

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

StID 5671

January 21, 2000

Dr. Joseph Ippolito
1900 Mowry Avenue, suite 301
Fremont, CA 94538

RE: Waste Oil Cleanup at 37409 Cherry Street, Newark, CA

Dear Dr. Ippolito:

I am the current caseworker just assigned to bring the above case file to closure. Upon review of our files, it appears that in July 1995 used oil contamination was noted along the chain-link fence at the above referenced property and along the adjacent Postal Service lot. Subsequently, 12 drums of contaminated soil was excavated at the Postal Service lot and disposed at Kettleman City, CA. Five confirmation soil samples were collected after excavation activities. Soil analytical results identified up to 4,500 part per million oil and grease. It appears that excavation was effective in removing most of the hydrocarbon-impacted soil.

Our record show that the \$750.00 deposited for oversight has been depleted (see enclosure). A check made payable to "Alameda County Environmental Health" in the amount of \$300.00 should be submitted to reinstate your account and fund this Office's oversight tasks on your project. It is anticipated this additional amount will allow for time needed to issue you a "No Further Action" letter and close the case. Any and all monies remaining in your account after the completion of the project will be refunded to you. Please be sure to write the following identifying information on your check:

project #3665A/ Stid #5671
type of project (remediation, add-on), and
site address (37409 Cherry Street, Newark, CA)

If you chose not to respond by **February 10, 2000**, I would still close the case file without issuing a "No Further Action" letter, and will send the account to Central Collections. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

enclosure

ippolito1



Contractor's License #599864

All Chemical Disposal, Inc.

941 Berryessa Road, Suite D • San Jose, CA 95133
Tel: 408-453-1660 • Fax: 408-453-3087

Fax Cover Sheet

To:	Modula Logan		
Company:	Alameda Health Dept		
Fax #:	510-507-6264 510-337-9335		
Date:	Nov. 8, 1995	Time:	
From:	Gigi Gunz		

Number of Pages including Cover Sheet: _____

Comments:

The sales rep handling the account submitted to you a work plan that had not been released by All Chem as approved. I apologize for the inconvenience. Please replace this work plan for the one faxed to you on Friday.

Thank you

→ *Guaranteed Responsible Party*

Dr. Joseph J. Perobski

(510) 493-2521

The information contained in this fax message is intended only for the personal and confidential use of the designated recipients named above. This message may be attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify the above sender immediately by telephone and return the original message to the sender. Thank You.

If Fax is incomplete or illegible, please contact our office at (408)453-1660



Contractor's License #599864

All Chemical Disposal, Inc.

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Work Plan

Cherry Properties-Project #: 37782

Submitted to: Alameda County of Health Care Services Agency
Department of Environmental Health
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

Submitted for: Cherry Properties and US Postal Service Property
37409 Cherry Street (vacant lot on Clark Street, Newark, CA)
Newark, CA 94356
EPA ID #: CAC001072168

Scope of Work

Scope of work will be the remediation of hazardous waste. The remediation will be, hand excavating approximately one cubic yard of oil contaminated soil that had been dumped from the Cherry Street site along the chain link fence onto the adjacent US Postal Service Property vacant lot. Duties also included in the remediation will be the packaging of soil into DOT approved UN1A2/55 gal drums, assist generator with associated paperwork, including profiling, labeling, and manifesting; transportation and disposal of the soil contaminated with oil.

Disposal Facility Information:

The Generator's Waste Material Profile Sheet is required for a waste to be considered for transportation, treatment, storage or disposal. It is used to determine if the waste may be transported, treated, stored or disposed in a legal, safe, and environmentally sound manner. The following disposal location has selected by the generator :

Profiled to: Chemical Waste Management, Inc. (Class I Landfill)
35251 Old Skyline Road
Kettleman City, CA 93239
CAT000646117

Sample Collecting Information:

All Chemical Disposal, Inc. will collect a total of 5 soil samples (four side wall samples and one bottom sample). This sample will be collected in accordance with "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", SW 846, USEPA, Office of Solid Waste, Washington D.C., 20460 and/or 40 CFR 261-Appendix I. Samples will be collected in brass tubes, ends wrapped with aluminum foil, plastic end-capped, taped to prevent the escape of volatiles, and placed on ice.

Chain of Custody- The sampler is to describe exactly from where the sample was taken (e.g. drum, spoils pile, pond, tank). Information indicated on the chain of custody will also include the sample date, the name of the sampler, the state certified laboratory that the sample will be submitted to, and the sample method required. Each courier will indicate the condition of the sample seal before the sample is signed as received by that courier.



Each sample will be analyzed for oil and grease by EPA method 5520. and analyzed for benzopyrene and naphthalene by PAH method. The detection limit for these test will be less than 1 PPM.

Sample to: Chromalab, Inc.
2239 Omega Road, #1
San Ramon, CA 94583

Site Safety

Site Safety Meetings must be conducted before each job which involves working with hazardous materials. The Site Safety Meeting is the essential step in recognizing emergency situations, evaluating potential emergencies and outlining protocol in the event of an emergency, as it serves as the site inspection and characterization. The project leader assigned to this project is responsible for completing the Site Safety Form and for conducting the Site Safety Meeting

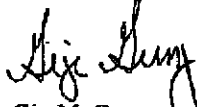
A copy of the Site Safety Meeting form is included as Figure I. These forms are maintained with the project files for a minimum of three years.

Project Coordination

Three day advance notice will be given to Madula Logan of the Department of Environmental Health prior to excavation and collection of sampling. A minimum of 24 hour advance notice will be given to Phillip Fraher of the Newark post office so he can provide access.

Once the work plan has been approved by The Alameda County of Health Care Services Agency, please contact me in order to coordinate the removal of this waste at (408)453-1660.

Sincerely,
ALL CHEMICAL DISPOSAL, INC.



Gig M. Gunz
General Services Manager

PHILIP J. FRAHER
POSTMASTER



6250 THORNTON AVE
NEWARK CA 94560-9998
510-797-2464

STEVEN K. WAKE
PERFORMANCE CLUSTER ENVIRONMENTAL COORDINATOR



1675 7TH ST ROOM VMF
OAKLAND CA 94615-9351
510-874-8658
FAX: 510-208-5361

PS Form 3811, December 1991 U.S. GPO: 1993-140-714

SENDER: <ul style="list-style-type: none">• Complete items 1 and/or 2 for additional services.• Complete items 3, and 4a & b.• Print your name and address on the reverse of this form so that we can return this card to you.• Attach this form to the front of the mailpiece, or on the back if space does not permit.• Write "Return Receipt Requested" on the mailpiece below the article number.• The Return Receipt will show to whom the article was delivered and the date delivered.	<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>
	<p>3. Article Addressed to:</p> <p>Mr. Joseph Ippolito Cherry Properties P.O. Box 2205 Fremont, CA 94546</p>
<p>5. Signature (Addressee)</p> <p><i>J. Ippolito</i></p> <p>6. Signature (Agent)</p> <p><i>Kurt</i></p>	<p>7. Date of Delivery</p> <p>7-20-95</p> <p>8. Addressee's Address (Only if requested and fee is paid)</p> <p><i>Kurt</i></p>

DOMESTIC RETURN RECEIPT

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



shid. 5671

RAFAT A. SHAHID, Director

Certified Mailer # Z 196 176 867

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
(510) 567-6700

July 18, 1995

Mr. Joseph Ippolito
Cherry Properties
PO Box 2205
Fremont, CA 94546

******Notice of Legal Obligation******

**Re: Contamination of 37409 Cherry Street, Newark, CA
and of US Postal Service Property (vacant lot on Clark
Street, Newark, CA 94560-9998, Tax Assessors Parcel
92-64-12)**

Dear Mr. Ippolito:

This notice documents soil contamination at the above addresses associated with the illegal dumping of motor oil along the fence line of property owned by Cherry Properties at 37409 Cherry St., Newark. Upon inspection it appeared that motor oil had been dumped from the Cherry Street site along the chain link fence onto your property and also onto the vacant Postal Service lot next door. Both properties have conspicuous oil staining along the fence line. A sample of soil collected from the Postal Service property indicated the presence of Total Oil and Grease at 12.9 % (129,000 ppm).

Section 25189.5 of the CA Health and Safety Code states that "the disposal of any hazardous waste is prohibited when the disposal is at a facility which does not have a permit pursuant to Chapter 6.5". This section also allows the court to levy fines upon persons convicted of violating this section not less than \$ 5000 or more than \$ 100,000 for each day of violation.

You are required to submit a work plan outlining proposed measures to address the contamination to soil along the effected area of both properties within 45 days. The work plan should include details on: coordination with the Postal Service for site access, soil removal, confirmation sampling, site safety measures, soil characterization, and transportation and disposal of contaminated soil. The work plan must be reviewed and approved by Alameda County Environmental Health Department (ACEHD) prior to implementation.

Z 196 176 867



UNITED STATES
POSTAL SERVICE

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

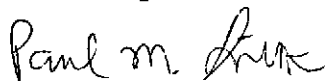
Sent to Ippolito/Cherry Proper	
Street and No. PO Box 2205	
P.O., State and ZIP Code Fremont, CA 94546	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Mr. Ippolito
July 18, 1995
page 2 of 2

You are required to remit \$ 750.00 made payable to Alameda County, Environmental Protection Division. These funds will be billed at a rate of \$ 90.00 per hour. Any unused portion will be refunded to you at the completion of the project. ACEHD has established a deposit refund mechanism to cover expenses incurred by staff in conducting regulatory oversight. Section 3-180.3 Alameda County Ordinance code authorizes this deposit refund mechanism.

Please feel free to contact me at (510) 567-6707 with any questions.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

c:

Philip J. Fraher, Postmaster, 6250 Thornton Ave, Newark, CA
94560-9998

Steven Wake, US Postal Service, 1675 7th Street, Room VMF,
Oakland, CA 94615-9351

Gil Jensen, Alameda County District Attorneys Office, Consumer
and Environmental Affairs Division, 7677 Oakport St., Suite
400, Oakland, CA 94621

Jacqueline Bretschneider, City of Newark, Hazardous Materials
Bureau, 37101 Newark Blvd., Newark, CA 94560-3796

Alameda County Health Care Service Agency
Department of Environmental Health
Environmental Health Laboratory

ANALYTICAL REQUEST

Certification No. 1816

Laboratory No: 95-065

Sample Identification: Vacant lot US Postal-Clark St., in back of
37409 Cherry Ave., Newark, CA

Analysis Requested By: Paul Smith

Date Collected: 7/5/95

Collected By: Paul Smith

Date Received: 7/5/95

Received By: N. Leung

Analysis Requested: Total Oil & Grease.

Background Information: 1 soil sample was submitted for analysis.

ANALYTICAL RESULTS

<u>Parameter</u>	<u>Observation or Results</u>
Sample#	7595PMS-1
Laboratory#	95-065
Total Oil & Grease	12.9% <i>129,500 ppm</i>

Conclusion:

Date Analysis Completed: 7/13/95

Chemist: N. Leung

Approved: *D.W*

Distribution: Paul Smith, Jun Makishima.

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #:	FACILITY NAME: vacant lot Clark Street, Newark	PG. <u>1</u> OF <u>1</u>
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SUPPLEMENTAL FORM

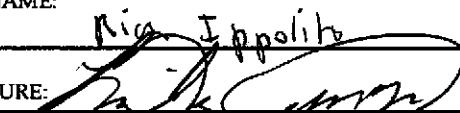
Site visit to the above location associated with conspicuous oil staining to soil in back of 37409 Cherry. It appears as if a significant quantity of motor oil has been dumped along the northwest property line from an eight unit apartment complex.
The property affected is owned by the US Postal Service.

I spoke with Rich Ippolito whos family owns the property.
I informed him that dumping of waste oil to soil is illegal.
He informed me that this was from a tenant no longer on the premises.

A work plan needs to be submitted to the above address outlining proposed measures to clean up spillage to soil. Also recommend educating tenants as to proper disposal. An onsite manager is now living on property William Hughes unit 11 as of July 1, 1995.

Also noted 1 battery stored in a parking stall. need to properly dispose of. provided household hazardous waste phone #.

I collected a sample + took 3 photos

PRINT NAME: Rich Ippolito	INSPECTED BY: Paul M. Burke
SIGNATURE: 	DATE: 7/5/95

LAB # 95-065

white - lab
yellow - insp. file
pink - fac. file

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DIVISION OF HAZARDOUS MATERIALS
80 SWAN WAY, ROOM 200
OAKLAND, CA 94621
(415) 271-4320

LABORATORY SERVICE REQUEST

SITENAME Vacant lot US Postal - Clark St.
ADDRESS in back of 37409 Cherry Ave, Newark
SAMPLE SUBMITTED TO: 7/5/95
DATE SUBMITTED _____
SEND INVOICE TO: _____

SEND ANALYTICAL REPORT TO ABOVE OR:

ATTN: Paul Smith

____ RUSH = ABOUT 1 WEEK TURNAROUND
____ ROUTINE = ABOUT 2 WEEKS TURN-AROUND

SAMPLE NO.	DATE/TIME COLLECTED	TYPE OF MATERIAL (WATER, SOIL OR MATRIX)	VOLUME/WEIGHT	FIELD OBSERVATION	ANALYSIS REQUESTED
7595 PMS-1	7/5/95 10:AM	soil	6 oz	conspicuous oil staining	TOG

Chain of Custody:

1. Paul M. Smith Senior Hazardous Materials Specialist 7/5/95
Signature Title Inclusive Dates

2. [Signature] CHIEF 7/5/95
Signature Title Inclusive Dates

3. _____
Signature Title Inclusive Dates

Herb Redman

567-6749



**United States
Postal Service**

JUNE 27, 1995

642-1054

**MR PAUL SMITH
ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS MATERIAL DIVISION
1131 HARBOR BAY PKY
ALAMEDA CA 94502-6577**

Dear Mr. Smith:

**This is follow-up to my telephonic report of Tuesday, June 27, 1995 to
Gwen of your agency.**

**On Monday, June 26, 1995, Mr. Howard Souza was contracted to disk the
Postal Owned property located on Clark Street in Newark. He reported to
me that someone was dumping used motor oil on the property. He advised
me that the oil was discovered adjacent to the back fence of 37409 Cherry
Street. This is an eight unit apartment complex and their parking space is
in close proximity to our chain link fence, in fact the oil trail goes from their
property to ours. This indicates to me that someone is changing their oil at
37409 Cherry and is dumping same through the chain link fence onto our
property.**

vacant

**It would therefore, be appreciated if you could advise us on how we can
put a stop to this. If you would like to inspect the area, please contact me
and we can schedule change.**

vacant lot Clark St.

525 long x 400 wide

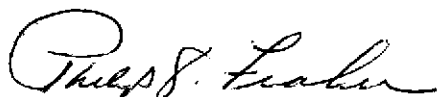
4.4 acres

July 88 Postal Service purchase of property

I would appreciate a response as soon as possible. I may be reached at 510/797-2464 (Monday through Friday from 8:00 AM to 5:00 PM).

Thank you for your assistance.

Sincerely,



PHILIP J FRAHER
POSTMASTER
US POSTAL SERVICE
6260 THORNTON AVE
NEWARK CA 94560-9998

cc: Steve Wake, USPS District Environmental Coordinator
Linda Zaffiro, Mgr Post Office Operations

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

COMPLAINT FORM

COMPLAINT REC'D. BY G. Hollinshed DATE: 6-27-95, Thurs TIME: 10:15am

ADDRESS OF INCIDENT: Apartment Complex..street gutter

37409 Cherry Street, Newark, CA 94560

NAME OF FACILITY: Residence

CONTACT PERSON: --

FACILITY PHONE #: --

*Conf please

NAME OF COMPLAINANT: Phil, postal worker PHONE #: (510)797-2464

SUBJECT OF COMPLAINT: Oil dumped ^{onto soil of vacant US Postal Service lot next door} ~~into street gutter~~ next to this location..he did

not witness incident but strongly believes the resident(s) is doing it.

Orig: Paul Smith, District Inspector at 10:20a
C: Shirley Simril, HM Input "

7/17/95

* site visit - collected sample

Total oil and grease

Sample came back 129,000 ppm TOG Sent Notice of Legal

Obligation to the manager Joseph Toppolito of Cherry Properties at the above address

JOSEPH W. IPPOLITO, M.D., INC.
PHYSICIAN & SURGEON
1900 ~~7~~ MOWRY AVE., SUITE ~~301~~
FREMONT, CALIFORNIA 94538
DIAL 793-2521

Paul Smith
Senior Hazardous Materials Specialist
Sir:

Enclosed you will find a check for
750⁰⁰ to cover administrative costs
on 37409 Cherry St, Newark, Calif.

Sincerely,
J.W. Ippolito