4. Location of disposal facility
5. Measures that will be taken to prevent this type of problem from reoccurring.
6. Identify intent to submit copies of all manifests and receipts for all hazardous waste removed.
7. Identify intent to start clean up after receiving approval by this agency for submitted plan of correction.

You are requested to respond to this letter within fifteen (15) working days from the above letter date.

If you have any questions concerning this matter, your contact person is Ariu Levi, Hazardous Materials Specialist. He can be reached at 415-271-4320.

Sincerely,



Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:AL:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Pete Johnson, RWQCB
Dwight Hoenig, DOHS

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R02478

Certified Mailer #P759 896 342

DEPARTMENT OF ENVIRONMENTAL HEALTH
470 - 27th Street, Third Floor
Oakland, California 94612
(415) 271-4320

May 13, 1988

The Learner Corp.
Mr. Jack Hecht
2711 Navy Dr.
Stockton, Ca., 95203

Re: Second Notice of Violation, 46th Ave., Oakland

Dear Sir:

Enclosed is a copy of your notice of violation initially sent April 29, 1988. From a conversation with Mr. Carrick on May 12, 1988, it appears you may not have received the original letter.

You are requested to respond to the notice of violation within fifteen (15) days from the above letter date. Please disregard the response deadline noted on the N.O.V..

If you have any questions concerning this matter please contact Ariu Levi, Hazardous Materials Specialist, by calling 415-271-4320.

Sincerely,

Rafat Shahid, Chief,
Hazardous Materials Program

cc: Gil Jensen, Alameda County District Attorney's Office
Pete Johnson, RWQCB
Dwight Hoenig, DOHS

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02478

April 29, 1988

DEPARTMENT OF ENVIRONMENTAL HEALTH
470 - 27th Street, Third Floor
Oakland, California 94612
(415) 271-4320The Learner Corp.
Mr. Jack Hecht
2711 Navy Dr., Ca. 95203

Re: SECOND NOTICE VIOLATION, 46TH AVE., OAKLAND

Dear Sir:

This letter confirms my conversation with your attorney, Mr. Roger Carrick, on 4/8/88, and serves as your second notice of violation for conditions found at 46th Ave., Oakland.

In review, an inspection of your facility at 46th Ave., Oakland, was conducted 1/25/88 by Hazardous Materials Specialists A. Levi and M.J. Barnes. The inspection found a large quantity of scrap metal stored through out the property with a concentration of refuse metal around the unit identified by your employee as a bailer, or metal crushing bailing unit. Also evident around the bailer were several ponds of water with what appeared to be severe oil or grease contamination. Samples of the water from the ponds and soil from an area adjacent to the bailer were taken and submitted to the Environmental Health Lab. The lab was requested to characterize and quantify the apparent contaminants. In addition to sampling, photographs were taken of the bailer area and the facility in general. The lab results showed the samples to contain approximately 10% by volume oil and grease.

Section 25189d, California Health and Safety Code, states, any person who negligently disposes or causes the disposal of any hazardous or extremely hazardous waste, at a point which is not authorized shall be subject to a civil penalty of not more than twenty five thousand dollars (\$25,000) per day for each violation.

Section 25189.2a, California Health and Safety Code, states, any person who makes any false statement or representation in any application, label, manifest, record, report, permit, or other document, filed, maintained, or used for purposes of compliance with this chapter, is liable for a civil penalty not to exceed ten thousand dollars (\$10,000) for each violation for each day.

Section 25189.5a, California Health and Safety Code, states, the disposal of any hazardous waste, or the causing thereof, is prohibited when the disposal is at a facility which does not have a permit from the department issued pursuant to this chapter, or at any point which is not authorized according to this chapter.

Section 66189.5b5, California Administrative Code, Title 22, states, Scrap metal excludes any metal contaminated with an oil that is a hazardous waste.