

July 16, 1996

Ms. Madhulla Logan
Alameda County Health Agency
1131 Harbor Bay Parkway
Alameda, California 94501

**RE: 1362 AND 1384 RUUS LANE (WARMINGTON HOMES)
HAYWARD, CALIFORNIA**

Dear Ms. Logan:

PSI submitted a Remedial Excavation Report (Excavation Report) for the above referenced site on July 3, 1996. The report detailed the excavation and stockpiling of petroleum hydrocarbon impacted soil. This letter is an addendum to the Excavation Report and addresses the transport and disposal of the stockpiled soil.

On June 11, 1996, PSI personnel sampled the soil stockpile. As approximately 700 cubic yards of soil was excavated, PSI grided the stockpile into seven cells and collected four soil samples from each of the seven grided cells. The four soil samples collected from each cell were composited into one soil sample. The soil samples were sealed according to standard protocol and shipped to GEOTEST, a California Certified Laboratory for analyses according to Standard Method 5520E for Total Oil and Grease (TOG). The results of the chemical analyses are presented in Table 1 and Attachment A. All of the soil samples had detectable concentrations of TOG, however none of the soil samples had concentrations greater than 120 milligrams per kilogram (mg/kg).

On July 9, 1996, sixty-eight loads of soil was transported by Robertson Trucking of Fremont, California to a Caltrans construction site at Alavarado-Niles Boulevard in Union City, California. The soil was accepted by O.C. Jones, Caltrans Contractor, to be utilized for roadbase in the building of an onramp.

If you have any questions regarding this letter or any aspect of the project, please do not hesitate to call.

Sincerely,



Frank R. Poss
Associate Hydrogeologist

cc: Mr. Hugh Murphy, City of Hayward
Mr. Steve Millar, Warmington Homes
Mr. Michael Cassidy, United Savings Bank

ENVIRONMENTAL
PROTECTION
97 MAR 19 AM 9:48

Information To Build On



**Environmental
Geotechnical
Construction**
Consulting • Engineering • Testing

GeoResearch Division

March 25, 1996

Mr. Robert Bauman, Deputy Director
HAYWARD PUBLIC WORKS DEPARTMENT
25151 Clawiter Road
Hayward, California 94545

**RE: 1362 AND 1384 RUUS LANE (WARMINGTON HOMES)
HAYWARD, CALIFORNIA**

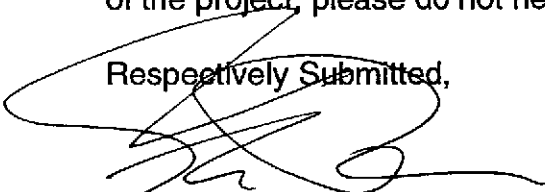
Dear Mr. Bauman:

Professional Service Industries, Inc. (PSI) is requesting approval from the City of Hayward Public Works Department to utilize petroleum impacted soil as roadbase beneath a proposed asphalt paved road, Bowhill Lane. The work will be accomplished in accordance with a letter workplan submitted and approved by Ms. Madhulla Logan of the Alameda County Health Agency (ACHA) (Attachment 1). Ms. Logan stated that pending the results of the soil sample analyses, she will issue a letter stating that the soil can be utilized as backfill material.

PSI also refers you to a letter dated November 15, 1995 from Mr. Mark Papineau regarding this matter (Attachment 2). This letter also outlines the work that will be completed prior to utilizing the soil as backfill material, as well as, how the soil will be utilized beneath Bowel Lane.

PSI understands the sensitive nature of this request and would welcome a meeting with you regarding this subject. If you have any questions regarding this letter or any aspect of the project, please do not hesitate.

Respectively Submitted,


Frank R. Poss
Senior Hydrogeologist

cc: Mr. Mike McClellan, Warmington Homes
Ms. Madulla Logan, ACHA
Mr. Hugh Murphy, City of Hayward

ATTACHMENT 1

ACHD LETTER

January 17, 1996

Ms. Madhulla Logan
Alameda County Health Agency
1131 Harbor Bay Parkway
Alameda, California 94501

**RE: 1362 AND 1384 RUUS LANE (WARMINGTON HOMES)
HAYWARD, CALIFORNIA**

Dear Ms. Logan:

Per our telephone conversation, this letter addresses the work to be completed at the above referenced site for the remediation of petroleum hydrocarbon impacted soil. The remediation of the soil will be completed by a State of California Licensed Contractor and will include the excavation and stockpiling of the petroleum hydrocarbon impacted soil, confirmation sampling, and re-use of the soil as road-sub-base material. The details of the site activities are as follows.

SITE HISTORY

Reportedly, the site was used as agricultural land prior to development into the Tallyn and Hohener properties. The Tallyn parcel historically was utilized for the storage of chemical toilet waste and surface storage of 55-gallon drums of formaldehyde used in the toilets. The Hohener parcel historically was utilized for the storage of a variety of hazardous materials, hazardous wastes, batteries, junk metal, tires, and equipment. Currently, the buildings and debris have been removed from the both of the parcels, and the site has been graded flat.

Previous investigations of the soil and ground-water conditions have been performed at the two properties. The results of the soil investigation have indicated that elevated concentrations of total extractable petroleum hydrocarbons (TEPH) were detected in the soil at the southern portion of both sites. The depth of soil impacted by TEPH does not appear to be deeper than 2.5 feet below ground surface (bgs). The delineated area of soil impacted by TEPH is approximately 50 by 150 by 2.5 feet (approximately 700 cubic yards of soil).

Ground-water samples were collected from four temporary-screened borings and one permanent monitoring well on the property. The results indicated that the water samples were not-detected for the contaminants analyzed.

EXCAVATION

Prior to the commencement of field work at the site, a site health and safety plan (H&SP) will be developed in compliance with 29 CFR 1910.120 to address the potential hazardous materials that may be encountered during field work at the site. The H&SP will be designed to minimize the exposure of personnel working to potentially hazardous materials and unsafe working conditions.

The excavation will be completed by a State of California Licensed Contractor and will proceed in the area previously defined as being impacted by TEPH. The soil excavated from the impacted area will be stockpiled on and covered with Visqueen to dispersal into the environment. Following the excavation activities, one soil sample will be collected from the bottom of the excavation, and one soil sample will be collected from each of the sidewalls. The excavation will cease if the results of the laboratory analyses indicate a concentration of TRPH below 500 milligrams per kilogram (mg/kg). Additionally, twelve soil samples will be collected from the stockpiled soil and will be composited into three soil samples for analyses. The soil samples will be collected according to standard protocol and will be collected under the supervision of a State of California Registered Geologist.

CHEMICAL ANALYSES

Each of the soil samples collected will be analyzed according to EPA Method 418.1 for Total Recoverable Petroleum Hydrocarbons (TRPH). Additionally, one of the composited soil samples from the soil stockpile will be analyzed by the California Waste Extraction Test (WET) to assess the leachability of TRPH from the soil. The five soil samples collected from the site excavation will be composited into one soil sample and will be analyzed according to EPA Method 8270 for Semi-Volatile Organics.

REPORT PREPARATION & SOIL DISPOSAL

Upon receipt of the chemical analyses, PSI will submit to the Alameda County Health Agency (ACHA) a closure letter documenting the results of the excavation and chemical analyses. Assuming appropriate results from the leachability test for TRPH, PSI is



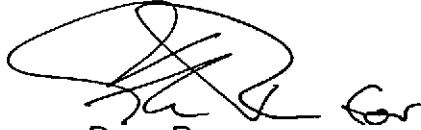
requesting that the ACHA submit a letter to the City of Hayward stating that the excavated soil can be utilized as on-site road-base material. Upon receipt of this letter, the stockpiled soil will be utilized as on-site road-base material.

If you have any questions regarding this letter or any aspect of the project, please do not hesitate to call.

Sincerely,



Frank R. Poss
Associate Hydrogeologist



Dave Bean
Registered Geologist, RG #5618

cc: Mr. Steve Millar, Warmington Homes
Mr. Dan Collins, City of Hayward

ATTACHMENT 2

CITY OF HAYWARD LETTER



environmental service

by Papineau, R.E.A. 791

RECEIVED

NOV 17 1995

WARREN, OHIO

November 15, 1995

Mr. Robert E. Bauman, P.E.
Deputy Director
Hayward Public Works Department
25151 Clawiter Road
Hayward, CA 94545

Subject: Stratford Village Phase IV, 1362 Ruus Lane , Hayward, Proposed Soil Sequestering Plan (Project 95-010)

Dear Mr. Bauman:

This letter was prepared at the request of Mr. Hugh Murphy to explain the proposed soil sequestering plan. The plan objective is to move certain petroleum oil-affected soil present in the surface ground, to a depth of approximately 2.5 feet below existing grade, to a location on site that would not be accessible to future residents. The location proposed is beneath a proposed asphalt-paved road, Bowhill Lane, directly beneath the pavement (see Typical Section).

Plan considerations are outlined below:

1. The nature of the soil stated to be petroleum oil-affected contains on the average less than 1,000 milligrams per kilogram (mg/kg) as oil and, therefore, is non hazardous per California waste designations in Title 22. The Alameda County Health Services Agency is requiring confirmation, by means of additional sampling and testing, that other polynuclear aromatic constituents (PNAs) are absent in the soil which has previously been sampled, tested and found to contain detectable concentrations of petroleum oil.
2. The quantity of soil so affected is estimated to be less than 2,000 cubic yards. Up to 2,000 cubic yards of this would be subject to the proposed sequestering.
3. The petroleum oil-affected soil proposed to be sequestered ("subject soil") will be verified by Alameda County not to pose any adverse health consequences owing to oil concentration or potential trace constituents (i.e., PNAs). So far, the Alameda County Health Agency agrees that it does not and has accepted a clean up goal of 500 mg/kg, subject to the further condition stated in #1 above
4. The subject soil will be verified by the Cal/EPA, Regional Water Quality Control Board (RWQCB), not to pose any risk to ground water. So far, the RWQCB agrees that it does not.



Papineau, R.E.A. 791
Project 95-010

5. The subject soil will not be placed any deeper in the ground than the elevation at which it currently resides. Import Class II base rock will be used to fill sanitary sewer, storm sewer, and water main trenches. The sequestered soil will not be used in or over dry utilities (e.g., cable television, telephone, electricity, and natural gas).
6. The subject soil will be placed beneath the future road, and will be placed with conventional construction grading and compacting equipment.

Adequate space to sequester the petroleum oil-affected soil is estimated by Warmington Homes civil engineer to be available beneath the proposed Bowhill Lane within the cross-section shown in the attachment. Any waste soils generated will be transported for proper disposal at a Class III sanitary landfill.

Please call the undersigned at (510) 881-8574 if you have any questions about this plan.

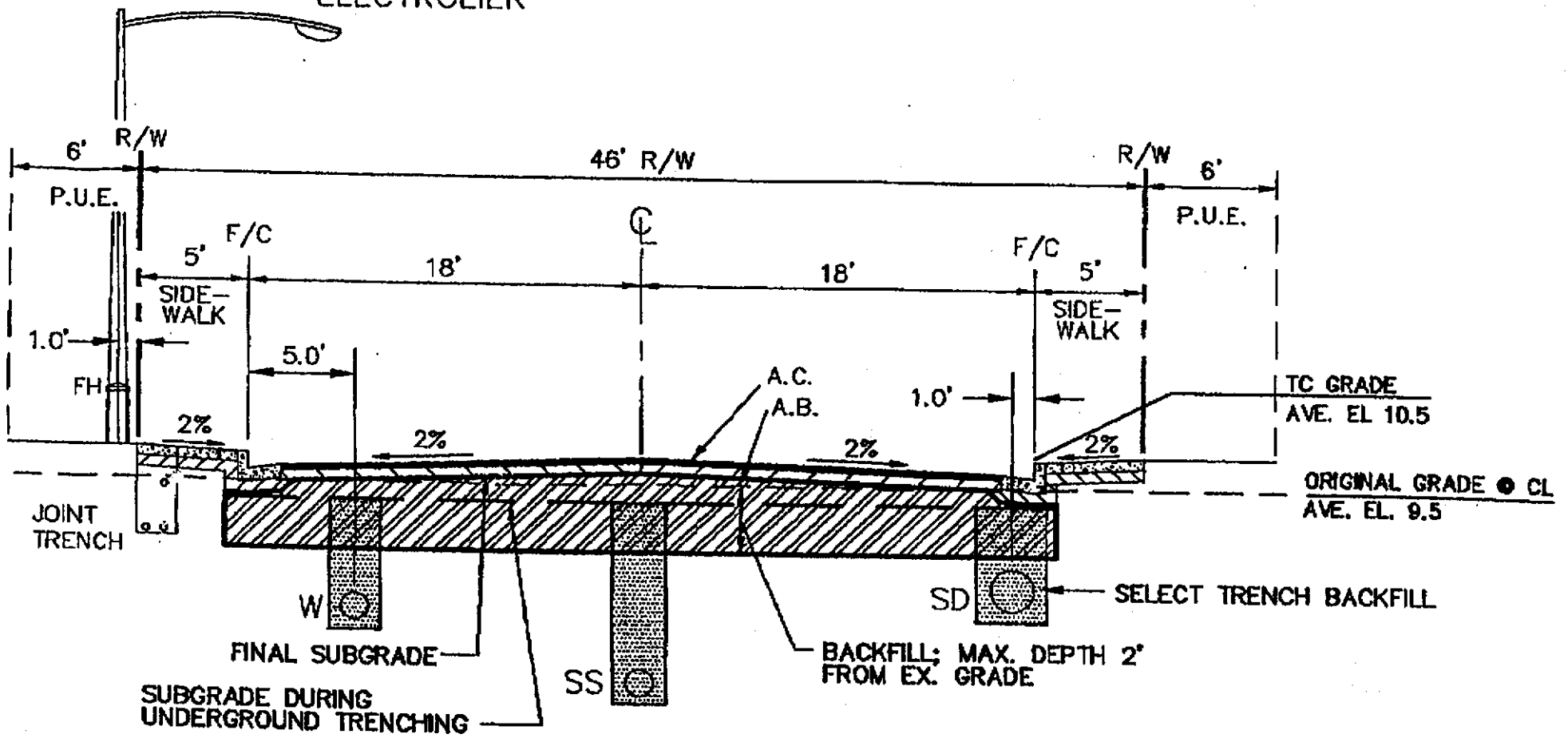
Sincerely,
FOR AND ON BEHALF OF WARMINGTON HOMES

Marc Papineau
California Registered Environmental Assessor 791
Project Manager

cc. Mr. Hugh Murphy, City of Hayward
✓ Mr. Mike McClellan, Warmington Homes

✓ enclosure: Typical Cross-Section

ELECTROLIER



TYPICAL BACKFILL SECTION BOWHILL LANE

N.T.S.

OWG: P\254-STR\PHASE4\BACKFILL
10/31/95

TRACT 6682 - UNIT 4
STRATFORD VILLAGE, HAYWARD
JOB NO. 254-11



ENVIRONMENTAL
PROTECTION

95 AUG 16 PM 1:49

Tuesday, August 15, 1995

Ms. Madhulla Logan
Alameda County Dept. of Environmental Health
1131 Harbor Bay Parkway 2nd Floor
Alameda, CA 94502

SUBJECT: 1362 and 1384 Ruus Lane Hayward, California
(RECON Project Number S40109)

Dear Madhulla:

Warmington Homes is interested in implementing a remedial action on the above-referenced site (the Site) in preparation for its next phase of single-family residential development. The nature of the proposed remedial action is soil scraping within the Target Area (see attached Figure), to remove petroleum-affected soil having Total Recoverable or Extractable Petroleum Hydrocarbons (TRPH or TEPH) concentrations above 500 mg/kg. Other soil not similarly affected with TEPH would be left in place and covered with import fill soil needed to raise the overall elevation of the Site + 2 feet for the purpose of flood protection.

After scraping, the scraped soil will be stockpiled in an interim stockpile. Later, the stockpiled soil will either be placed under pavement or else will be transported off-Site to a landfill for disposal. The stockpiled soil may be subjected to further chemical characterization, for example, if the landfilling option is elected. Reuse of the soil under asphalt paved surfaces is subject to further approvals of the City of Hayward.

Prior to implementing the proposed soil scraping and interim stockpiling, Warmington Homes will perform additional sampling and chemical analyses of soil samples collected from the Target Area (see Proposed Work Plan). Based upon the available analytical results submitted by RECON, on behalf of Warmington Homes, to you and Mr. Hugh Murphy, TEPH concentrations outside the Target Area are not expected to exceed 500 mg/kg. To preclude potential interferences caused by asphalt in the top 2 feet of the Site's existing soil and/or non-native fill, RECON will direct the laboratory to analyze selected soil samples in general accordance with U.S. EPA Method 8015 modified. U.S. EPA Method 8015 modified has an upper range of C50 hydrocarbons, according to North State Environmental Laboratory. Also, according to Chevron Research Technology Center, motor oils center around C32 and asphalt above C38.

RECON notes especially that no detectable toxic constituents, and no heavy metals above regional background concentrations, have been reported in any of the samples submitted for chemical analysis to date. The soil stratum which contains the TEPH-affected soil appears generally in the top 2.5 feet of the Site's existing soil and/or non-native fill, underlain by native silty clays. These native clay soils were logged in all 13 of the test pits most recently completed to a depth of five feet below existing grade. There is one on-Site monitoring well, for which no detectable petroleum oil or grease has been reported on either of the two sampling events. There is no apparent soil toxicity or groundwater impact.

Scrape 2.5 feet

Warmington Homes understands that remedial measures, except landfilling off-Site, and the clean up goal of 500 mg/kg, are both subject to the review and authorization of the Alameda County Department of Environmental Health and the City of Hayward. As far as we know, any amount of the soil could hypothetically be landfilled, although arbitrary use of landfill resources appears contrary to waste minimization mandates of the State of California.

Please provide your approval of a clean up goal of 500 mg/kg, soil scraping within the Target Area and interim stockpiling, based upon the available analytical results in RECON's report dated July 25, 1995. If you agree, Warmington Homes will submit a detailed Work Plan to provide additional definition of the soil within the Target Area having TEPH concentrations above, *or below*, the stated clean up goal. This remedial action is consistent with the apparent absence of soil toxicity or groundwater impact caused by the TEPH-affected soil in the uppermost 2.5 feet of sandy silts and non-native fill on the Site.

Time is of the essence as Warmington Homes wishes to proceed with the proposed remedial action to be followed by grading and filling activities for its residential subdivision (see Tentative Schedule).

Sincerely,
RECON ENVIRONMENTAL CORP.



Marc Papineau, R.E.A. 791

enclosures : Figure Illustrating the TEPH Target Area
Draft Work Plan Outline
Tentative Schedule of Work

cc. Mr. Hugh Murphy, City of Hayward

SPECIAL TEPH DELINEATION WORK PLAN OUTLINE - DRAFT

Objective

To delineate further the concentrations of Total Extractable Petroleum Hydrocarbons (TEPH) in soil within the specific Target Area (see Figure).

Plan

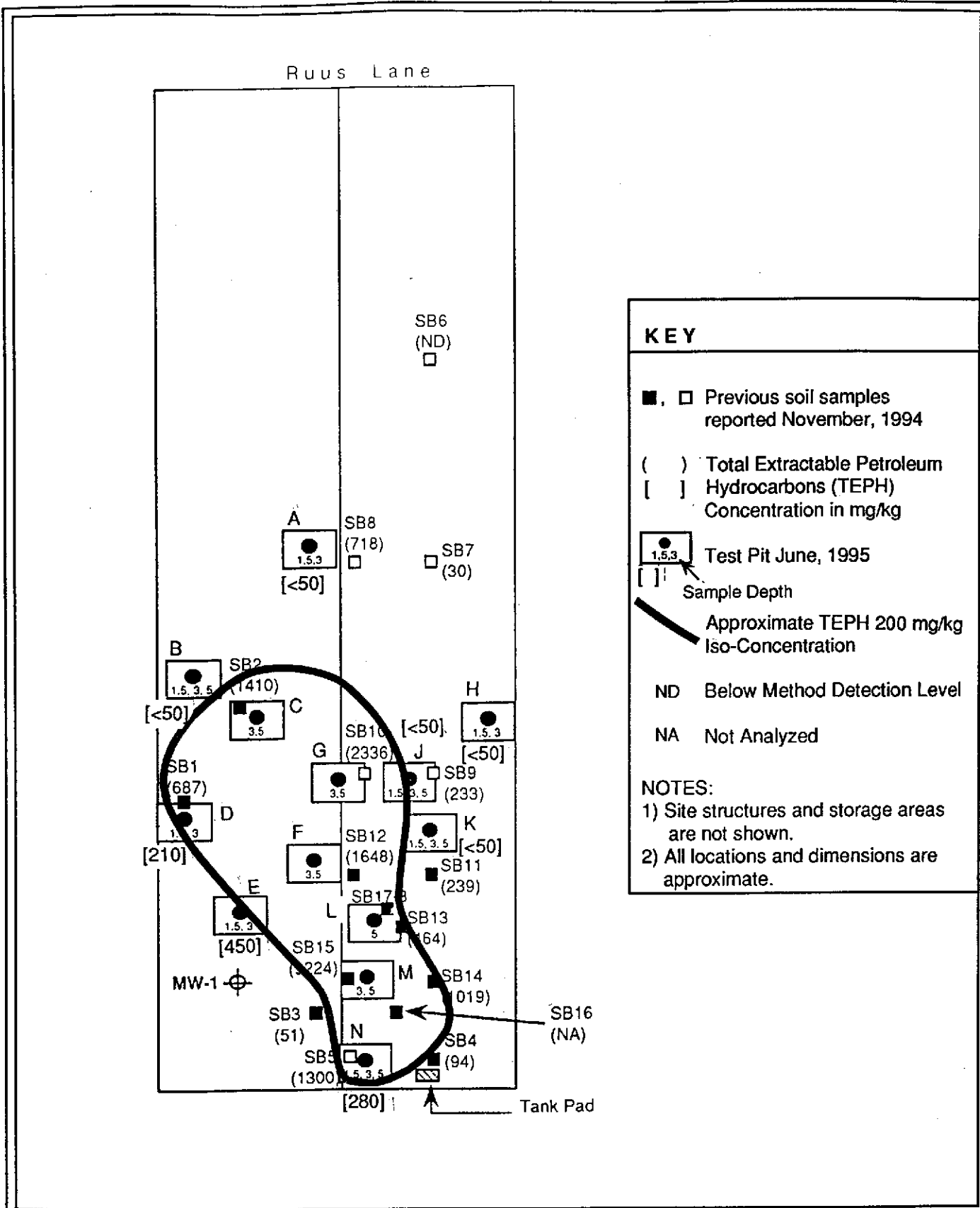
- Prior to test pit excavation, provide a sketch to Alameda County illustrating proposed approximately 10 proposed test pit locations.
- Locate 6 of the proposed test pits generally along the boundary of the Target Area.
- Locate 4 of the test pit locations generally centrally within the Target Area.
- Collect discrete soil samples at 0.5, 2 and 3 feet below grade surface (BGS) from each test pit. Collect each sample with a slide hammer and spoon loaded with a brass sleeve, driven into the sidewall.
- Submit selected soil samples for laboratory analysis in accordance with U.S. EPA 8015 modified and/or Standard Method 5520 F.
- Test 20 of the samples collected from 0.5 and 2 feet BGS.
- Hold 10 of the soil samples collected from 3 feet BGS for potential analysis pending the results of the above analytical results.

Reportage

- Report all test data in a concise report with Analytical Reports, Logs of Test Pits, and Chain of Custody record.
- Illustrate the area(s) subject to soil scraping and scraping depth to remove soil containing concentrations of TEPH of 500 mg/kg or above.

TENTATIVE SCHEDULE OF WORK

<i>Activity</i>	<i>Date</i>
Conduct this proposed Special Delineation of TEPH	August 21 to 25
Perform directed soil scraping within the Target Area	September 1
Create interim soil stockpile	September 2
Chemically characterize interim stockpiled soil	As needed
Coordinate with the City of Hayward regarding soil placement beneath asphalt pavement	August 15 to September 15
Perform site grubbing to remove organic materials (e.g., grasses, weeds)	September 15
Import and place clean fill material (approximately 2+ feet on top of existing grade)	September 15 to October 15
Perform grading of streets and lots	December 15 to January 1996
Install utilities	January 1996
Begin housing foundation and framing work	February 1996



RECON

Environmental Corp.

7000 Marina Blvd., 4th floor
Brisbane, CA 94005



Scale: 1" = 100'

FIGURE 2.
TARGET AREA OF
TEPH-AFFECTED SOIL
1362 AND 1384 RUUS LANE
HAYWARD, CALIFORNIA



AUG 24 RECD

August 18, 1994

Mr. Eddy So
California Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, California 94005

Subject: Warmington Homes Project at 1362 and 1384 Ruus Lane,
Hayward, California (RECON Project Number S40109)

This letter has been prepared by RECON Environmental Corp. (RECON), formerly CERTIFIED Engineering & Testing Company, Inc., to provide supplemental information regarding the proposed subsurface investigation at the Warmington Homes project at 1362 and 1384 Ruus Lane, Hayward, California (site). The supplemental information is provided in response to review comments presented in the a letter prepared by the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB), dated July 20, 1994, for the workplan prepared by CERTIFIED dated June 22, 1994. The comments presented in the RWQCB letter are addressed below.



Certified
Engineering
& Testing®
Company

Environmental
Consultants
& Laboratory
Services

7000 Marina Boulevard
4th Floor
Brisbane, CA 94005
415-742-9900
Fax 415-742-1033

Boston
Providence
New York
Memphis
Dallas
San Francisco
Los Angeles

1. Analysis of Soil Samples

Soil samples collected from the Tallyn property will be analyzed for formaldehyde in general accordance with U.S. Environmental Protection Agency (EPA) Method No. 8315. The soil samples will also be analyzed for total recoverable petroleum hydrocarbons (TRPH) in general accordance with EPA Method No. 418.1; total petroleum hydrocarbons as gasoline (TPHg) and diesel (TPHd) in general accordance with EPA Method No. modified 8015; benzene, toluene, xylene, and ethylbenzene (BTXE) in general accordance with EPA Method No. 8020; halogenated volatile organic compounds in general accordance with EPA Method No. 8010; organochlorine pesticides in general accordance with EPA Method No. 8080; and total lead in general accordance with EPA Method No. 6010. Soil samples collected from approximately one foot below the ground surface will be submitted for laboratory analysis. Should detectable concentrations of the constituents analyzed for be reported in the samples, the deeper sample collected from approximately 2.5 feet below the ground surface shall also be analyzed for that constituent. In

the case of lead, if a concentration exceeding 50 milligrams per kilogram is reported, the deeper sample will be analyzed.

Groundwater samples collected from the proposed well will be analyzed for TRPH in general accordance with EPA Method No. 418.1; TPHg, TPHd, and total petroleum hydrocarbons as kerosene and mineral spirits in general accordance with EPA Method No. modified 8015; halogenated volatile organic compounds, BTXE, and methyl ethyl ketone (MEK) in general accordance with EPA Method No. 8240; and formaldehyde in general accordance with EPA Method No. 8315.

All laboratory analyses will be conducted by a State-certified hazardous waste laboratory.

2. Field QA/QC Samples

At least one split soil sample will be submitted to a second State-certified hazardous waste laboratory for analysis for TRPH in general accordance with EPA Method No. 418.1 and formaldehyde in general accordance with EPA Method No. 8315. One blank groundwater sample provided by the laboratory will be submitted for analysis for TPHg, TPHd, and total petroleum hydrocarbons as kerosene and mineral spirits in general accordance with EPA Method No. modified 8015; halogenated volatile organic compounds, BTXE, and methyl ethyl ketone (MEK) in general accordance with EPA Method No. 8240; and formaldehyde in general accordance with EPA Method No. 8315.

3. Monitoring Well Construction

A figure presenting the anticipated monitoring well construction details is enclosed with this letter as Figure 1. Presented in Attachment 1 are the general procedures that will be used for construction and sampling of the well. During drilling, soil samples will be collected on five-foot intervals, at interpreted lithologic changes, and where additional lithologic information is desired.

4. Testing of Leaching Potential

In accordance with your approval presented in the July 20, 1994 letter, the leaching potential testing will not be conducted.

5. Report

The Summary of Contamination Characterization and Sampling Plan for Delineation of Soil and Ground Water Constituents, 1362 and 1384 Ruus Lane, Hayward, California, dated June 22, 1994, was reviewed on August 15, 1994, by Mr. Donald P. Bransford, California Registered Geologist No. 5621.

If you have any questions concerning the information presented in this letter or about the project in general, please feel free to contact either of us at your convenience.

Sincerely,
RECON Environmental Corp.



Marc Papineau, R.E.A.
Project Manager



Donald P. Bransford, R.G. 5621
Environmental Services Manager



Attachments

- cc: Ms. Madhulla Logan, Alameda County Health Care Services Agency
- Mr. Hugh Murphy, City of Hayward Fire Department
- Mr. Gene Toschi, Warmington Homes

ATTACHMENT 1
MONITORING WELL INSTALLATION
AND SAMPLING PROCEDURES



FAX TRANSMITTAL

SENT TO Name Ravi Anantharam
 Organization AICO Health
 FAX Number 510 569 4757

FROM Name Jay Swardenski
 Department HFD
 Telephone Number 293 8695
 FAX Number (510) 293-5108

Date 3 No. of Pages (including cover) _____

COMMENTS Please review & revise as needed,
Call me if questions come up or if you
want to clarify anything

Thanks,
Jay

Please notify sender if all pages are not received.

MR. JACK HOHENER
3666 BEARD ROAD
FREMONT, CA 94538

Re: 1364 Ruus Lane, Hayward, California

Dear Mr. Hohener,

On June 18, 1992, the Alameda County Department of Environmental Health and the Hayward Fire Department conducted an inspection of the above referenced site. The purpose of the inspection was to verify removal of both hazardous and non-hazardous materials in accordance with your proposal of March 3, 1992. Based on the inspection, we have made the following determinations:

1) Approximately 1/3 of the previously encompassed area has been cleared of all debris and a chain link fence installed along the western edge of your property. It is our understanding that this fence was installed by Mr. John Rossier, owner of the adjoining lot, after you removed materials that had migrated onto his property.

2) Although a majority of the hazardous materials and wastes have been removed from your property, we observed one 5-gallon container without a label, one labeled primer, and several open-top pails with smaller quantity pint and quart containers inside. Some were identifiable as paints and household cleaners, but most of their contents remained unknown. These materials should be placed in a designated area and considered hazardous until confirmation of the contents has been obtained. As the segregation and removal of debris continues, incidental materials will undoubtedly be uncovered and should be handled in a similar fashion.

Since the readily identifiable hazardous materials and wastes have been removed, presumably by Erickson Inc., there remains the issue of documentation. Your proposal indicated you would retain all manifests, weigh bills, and receipts for disposed materials and our 60-day follow-up inspection requested that you begin preparing a summary report of your disposal practices. In order to close the reporting loop, copies of these documents must be submitted to both agencies within the next 10 days. To be received on or before _____

Failure to produce the required documentation is a direct violation of >>>>>>> and will result in our reopening our initial complaint with the Alameda County District Attorney >>>>>>>

Ravi >>>>> PLEASE FINISH WITH WHATEVER LANGUAGE YOU FEEL APPROPRIATE.

3) Your property continues to be used for the storage of tires, vehicles, scrap steel and metal products, wood and other debris. Progress has been made in segregating these materials to allow for their eventual removal and disposal, but the property is far from being completely cleared, as was specified in your proposal.

Due to the incidental nature of any remaining materials that might be considered hazardous, (we could find no justification/we will not) impede the City of Hayward from implementing abatement procedures to remove the remaining debris from your property. Should you have any questions regarding this summary, please contact either of our offices.

~~PERIOD~~
is
people

Sincerely

Dr. Ravi Arulananthom
Senior Hazardous Materials Specialist
Alameda County Dept. of Environmental Health

▽

Jay Swardenski
Hazardous Materials Investigator
Hayward Fire Department

Jack. Hone



WARMINGTON HOMES

3160 Crow Canyon Place

April 12, 1993

Mr. Ravi Arulananthan
Alameda County Health Agency
80 Swan Way, Room 200
Oakland, CA 94621

Re: Hohener Property

Dear Ravi:

Thank you for your continuing assistance and patience regarding the Hohener property cleanup. Please find attached our check for the balance of time expended by your department on our behalf. I would appreciate it if you would provide me with a receipt for this payment at your earliest convenience. An envelope is enclosed for your convenience.

Very truly yours,

Thomas H. Sanborn
Vice President
Acquisition & Development
Northern California Division

THS/eb
Enclosures

4493



ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
80 Swan Way, Rm. 210
Oakland, CA 94621
(415) 271-4300

March 19, 1993

Mr. Jesus Armas
City Manager, City of Hayward
25151 Clawiter Road
Hayward, CA 94545

RE: Jack Hohener Property, 1384 Ruus Lane, Hayward

Dear Mr. Armas:

My staff has brought to my attention the reclamation activities that are currently taking place at the above referenced site. My staff has been following up on the progress of the cleanup and abatement of this site since October 1991, and I understand that the City was planning to complete this project by March 22, 1993 using City's own reserve funds. However, your staff at the Department of Community and Economic Development has informed my staff yesterday, that additional hazardous waste has been discovered at this site and as a result of it you are unable to complete the cleanup as scheduled.

Accordingly, we are exploring the possibility to properly identify and dispose of these hazardous wastes in an expeditious manner which will facilitate your formal closure of this site. I am directing Ravi Arulanantham of my staff to coordinate this effort and provide the City of Hayward the necessary support to accomplish your closure of this site in a timely fashion.

Should you have any questions, please call me at 510/271-4300.

Very truly yours,

Rafat A. Shahid
Assistant Agency Director

RAS:fh

c: Cynthia Palacio, Manager, Division of Environmental Management, City of Hayward
Dave Weingard, Asst. City Attorney, City of Hayward
Gil Jensen, Alameda County District Attorney
Ed Howell, Chief, Hazardous Materials Division

Hoh3/19



Department of Community and Economic Development
Environmental Management Division



March 18, 1993

Mr. Ravi Arulanantham
Alameda County Health Department
80 Swan Way, Room 200
Oakland, CA 94621

Re: 1384 Ruus Lane

Dear Ravi:

This letter is written in response to your request. As you will recall, hazardous wastes were discovered at this property about two years ago. Since the County, and not the City, has jurisdiction over hazardous wastes, the matter was referred to the County. Once the County was satisfied that there were no more hazardous wastes on the property, the case was returned to the City for resumption of nuisance abatement. I believe the County also issued a citation to the property owner, which may still be active.

We have now resumed our abatement, using funds from our reserve fund for economic uncertainty, and it is scheduled to be completed on March 22, 1993. However, we discovered more hazardous wastes: a 55 gallon drum of what appears to be waste oil and 5-10 five gallon containers of what appears to be other oils and solvents. These items have been separated from the debris and are now located near the westerly fence.

Please take whatever steps are necessary to process the County violation and ensure their removal on an emergency basis. Enclosed is a recent letter to the property owner which will provide you

with name and address information for him and the bankruptcy trustee. Please advise us when you have concluded your process. Thank you.

Sincerely yours,



Cynthia Palacio
Environmental Manager

cp

cc: City Manager
City Attorney
Director of Community and Economic Development
Bankruptcy Trustee
Property Owner

up days in addition to regular daily route garbage collection.
(Staff will ask the company to respond.)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

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

March 16, 1993

Hugh Murphy
City of Hayward Fire Department
Hayward, CA 94545

RE: RESIDENTIAL DEVELOPMENT ADJACENT TO THE HOHENER PROPERTY

Dear Mr. Murphy,

I have reviewed the subsurface investigation report dated 3/1/93 by Essenes Environmental, Inc., on the Hohener property. The intent of this field investigation was to evaluate whether the soil and groundwater had been impacted from the past activities, and if so, to evaluate the potential health and environmental threat posed by the Hohener property to the adjacent residential development.

The results indicate that the shallow soils were impacted by motor oil, kerosene, diesel and pesticides. However, this level of contamination is not an immediate public health threat to the adjacent properties. The results also indicate that the groundwater has not been impacted. In my 2/1/93 letter to you, I recommended that we review the results of this soil/groundwater report prior to issuing an occupancy permit to the developers. Based on all the information available at this time, I have no objections to issuing an occupancy permit to the proposed residential development on the Rassier/Balch properties.

However, additional investigation and mitigation will be required when the Hohener property itself is been developed into a residential complex. Should you have any questions, please call me at 510/271-4320.

Sincerely,

Ravi Arulanantham
Senior Hazardous Materials Specialist

c: files

Hohener2/93



Department of Community and Economic Development
Environmental Management Division

Chlor
Heart of the Bay

March 9, 1993

CERTIFIED MAIL,
RETURN RECEIPT
REGULAR MAIL

Mr. Jack Hohener
3686 Beard Road
Fremont, CA 94538

Re: 1384 Ruus Lane, Hayward
(APN 464-100-1-4 - CP 90-23)
Bankruptcy Case No. 92-4-2530N (Ch. 11)

Dear Mr. Hohener:

This letter is written to notify you that the City's contractor, Chas S. Campanella, Inc., will begin abatement of all junk, debris, vehicles, equipment, weeds, items and materials on the surface of your property referenced above on March 15, 1993.

Anything left remaining on that day is subject to removal at your expense including but not limited to: (1) out-buildings that are supported by vehicles or debris, and (2) the items listed by one of your previous attorneys as items you desired to keep and would relocate (copy enclosed).

The buildings with foundations (house and three-sided corrugated building) are not subject to this particular abatement. A copy of an aerial photograph of your property is enclosed for your reference. All items shown on this aerial and found on the property on the date above, except the two buildings mentioned earlier, will be removed by the City contractor.

Mr. Jack Hohener
March 9, 1993
Page 2

A copy of this letter is being sent to your bankruptcy counsel and the bankruptcy trustee to advise them of the abatement proceedings.

Sincerely yours,

Cynthia Palacio

Cynthia Palacio
Environmental Manager

cp
enclosures

cc: Bankruptcy Trustee, c/o Valerie Smith, Rosenblum,
Parrish & Isaacs, 555 Montgomery Street, 15th
Floor, San Francisco, CA 94111 (faxed and
regular mail)
Bankruptcy Trustee, William H. Broach, Chapter 11
Trustee, 1990 N. California Blvd., Suite 26,
Walnut Creek, CA 94596
Joan M. Chipser, Attorney at Law, 52 Buena Vista
Terrace, San Francisco, CA 94117 (fax and
regular mail)

Chas. S. Campenalla, Inc.
City Manager
City Attorney
Director of Community and Economic Development
Senior Community Preservation Inspector

Balch Enterprises Inc.

Developers — Builders — License #427860

30960 Huntwood Ave.
Hayward, CA 94544
(510) 429-9400
FAX (510) 429-9966

February 9, 1993

Mr. Ravi Arulananthan
Hazardous Materials Specialist
Alameda County Health Department
80 Swan Way, Room 200
Oakland, CA 94621

SUBJECT: 1384 Ruus Lane, Hayward

Dear Ravi,

Subsequent to our meeting in your offices on January 26, 1993, I have been seeking information and pricing for the additional testing you requested to determine that this property does not pose an environmental hazard to adjacent residents.

John Rassier owns approximately 10 acres of land that abuts this property on the west and we are in the process of selling to Warmington Homes a 12 acre parcel we own approximately 1,000 feet west of this property. The parties involved have jointly filed a subdivision map on both Rassier's 10 acres and our 12 acres. As a condition of approval of this map the City of Hayward has stated that "--- the Hohener property--- shall be determined to be clear of toxic and hazardous material contamination that would pose environmental hazards to--- surrounding residents to the satisfaction of the City and/or County Environmental Health Department". Since you wrote the original letter to Jack Hohener, the land owner, on December 2, 1991 advising him of a potential "health hazard for residents living nearby", the City of Hayward has advised us that they want the clearance for this condition to come from you.

I want to give you some factual history on this property to clear up a great deal of misunderstanding and hysteria on its uses and potential for a health hazard. Unfounded statements have been made that the property was a landfill, has been a junk yard for 20 years, that debris and hazardous materials have been buried on the site, etc.

Balch Enterprises has been trying to purchase this property since 1990 and we have conducted extensive background checking as we do with all our land purchases. This includes environmental investigation, historical review, study of numerous years of aerial photos, owners use of the property and a review of public records.

Sampling plan approved. I talked to Mr. Balch on 2/9/93 regarding the progress made so far in this case

*Ravi
2/10/93*

Mr. Ravi Arulananthan
February 9, 1993
Page Two

The Hohener family owned approximately 16 acres on Ruus Lane until 1975 at which time they sold about 12 acres to the Rassier family for Georgian Manor Mobile Home Park and 2 acres to another neighbor. The Hohener's owned a successful business in San Leandro and had farmed land in Hayward until it was sold in 1975. At that time, the house and metal garage were moved to this property and Mr. Hohener and his son, Jack, used the land for storing farm equipment, trucks and grading equipment that Jack used in his business.

The father, Jacob Hohener died in 1987 and this property along with other holdings were left to Jack and his sister.

In 1988, Jack rented a portion of the rear property to Nick Tesi for storing trailers and trucks. Beginning in 1989, Nick Tesi started bringing in old house trailers, roofing timbers, unusable equipment and containers with an accumulation of tires, boxes, and furniture, motorcycles, bicycles and other items he felt he could recycle and sell. In mid 1989, Jack cancelled his agreement with Nick Tesi and ordered him to remove all his items from the property. Finally, as a result of an order from the City of Hayward, in November 1989, Jack Hohener obtained a court order against Nick Tesi from bringing any more items onto the site and ordering him to remove his possessions.

In February 1991, Balch Enterprises finally reached agreement with Hohener to purchase his property. To facilitate the property clean up (which was a condition of the purchase), Balch Enterprises agreed to loan Jack Hohener funds for the clean up. Balch Enterprises made a complete inventory of all items on the property. This was done by dividing the property into 30 rectangles about 50 feet by 60 feet and then listing everything on the site in each section. This typed comprehensive list is 21 pages long. Additionally we video taped the entire property.

The purpose of this inventory was to identify materials on site that were of a hazardous nature and also to use as a guide in disbursing funds to Jack Hohener for clean up. We also wanted to be sure that nothing was spilled on site during the clean up that would pose a problem later on. As industrial developers in Hayward, we are extremely cautious to make sure any property we purchase is environmentally clean before we purchase it. Our office is within $\frac{1}{2}$ mile of this site and our people pass by the Hohener property a number of times daily. I live in Hayward and on weekends I ride my bicycle by this land.

Daniel Webster, who lives near the property rents an office/warehouse unit in one of our complexes. Mr. Webster has been trying without much success to get the City of Hayward to require Jack Hohener to clean up his property. He agreed that he would keep us advised of any clean up or other action on the site. Mr. Webster, Jack Hohener and Nick Tesi (who hauled in much of the debris) were constantly fighting over Jack Hohener's failure to clean up his property. Since we were going to require the property be cleaned, Mr. Webster was glad to "tattle on his obnoxious neighbors". While a number of times his complaints were overstated, we welcomed his calls and investigated each one of them.

On November 13, 1992, the City of Hayward authorized the expenditure of funds to remove the balance of equipment and old buildings on Jack Hohener's land. Since that time, Jack Hohener has been extremely busy in a clean up effort and up to the beginning of the heavy rains in December, had removed a major portion of broken down equipment still remaining. The heavy rains flooded 90 percent of his land. On January 19, 1993, Jack Hohener was pumping the water from his land into the storm drain when Mr. Webster stopped by with William Freeman, who is a Source Control Inspector from the City of Hayward Water Pollution Control Facility. Jack Hohener was ordered to stop pumping until the water could be tested for hazardous or toxic substances. The water samples were tested and found to be completely free of any toxics and Jack Hohener was allowed to finish the pumping.

On June 4, 1991, TRC Environmental Consultants conducted a Phase I Site Assessment on a portion of this property and the adjoining Rassier land. They subsequently took OVA readings on the west property line of the Hohener land and the readings were negative in all respects. In 1992, Erickson Environmental inspected the entire site and removed all of the hazardous and toxic materials from the property including the sheds, trailers, storage containers and enclosed trucks. They disposed of them according to current environmental laws. They did not find any evidence of any spilled material or evidence of any site contamination by the materials they removed.

In June 1991, Essenes Environmental made a site investigation and took samples of soil at four locations on the site. They picked locations that, in their opinion, would be most obviously contaminated. These samples were tested by an independent laboratory for the following.

- Total Petroleum Hydrocarbons (TPH) - Gasoline/B4LUFT
- TPH - Diesel/BILUFT
- Purgeable Halocarbons/EPA Method 8010
- Chlorinated Pesticides and PCBs/EPA Method 8080
- Title 22 (CAM 17 Metals) EPA-C07000

Mr. Ravi Arulanathan
February 9, 1993
Page Four

The results of these tests showed the property clean except a low level of lead at one location (330 mg/kg) and a minute amount of Chlordane at 2 spots. It is my understanding that these results are below remediation levels (150 ug/kg and 64 ug/kg). The report suggested that further sampling may be appropriate after removal of more of the equipment on the site. Based on the above information, Essenes Environmental expressed an opinion that the property would not pose an adverse affect on the Stratford Village development.

It is our opinion that based on the above information, the Hohener property is not an environmental threat to the surrounding residents. Additionally, since the property is the subject of a rezoning application to change the use from industrial to residential that any such approvals would require that the property be made to be environmentally safe not only for the surrounding residents but for the residential land use as well.

At the meeting in your office on January 26, 1993, you requested that we do some additional testing on the Hohener property to determine if there were any undisclosed environmental hazards. Additional soil sampling has also been suggested by Essenes Environmental in their report. We have discussed this matter with Dennis Judd of Essenes Environmental and one other environmental company. We propose therefore to immediately authorize the following tests based on their recommendation.

- Sample soil at 12 locations - 4 spaced equidistant on the west property line abutting the proposed residential development and 8 on site at areas the consultant deems might be most suspect. Two samples will be taken from each location, one at grade to 6 inches and one at 30" to 36". The top sample only will be tested with the deeper sample held in custody and tested only if contamination or a remediation level shows up in the testing of the first sample. The tests to be performed on these samples will be the same as listed above that were done on the original soils tests.
- At the four locations on the west property line from which soil samples are taken, a test hole will be drilled to the water line and water samples taken after purging the hole. These holes will be grouted in after the samples are taken.

The estimate of this testing is over \$28,000.00. This is a major expense to this project but time is a major factor in proceeding with the subdivision. I have been advised by Essenes Environmental that if you can give me verbal verification by Tuesday afternoon, the men and equipment can be on the site Friday, February 12, 1993. Test results and a final report would follow as quickly as the laboratory can complete their work.

Mr. Ravi Arulanathan
February 9, 1993
Page Five

We are anxious to proceed as quickly as possible. Please give me a call when you have time.

Sincerely,



Sherman L. Balch

SLB/sp

cc: Hugh Murphy, City of Hayward Hazardous Material Specialist
Alex Ameri, City of Hayward Development Services Engineer
Thomas H. Sanborn, Warmington Homes
John Rassier, Rassier Properties
David Lanferman, Varni, Fraser, Hartwell, Rodgers & Lanferman

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

February 1, 1993

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

Hugh Murphy
City of Hayward Fire Department
25151 Clawiter Road
Hayward, CA 94545

RE: RESIDENTIAL DEVELOPMENT ADJACENT TO THE HOHENER PROPERTY

Dear Mr. Murphy,

This letter is to confirm the substantive points discussed at the 2/26/1993 meeting regarding the Rassier/Balch properties. I am also in receipt of your letter dated 1/22/1993 and the attached technical report. I agree that the immediate and the obvious health and environmental threat has been removed from the Jack Hohener property since I first issued a NOV in December 1991. Based on the current information provided to me, I believe, that the Jack Hohener property does not pose any public health threat to the proposed residential development on the Rassier/Balch properties (including the proposed park). Therefore, I have no objection to allow the sub-division approval of the Rassier/Balch properties.

However, I have requested further ground water and soil investigation on the Hohener property. The owners of the Rassier/Balch properties have agreed to proceed with a sampling plan accepted by me. The results of this investigation have to be reviewed by this Agency before an occupancy permit is issued to the developers. Should this investigation reveal any contamination that would pose a threat to the proposed new development, the developers would be obligated to mitigate the condition.

Should you have any question, please call me at 510/271-4320.

Sincerely,

Ravi Arulanantham
Senior Hazardous Materials Specialist

c; files

Hohener93

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To	From	Ravi
Co.	Co.	Alameda County
Dept.	Phone #	271-4320
Fax # 866 6744	Fax #	



**BALCH
INVESTMENT
GROUP**

January 28, 1993

Mr. Ravi Arulanathan, Ph. D., CHMM
Senior Hazardous Materials Specialist
Alameda County Health Agency
80 Swan Way, Room 200
Oakland, CA 94621

SUBJECT: Rassier/Balch Property, Hayward

Dear Mr. Arulanathan,

Enclosed is our check in the amount of \$1,000.00 as deposit for the expenses to proceed on the Rassier/Balch property.

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,



Jack W. Balch

JWB/sp
Enclosure (Check No. 3610)

Balch Enterprises Inc.

Developers — Builders — License #427880

30960 Huntwood Ave.
Hayward, CA 94544
(510) 429-9400
FAX (510) 429-9966

TELECOPIER COVER SHEET

DATE: 1/27/93

TO: Ravi Anulananthan COMPANY: Alameda County Health Ager
TELEPHONE NUMBER: 271-4320 FAX NUMBER: 569-4757

FROM: Sherman L. Balch OUR FAX NUMBER: (510) 429-9966
NUMBER OF PAGES INCLUDING COVER SHEET: 5

MESSAGE: Call if you wish to
discuss.

Thank you

IF YOU DO NOT RECEIVE NUMBER OF PAGES INDICATED ABOVE, PLEASE CALL
510-429-9400. THANK YOU.

ORIGINAL WILL NOT FOLLOW: _____

ORIGINAL WILL BE SENT BY ONE OF THE FOLLOWING:

- | | |
|--|--|
| <input type="checkbox"/> REGULAR MAIL | <input type="checkbox"/> CERTIFIED MAIL |
| <input type="checkbox"/> UPS | <input type="checkbox"/> FEDERAL EXPRESS |
| <input type="checkbox"/> OTHER - _____ | |

Balch Enterprises Inc.

CONFIRMING FAX
Sent 1/27/93

Developers — Builders — License #427860

30960 Huntwood Ave.
Hayward, CA 94544
(510) 429-9400
FAX (510) 429-9966

January 27, 1993

Mr. Ravi Arulananthan, Ph. D., CHMM
Senior Hazardous Materials Specialist
Alameda County Health Agency
80 Swan Way, Room 200
Oakland, CA 94621

SUBJECT: Hohener Property

Dear Ravi,

I appreciated the opportunity to meet with you yesterday. I am including a draft of a letter to the City of Hayward that will hopefully allow us to meet our development deadline and provide assurance to the City that the Hohener site will not pose an environmental hazard to surrounding residents.

Review of old aerial photos of the Hohener land and discussions with Jack Hohener indicate that the front of the property was used by Hohener for parking of trucks and contractors equipment until 1988; the rear portion was vacant. Aerial photos from August 1976 and April 1985 which I received from the City of Hayward verify this. In 1988, Jack Hohener allowed Nick Tesi to start using the left rear (southwest quadrant) portion for storing trucks, small trailers and containers. (No permits were obtained from the City for this storage.) As time went on, Nick Tesi started bringing in old boxes, broken down equipment and other equipment without Jack Hohener's permission. Jack Hohener ordered him to remove his goods and according to Hohener, his attorney Ed Lana of Orinda, obtained a restraining order against Nick Tesi to prevent him from bringing any more items on the property and an order to remove his property. This came about as a result of a clean up order from the City of Hayward to Jack Hohener in November 1989.

In February 1991, we agreed to purchase his property land and also loaned him money to clean it up. At that time we made a physical inventory of the property both on video tape and in writing. We made a layout of the property and divided it into 30 segments approximately 50' x 60'. We listed everything in each segment, a list that is 20 pages long, single spaced. The reason for this was to be able to identify anything that might be hazardous or toxic and to monitor the clean up activity that was a condition of our purchase agreement. Also since we were loaning money to Jack Hohener for the clean up, we used this inventory to make sure funds were being used for clean up.

Mr. Ravi Arulanathan, Ph. D., CHMM

January 27, 1993

Page Two


Our office is within one mile of the property and our people pass by the site a number of times daily. I also live in Hayward and on weekends I ride my bicycle by this property. A tenant in one of our industrial buildings, Daniel Webster, lives by the property and we had an agreement whereby he would call us with progress reports or if he observed any activity on the property that was suspicious. Mr. Webster had been trying to get the property cleaned up for some time. He was in constant conflict with Nick Tesi and Jack Hohener over their failure to clean the site. Daniel Webster was glad to "tattle" on his obnoxious neighbors and while many of his complaints were overstated, we welcomed his calls and investigated each one of them.

On January 19, 1993, much the Hohener site was covered with standing water as a result of the heavy rains. Jack Hohener was pumping off the water into the street storm drain when Daniel Webster came by with William Freeman of the City of Hayward Water Pollution Control Agency. He took water samples and stopped Jack Hohener from pumping until he could test the water. In a telephone conversation yesterday with Gayle Gundell from the Water Pollution Agency, the water samples that were tested did not contain any toxic or hazardous materials. This information is encouraging as it would seem to indicate that at least there are not waterborne toxic on site.

I understand that as a result of our meeting, Dennis Judd of Essenes Environmental is going to conduct a series of groundwater and soils testing on the Hohener property, the location and quantity, and type of tests of which you have agreed upon. The purpose of these tests is to give you further assurance that this property does not pose an environmental threat to the surrounding residents. Dennis Judd seems to think he can complete this testing within two to three weeks at which time you will give complete clearance of the project. The six water samples and 42 soil samples will probably cost us \$22,000.00 to complete.

Please call me at (510) 429-9400 should you have any questions.

Sincerely,



Sherman L. Balch

SLB/sp
Enclosure

cc: Thomas H. Sanborn, Warmington Homes
John T. Rassier, Rassier Properties

CITY OF HAYWARD



Fire Department



FAX TRANSMITTAL FORM

FAX (510) 293-5017

DATE: 1/22/93

TO: Ravi Arulanarthan

Organization Alco Health

FAX Number ~~569~~ 569-4757

FROM: Hugh Murphy

Fire Prevention Office
Tel. (510) 293-8627

Hazardous Materials Office
Tel. (510) 293-8695

Number of pages including this cover:

5

COMMENTS:

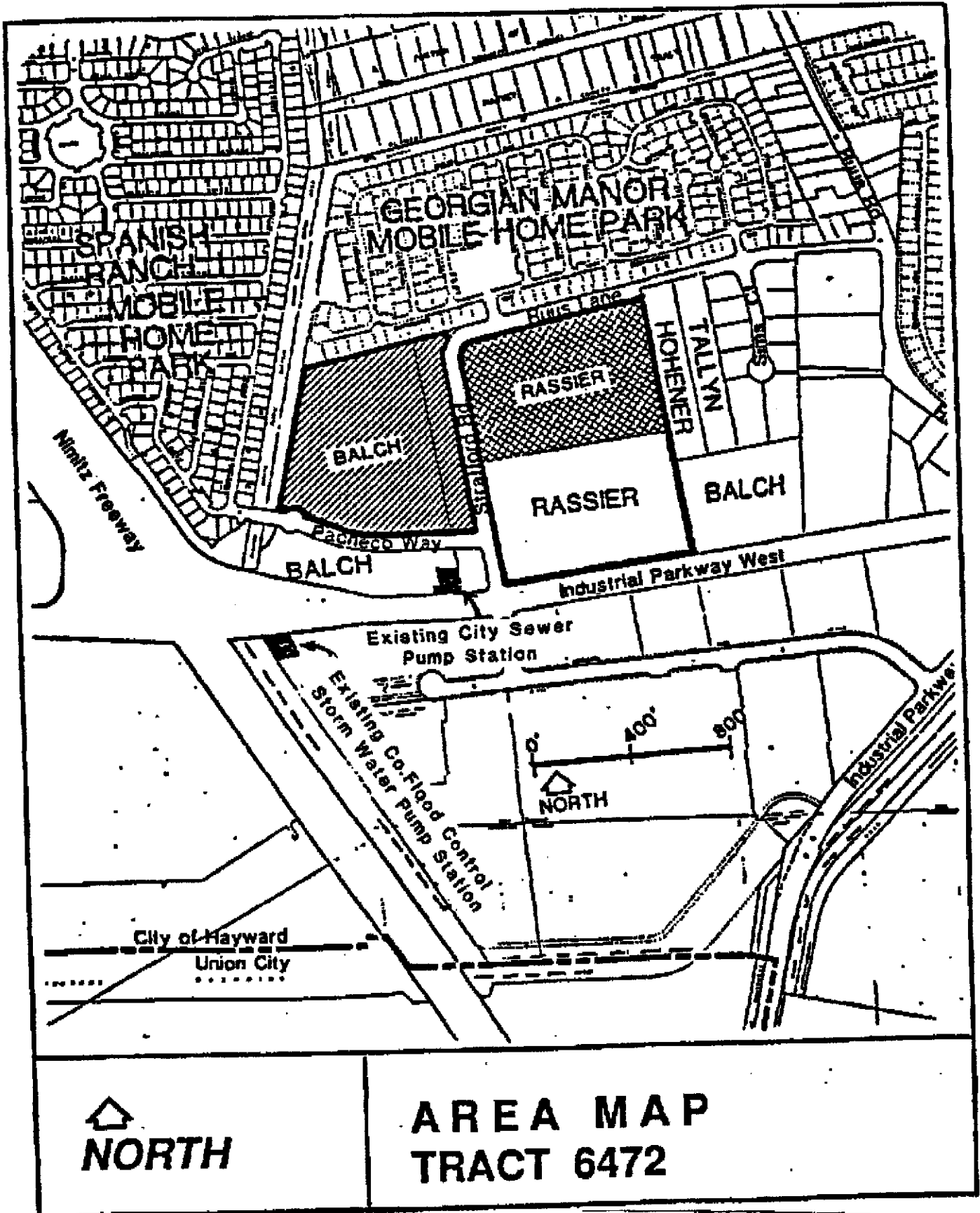
Ravi,

Welcome back!

This is my biggest priority.

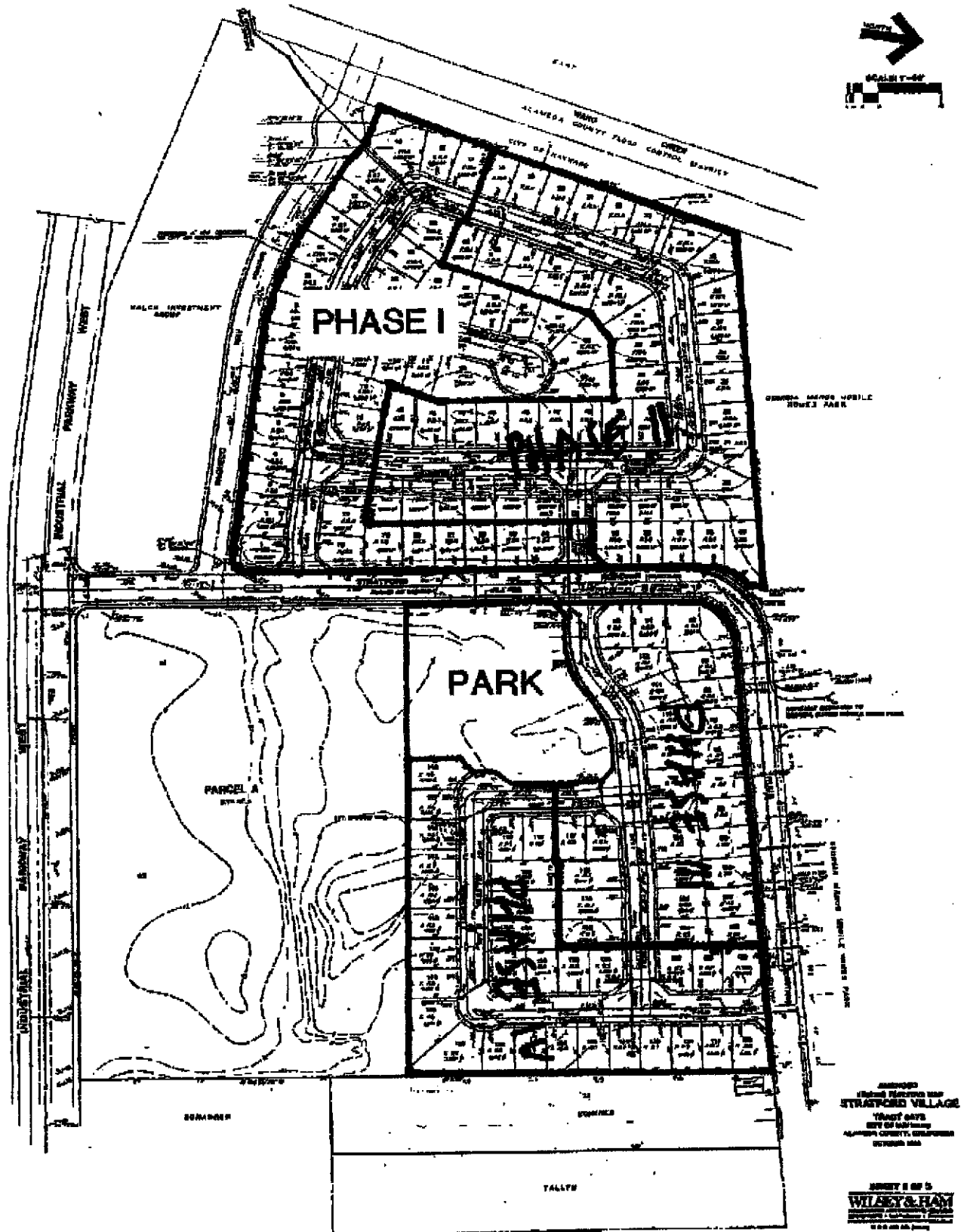
See you soon dad!

Hugh




NORTH

**AREA MAP
TRACT 6472**



Project Layout

TRACT 6472 - CONDITIONS OF APPROVAL* TOXIC AND HAZARDOUS MATERIALS

42. Prior to approval of a final map or issuance of a building permit for any phase of the project, the Hohener property (the 2.3+-acre site immediately to the east of the project) or any other lands shall be determined to be clear of toxic and hazardous materials contamination that would pose environmental hazards to future park uses or surrounding residents to the satisfaction of the City and/or the County Environmental Health Department.

PHASED FINAL MAPS

- * 43. The subdivider has requested to be allowed to obtain approval for the final map in four (4) phases. Final Map for Phases I and II shall cover the property west of Stratford Road, and the Final Map for Phases III and IV shall cover the property to the east. All public improvements, excluding those within the boundaries of Phases II, III, and IV, shall be designed and installed as if they are a condition of approval for Phase I. Such improvements shall include, but not be limited to, bicycle/pedestrian path and all required improvements for Stratford Road and Ruus Lane.

All public improvements abutting the park site on north and east sides, as well as park site grading, shall be designed and installed with Phase III unless directed by City Engineer that they be designed and installed with an earlier phase.

- * 43A. It is the City's intent that if, in the future, Hohener and Tallyn properties are zoned for residential development, the internal street serving such development shall be connected to the streets within this tract. Therefore, if at the time of the approval of the final map for Phase IV:
- a. Hohener and Tallyn properties are rezoned for residential uses, then lot lines for Lots 130 through 148 shall be redone to provide for the extension of Stonebrook Lane east to the Hohener property line.
 - b. there is a pending application for rezoning of Hohener and Tallyn properties, then no Building permit shall be issued for those lots that will be affected by the extension of Stonebrook Lane east to the Hohener property line.



Fire Department



January 22, 1993

Dr. Ravi Arulanantham
Alameda County Health Care Services Agency
Division of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Dear Dr. Arulanantham:

RE: RESIDENTIAL DEVELOPMENT ADJACENT TO
THE HOHENER PROPERTY

I have attached conditions of approval for the subject development as well as the final proposed map. Please note that the proposed park is no longer located on the Tallyn and Hohener properties. Please also note that there are two major phases of the development (I & II and III & IV).

Per your request, this office is formally requesting that the Alameda County Health Department review the information submitted by Essenes Environmental and determine if the Hohener property poses a health threat to either phase I and II (including the park) or to Phase III and IV. A response is requested in writing.

I will be calling you Monday, February 25, 1993 to discuss this request.

If you have any questions, please contact me at (510) 293-5454.

Sincerely,

A handwritten signature in cursive script that reads "Hugh Murphy".

HUGH MURPHY
ENVIRONMENTAL SPECIALIST

HM:vs

cc: John Boykin, Hazardous Materials Coordinator
Jay Swardenski, Hazardous Materials Investigator
Alexi Ameri, Development Services Engineer

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
MEMORANDUM

TO Hugh Murphy FROM Ravi Arulanantham DATE Jan 27, 1993
City of Hayward Fire Dept.

SUBJECT This memo is to confirm the substantive points discussed at the Jan. 26, 1993 meeting regarding the Rassier/Balch properties. I am also in receipt of your letter date Jan 22, 1993 and the attached technical report. I agree that the immediate and obvious health and environmental threat has been removed from the Jack Hohener property since I issued a notice of violation in Dec. 1991. Based on the ^{current} information available to me, I believe, that the Jack Hohener property does not pose any public health threat to the proposed Residential development on the Rassier/Balch properties (including the park). Therefore, I have no objection to allow the subdivision approval of the Rassier/Balch properties.

300-CA-1-3/82

page 2.

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
MEMORANDUM

TO Hugh Murphy FROM Ravi Arulanantham DATE Jan 27, 1993

SUBJECT However, I have requested further ground water and soil investigation on the Hohener property. The owners of the Rassier/Balch properties have agreed to proceed with a sampling plan accepted by me. These results have to be reviewed by me and the City of Hayward before an Occupancy permit is issued to the developers. If these results reveal any contamination, the developers will be obligated to mitigate the condition to this Agency and City of Hayward's satisfaction.

Essenes Environmental, Inc.

93 JAN 21 11:17 AM

93 JAN 21 11:17 AM

January 19, 1993

Mr. Hugh Murphy
City of Hayward Fire Department
Hazardous Materials Office
25151 Clawiter Road
Hayward, California 94545-2731

820-8445
John R

Re: Industrial Parkway West/Stratford Road Property
Hayward, California

Dear Mr. Murphy,

During our conversation last week regarding the status of the Rassier property, which is a portion of the approved Stratford Village Residential Development, you stated that the City of Hayward was attempting to get clarification from Mr. Ravi Arulanantham of the Alameda County Department of Environmental Health regarding some language he used in a Notice of Violation that was sent to Mr. Hohener, a neighboring property owner. As a means to clarify the status of the Rassier project and the neighboring Hohener property, I have attached an index of environmental reports and letters that pertain to the Rassier project.

Essenes Environmental, Inc. (Essenes) is representing Mr. John Rassier who is in the process of having a residential development approved by the City of Hayward. The Rassier project is located on property bordered by Industrial Parkway to the south, Stratford Road to the west, Ruus Road to the north and the Hohener Property to the east. The Rassier project does not involve the Hohener property. The two parcels are separate pieces of property that are owned by different people.

The City of Hayward required the dedication of a portion of the proposed Rassier development for use as a park. The area first proposed for use as a park were the two properties located to the east of the project which are owned by Hohener and Tallyn respectively.

Mr. Hugh Murphy
January 19, 1993
Page 2

Essenes conducted preliminary investigations of the Hohener and Tallyn properties in June of 1992 to provide additional information in order help evaluate the feasibility of using these properties for parks (See Index #D, E). Through the course of the investigations, the Hohener property went into bankruptcy and budget cuts at the Hayward Area Recreational District (HARD) prevented them from purchasing the property making it unfeasible for development as a park. Consequently, another portion of the Rassier property has since been approved for use as a park. The Hohener and Tallyn properties are not a part of the Rassier development.

On December 2, 1991, Mr. Ravi Arulanantham of the Alameda County Department of Environmental Health issued a Notice of Violation (NOV) to Mr. Hohener pertaining to the improper storage of hazardous and non-hazardous materials on Mr. Hohener's property located on Ruus Lane (See Index #G). Although the Hohener property is adjacent to the Rassier property, the following language was included in the NOV that has raised some concern to the City of Hayward Planning and Fire Departments regarding the Rassier project.

" However, very little progress has been made so far and the property still remains a potential health hazard to the nearby communities."

Since the Notice of Violation was written, debris and hazardous materials that were stored on the property were subsequently removed by Erickson, Inc. (See Index #F).

On June 18, 1992 the Hohener property was re-inspected by both the Alameda County Department of Environmental Health and the Hayward Fire Department. A joint agency letter was sent to Mr. Hohener that identified three determinations (See Index #C). The letter stated that 1/3 of the area had been cleared of all debris and that a chain link fence was installed by Mr. Rassier along the western boundary after Hohener "removed materials that had migrated" onto Rassiers property. According to the letter, although a majority of the hazardous materials were removed, a few suspect items were identified during the inspection and they should be placed in a designated area and considered hazardous until confirmation of the contents can be obtained.

On November 13, 1992 the Environmental Manager of the City of Hayward prepared an Agenda Report to the Mayor and City Council regarding the Hohener Property (See Index #B). The Agenda Report stated:

Mr. Hugh Murphy
January 19, 1993
Page 3

" Hazardous Wastes:

When the hazardous wastes were discovered, staff immediately contacted the City's Hazardous Materials Division to evaluate whether the condition of the property posed an immediate health or fire hazard. The Hazardous Material Inspector determined that there was no risk of immediate exposure since the hazardous wastes were in non-leaking drums and consisted primarily of waste oils and roofing tars. There was no evidence of explosive materials on the site. Since the City has no authority to enforce the State's Hazardous Waste Control laws, the City's Hazardous Materials Division advised that the matter be referred to the County's Hazardous Materials Unit as prescribed by State law."

"In July 1992, the hazardous wastes were removed from the property to the satisfaction of the County Hazardous Materials Division."

Based on the existing reports and letters that are included in the Appendix, Essenes trusts that both the City of Hayward and the Alameda County Department of Environmental Health can agree that the "Potential Health Hazard to nearby communities" that was addressed in the 1991 NOV regarding the Hohener property will not have an adverse affect to the Rassier property and the greater Stratford Village Development.

If I can be of further assistance, please feel free to contact me at my office.

Yours Very Truly,



Dennis L. Judd, REHS, REA
President

jj/DLJ

Mr. Hugh Murphy
January 19, 1993
Page 4

cc: Mr. Alex Ameri
Planing Department
City of Hayward
25151 Clawiter road
Hayward, CA 94545

Mr. John Rassier

Mr. Sherman Balch
Balch Enterprises

Mr. Ravi Arulanantham
Senior Hazardous Materials Specialist
Alameda County Department of Environmental Health

Mr. Tom Sanborn
Warmington Homes
3160 Crow Canyon Place, Suite 200
San Ramon, CA 94583

911024R.04

Balch Enterprises Inc.

CONFIRMING FAX
Sent 1/4/93

Developers — Builders — License #427860

January 4, 1993

30960 Huntwood Ave.
Hayward, CA 94544
(510) 429-9400
FAX (510) 429-9966

Mr. Britt Johnson
Alameda County
Department of Environmental Health
80 Swan Way
Oakland, CA 94621

SUBJECT: 1384 Ruus Lane, Hayward

Dear Britt,

Enclosed is a copy of a letter from Essenes Environmental, Inc. addressing the concerns of the health factor of the above property. Also attached is the Condition of Approval No. 42 for the adjacent residential subdivision.

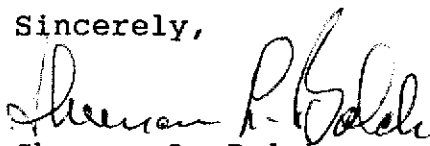
Since the original letter was written to Jack Hohener on December 2, 1992, by Ravi Arulanatham of Alameda Health Services, the City of Hayward, in Condition 42, is requesting a statement that "the property does not pose an environmental hazard to the surrounding residents".

We engaged the independent firm of Essenes Environmental to investigate this potential and they wrote the accompanying letter. However, the City is requesting that since your Department made the initial determination, that you give the approval of it now being non-hazardous to the surrounding residents.

The issue of the property being clean for use as a park is now a non-issue as we have relocated the park to other land. We expect that if the property is purchased and used for any residential purpose that an environmental assessment would be needed. That, however, is not the issue at this time.

In view of the independent investigation performed by Essenes and since all of the hazardous materials have been removed and much of the junk and debris cleared from the site, I trust you will be able to advise the City of Hayward that the property does not pose a hazard to our subdivision.

Sincerely,


Sherman L. Balch

SLB/sp
Enclosure

cc: John Rassier, Rassier Properties
Thomas H. Sanborn, Warmington Homes

Essenes Environmental, Inc.

December 9, 1992

Mr. John Rassier
125 Railroad Avenue, Suite 202
Danville, California 94526

Re: Status Report
Industrial Parkway West/Stratford Road Property
Hayward, California

Dear Mr. Rassier,

This letter is intended to provide a status update of activities that have occurred on the neighboring Hohener Property since the October 23, 1991 report prepared for you by Essenes Environmental, Inc. (Essenes). In that report Essenes stated the following:

" The City of Hayward had questions regarding the potential for public health and environmental impacts resulting from the adjoining parcel to the east of the subject property. This adjoining parcel had been used for storage of miscellaneous items, and trash. Based on the types of materials that were visible on the adjoining parcel, it appeared unlikely that significant amounts of potential contamination which may have resulted from these materials, could migrate through soil or down to ground water and significantly impact the subject property. Essenes reviewed TRC's field notes of organic vapor analysis (OVA) air readings which were conducted on the adjoining property. The OVA did not detect airborne organic vapors. Consequently, it appears very unlikely that the adjoining parcel could significantly impact public health or the environment on the subject property. Furthermore, Essenes understands that the subject materials are scheduled to be removed, and this would further reduce the potential for any adverse impacts."

Erickson, Inc. was subsequently contracted to identify and remove hazardous waste from the Hohener Property. On May 8, 1992 Erickson, Inc. wrote a letter to Mr. Sherman Balch of Balch Enterprises providing a breakdown of hazardous materials hauled off site (Hohener Property). Copies of the letter and the hazardous waste manifests are attached to this letter.

On November 13, 1992 a City of Hayward Agenda Report to the Mayor and City Council was prepared by the Environmental Manager. The report which addressed conditions on the Hohener Property located at 1384 Ruus Lane included the following pertaining to Hazardous Wastes;

Mr. John Rassier
December 9, 1992
Page 2

" Hazardous Wastes:

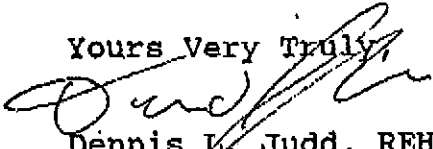
When the hazardous wastes were discovered, staff immediately contacted the City's Hazardous Materials Division to evaluate whether the condition of the property posed an immediate health or fire hazard. The Hazardous Material Inspector determined that there was no risk of immediate exposure since the hazardous wastes were in non-leaking drums and consisted primarily of waste oils and roofing tars. There was no evidence of explosive materials on the site. Since the City has no authority to enforce the State's Hazardous Waste Control laws, the City's Hazardous Materials Division advised that the matter be referred to the County's Hazardous Materials Unit as prescribed by State law."

"In July 1992, the hazardous wastes were removed from the property to the satisfaction of the County Hazardous Materials Division."

Based on the above information, the possibility of hazardous materials which may still be located on the Hohener property or the Tallyn property which is adjacent (east) to the Hohener property impacting your proposed residential development appears very remote. Furthermore, there were no findings identified in the above information that would indicate the presence of hazardous materials on the Hohener property that would pose an environmental risk to surrounding residents or the proposed park.

We trust that this is the information you need at this time. If Essenes can be of any further assistance to you on this or any other projects, please do not hesitate to contact us.

Yours Very Truly



Dennis L. Judd, REHS, REA
President

cc: Mr. Sherman Balch
Balch Enterprises

TOXIC AND HAZARDOUS MATERIALS

42. Prior to approval of a final map or issuance of a building permit for any phase of the project, the Hohener property (the 2.3+-acre site immediately to the east of the project) or any other lands shall be determined to be clear of toxic and hazardous materials contamination that would pose environmental hazards to future park uses or surrounding residents to the satisfaction of the City and/or the County Environmental Health Department.

PHASED FINAL MAPS

- * 43. The subdivider has requested to be allowed to obtain approval for the final map in four (4) phases. Final Map for Phases I and II shall cover the property west of Stratford Road, and the Final Map for Phases III and IV shall cover the property to the east. All public improvements, excluding those within the boundaries of Phases II, III, and IV, shall be designed and installed as if they are a condition of approval for Phase I. Such improvements shall include, but not be limited to, bicycle/pedestrian path and all required improvements for Stratford Road and Ruus Lane.

All public improvements abutting the park site on north and east sides, as well as park site grading, shall be designed and installed with Phase III unless directed by City Engineer that they be designed and installed with an earlier phase.

- * 43A. It is the City's intent that if, in the future, Hohener and Tallyn properties are zoned for residential development, the internal street serving such development shall be connected to the streets within this tract. Therefore, if at the time of the approval of the final map for Phase IV:
 - a. Hohener and Tallyn properties are rezoned for residential uses, then lot lines for Lots 130 through 148 shall be redone to provide for the extension of Stonebrook Lane east to the Hohener property line.
 - b. there is a pending application for rezoning of Hohener and Tallyn properties, then no building permit shall be issued for those lots that will be affected by the extension of Stonebrook Lane east to the Hohener property line.

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# _____ Site Name JACK Hohenker, Property Owner Today's Date 5/15/92
 Site Address 1384 RUUS LANE EPA ID# _____
 City HAYWARD Zip 94 Phone 794-6150

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans. Acute Hazardous Materials
- III. Underground Tanks

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)

- | | | |
|-------------------|-----------------------------|---------|
| Manifest | 1. Waste ID | * 66471 |
| | 2. EPA ID | 66472 |
| | 3. > 90 days | 66508 |
| | 4. Label dates | 66508 |
| | 5. Biennial | 66493 |
| Manifest | 6. Records | 66492 |
| | 7. Correct | 66484 |
| | 8. Copy sent | 66492 |
| | 9. Exception | 66484 |
| | 10. Copies Rec'd | 66492 |
| Misc. | 11. Treatment | 66371 |
| | 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | 13. Ex Haz. Waste | 66570 |
| Prevention | 14. Communications | 67121 |
| | 15. Aisle Space | 67124 |
| | 16. Local Authority | 67126 |
| | 17. Maintenance | 67120 |
| | 18. Training | 67105 |
| Contin. gency | 19. Prepared | 67140 |
| | 20. Name List | 67141 |
| | 21. Copies | 67141 |
| | 22. Emg. Coord. Tmg. | 67144 |
| Containers, Tanks | 23. Condition | 67241 |
| | 24. Compatibility | 67242 |
| | 25. Maintenance | 67243 |
| | 26. Inspection | 67244 |
| | 27. Buffer Zone | 67246 |
| | 28. Tank Inspection | 67259 |
| | 29. Containment | 67245 |
| | 30. Safe Storage | 67261 |
| | 31. Freeboard | 67257 |

Comments:

THIS IS A 60 day follow-up inspection to A DA'S HEARING HELD ON 2/13/92.

FINDINGS: A LARGE AMOUNT OF METAL DEBRIS IS SCATTERED THROUGHOUT THIS PROPERTY.

"BATTERIES" - PRESENTLY, THERE ARE SEVEN (7) BATTERIES SCATTERED THROUGHOUT THE PROPERTY. ISOLATE INTO ONE AREA AND REMOVE FROM PROPERTY - SAVE INVOICES OR MANIFEST.

3-5 GAL CANS: UNKNOWN LIQUIDS
 1) BLACK DEGREASER CAN - 1/2 FULL
 2) YELLOW CAN FUEL LUBRICANT - SOLVENT - 1/2 FULL
 3) PEN OIL CAN - BOTTOM COVERED
 REMOVE FROM PROPERTY AND SAVE INVOICES + MANIFEST.

I.B TRANSPORTER (Title 22)

- | | | |
|----------|---------------------------|-------|
| Manifest | 32. Applic./insurance | 66428 |
| | 33. Comp. Cert./CHP Insp. | 66448 |
| | 34. Containers | 66465 |
| Manifest | 35. Vehicles | 66465 |
| | 36. EPA ID #s | 66531 |
| | 37. Correct | 66541 |
| | 38. HW Delivery | 66543 |
| | 39. Records | 66544 |
| Cont'n's | 40. Name/ Covers | 66545 |
| | 41. Recyclables | 66800 |

2-1 GAL CONTAINERS - SEMI CRUSHED UNKNOWN LIQUID REMOVE AND SAVE INVOICE OR MANIFEST.

1-35 GAL GARBAGE CAN OF USED OILY + GREASY RAGS.

ISOLATE, AIR DRY AND REMOVE FROM PROPERTY. SAVE INVOICE. WITHIN 30 DAYS YOU WILL NEED ~~TO~~ SHOW PROOF THAT

ALL HAZARDOUS WASTE WAS REMOVED PROPERLY - MANIFESTS. 1

Contact: JACK HOHENKER

Title: OWNER

Signature: JACK HOHENKER

Inspector: JOFF SHAPIRO

Signature: JOFF SHAPIRO

Donald D. Webster
29324 Ruus Road
Hayward, Ca. 94544

April 27, 1992

Ravi Arulanantham, Ph.D
Alameda County Health Agency
Division of Hazardous Materials
Department of Environmental Health
80 Swan Way Rm. 200
Oakland, Ca. 94621

92 APR 29 11:23

Dear Dr. Arulanantham,

I am sending this letter as per our conversation on 4-21-92.

On 2-11-92, I went to Kaiser Hospital Emergency Room with large blotches all over my body and swollen lips and face. I was seen by Dr. Newell in accute care, and was prescribed Prednsone (a steroid), and Atarax(a Antihistomine). After several hours , the swelling subsided and I was released.

The doctor advised me that this was some kind of allergic reaction , and is potentially fatal if the swelling gets to my throat and closes my airway I could suffocate.

I was seen by my regular doctor, Dr. King on 2-24-92. He referred me to Dr. Louie in the allergy dept., and I was scheduled to see Dr. Louie on 3-11-92.

On 3-1-92, my face again swelled up and I went to emrgency, was treated again and released. The next day I observed that Mr. Jack Hoehner was pumping thousands of gallons of contaminated water into the city streets if front of his junkyard.

The pump ran for 10 hours that day, and my calls to Jay Swendenski, the hazardous materials investigator for the Hayward Fire Dept., went unanswered. I also called Mr. Mork of the Community Preservation. He did not return my call either.

I was informed by one of the residents of the Georgian Manor Mobil Park that the pump had been running for 2 days prior to the first time I saw it. She also said that she saw the pump running several weeks before , but wasn't sure about the date.

She also asked me to please do not involve her because she was afraid of the "crazy guys who live in the junkyard".

I kept my appointment with Dr. Louie at the allergy clinic on 3-11-92. The doctor gave me several tests and sent me to the lab to take 5 more tests.

On 3-22-92, my face again swelled, and I immediately went to the emergency room at Kaiser Hospital. This time it was much more serious since my throat started to swell and close up. I could not swallow and was having trouble breathing. On the way to the hospital, I observed they were pumping again into the street from the Hoehner property. I also observed an ambulance with its emergency lights on going to the trailer park.

When I arrived at the emergency room at Kaiser, they rushed me to a room and immediately put me on oxygen, within a minute or two a doctor arrived and gave me a shot of adrenalin. Then they gave me another shot which I'm not sure what it was. Soon after that, I received an I.V. tube in the back of my left hand. A nurse then drew blood and gave me a shot in my I.V.

After about an hour of observation the swelling subsided and the doctor told me what had happened to me was very serious, and that if I had waited another 15 minutes to come in I might have died.

When I discussed this matter with Mr. Swendenski, he dismissed it as being a routine allergic reaction and said the same thing happens to his wife every spring. It's a reaction to the ripening juniper bushes.

I have since talked to my allergist and he says that the tests indicate that I have little sensitivity to the common allergic plants. I have a strict diet which eliminates the foods that most commonly cause allergic reactions. He then asked me if I had been exposed to any toxic or unusual chemicals. I told him about the Hoehner property and the problems and he told me that this is a big problem in isolating what I have been exposed to and what is the cause of these allergic reactions. He has ordered another series of tests and I have another appointment with my regular medical doctor today.

On 4-21-92, besides talking to you about this I also talked with several of the people from the City of Hayward. I had reported that Mr. Nick Tesi had recently dumped a load of trash and plywood in the field next to the Hoehner property. These people said that they had been on the site to see for themselves, and had found no trash or plywood as I had described. That same night when I was out for my nightly walk, I found they had pumped water from the site into the field which is owned by John Rassier. When I got home, I used the garden hose to wash the mud from my boots.

At about 6:00 A.M. on 4-21-92, I awoke to find that my upper lip had swollen to about twice it's normal size. I again went to Kaiser emergency and saw another doctor. He kept me for observation for about an hour, the swelling subsided and I was released. It was not so severe this time.

One of the problems with treating this problem is that I am an insulin dependent diabetic. I have been diabetic for about two years now. Because of my diabetes, the doctors are reluctant to give me some of the

medications that could normally be given to other people with these allergic reactions.

When I checked into the emergency room on Tuesday morning 4-22-92, my blood pressure was 170/117 and I had consistently higher blood pressure readings over the last 2 years.


I am not trying to say that the blood pressure problem is due to the chemical exposure, but I believe that it has been affected by the tremendous frustration I have felt in dealing with this problem for 7 years now.

I realize that you have responsibility for all of Alameda County and by all rights it should be the duty of The City of Hayward to eradicate this scourge on our community. I appreciate that you have taken the time to talk to me and understand my position on this matter. I also appreciate your assistance that you have given to me so far.

I know that the City of Hayward officials think that I am some sort of crackpot for being so insistant that they finally take action to stop this illegal dumping and clean this disgusting sight up. They don't seem to realize that the people of this area are affected daily by this illegal action by Mr. Hoehner.

Please feel free to check with my doctors at Kaiser Hospital to verify what I have related to you. I will be glad to authorize you access to my medical records at any time. Please keep up the good work, and help us clean up our neighborhood.

Sincerely,


Donald Daniel Webster

ENC: 2 PICTURES

Law Offices of Thomas F. Camp

A Professional Law Corporation

3700 Mt. Diablo Boulevard
Lafayette, California 94549
Telephone: (415) 284-7881
FAX: (415) 284-7886

92-1000-1-101-32

March 3, 1992

Jay Swardenski
Environmental Officer
Hayward Fire Department
2151 Clawiter Road
Hayward, CA 94545-2731

Ravi Arulanantham
Hazardous Materials Specialist
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, CA 94621

Re: Jack Hohener Property
1384 Ruus Lane, Hayward, California
Our File No. 4862

Gentlemen:

This letter is intended as a brief but complete plan on behalf of Jack Hohener for the removal of the balance of the materials located on his property on Ruus Lane, Hayward, California.

We have identified 33 specific items remaining on the property at this time. They are listed on the attachment to this letter. Our proposal for removal of the balance of the materials would be as follows:

1. Mr. Hohener wishes to maintain several of the pieces of equipment and he will do that by moving them to one of two places in Stockton, California, 3132 Farmington Road and/or 2710 Loomis Road.

2. All of the batteries will be taken for disposal to American Battery Company, 22851 Sutro Street, Hayward, California in appropriate lot sizes.

3. The lumber will be disposed of at Waste Fibre Recovery, 1900 West Winton Avenue, Hayward, California.

4. Junk metal, including cut steel, etc. will be delivered to Schnitzer Steel, Co., Adeline Street, Oakland, California.

Mr. Jay Swardenski
Mr. Ravi Arulanantham
Re: Jack Hohener Property
March 3, 1992
Page 2

5. Automotive equipment and parts to be junked will go to Dorris Auto Wreckers, 3720 Depot Road, Hayward, California.

6. Junk and unsalvageable tires will be taken to Royster Tire Company, Tracy, California.

7. The loose junk and debris will be taken to either the Durham Road Landfill, 7010 Durham Road, Fremont, California, or BFI Waste Systems, 4001 N. Vasco Road, Livermore, California.

It is Mr. Hohener's belief that the above-designated recipients of the materials presently on the site will cover all of the stuff to be moved. Mr. Hohener will maintain weigh bills and/or receipts from disposal of all of the material turned over to others, and otherwise comply with all of the removal requirements and statutes.

Mr. Hohener will get started on this work within ten (10) days of receiving approval from your offices of this plan and he expects to be completed within 60 days and absolutely no longer than 90 days.

If for some reason the contents of this letter are not sufficiently specific for the offices of either of you, would you please give me a call and advise me how I could give you more detail.

I look forward to hearing from you shortly, hopefully with approval of this plan so that Mr. Hohener can resume the removal activities that he had underway at the time of the hearing in Mr. Jensen's office in early February.

Thank you for your cooperation.

Very truly yours,

LAW OFFICES OF THOMAS F. CAMP


THOMAS F. CAMP

TFC/dmh

Enclosure (Attachment)

1. 1952 GMC Truck
2. Truck rear axle, dual drive
3. Bare diesel engine
4. Overhead pulling hoist, drum and wheel
5. Winch frame and drum UC 60-RED
6. Two covered trailers (converted)
7. Single axle trailer
8. Geringer yard lift with G-71 engine
9. 1952 GMC truck (in shed)
10. Air compressor
11. Forklift engine
12. D-2 Cat farm tractor
13. 1951 Ford blue pick up
14. Kaiser auto
15. Water trailer - 500 gallon
16. 1949 Ford 1 ton cab and chassis - black
17. Old Dodge fire truck 1.1/2 ton
18. 12 foot single axle pull trailer
19. Crane boom truck, 2 axle
20. Body only - 21 flatbed
21. Bottom dump trailer, single axle
22. Two sets of bottom dump trailers
23. One farm pull disk
24. Four empty metal truck containers on ground and trailers
25. Approximately 100 tires and wheel miscellaneous
26. One cooler box with some old furniture inside
27. Approximately 15 car and truck batteries
28. 12-15 timber trusses
29. Six old camping or house trailers
30. 1500 to 2000 board feet of miscellaneous lumber and timbers
31. 50 to 75 cubic yards of miscellaneous construction debris
32. Five to ten cubic yards of miscellaneous junk pulled from containers during search for hazardous materials.
33. Eight to ten truck loads of various junk scattered throughout

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

June 26, 1992

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

Mr. Jack Hohener
3686 Beard Rd.
Fremont, Ca 94538

RE: Jack Hohener Property, 1384 Ruus Lane, Hayward, California

Dear Mr. Hohener,

On June 18, 1992, the Alameda County Department of Environmental Health and the Hayward Fire Department conducted an inspection of the above referenced site. The purpose of the inspection was to verify removal of both hazardous and non-hazardous materials in accordance with your proposal of March 3, 1992. Based on that inspection, we have made the following determinations:

1) Approximately 1/3 of the previously encompassed area has been cleared of all debris and a chain-linked fence installed along the western edge of your property. It is our understanding that this fence was installed by Mr. John Rossier, owner of the adjoining lot, after you removed materials that had migrated onto his property.

2) Although a majority of the hazardous materials and wastes have been removed from your property, we observed one 5-gallon container without a label, a one gallon labeled primer, and several open-top pails with smaller quantity pint and quart containers inside. Some were identifiable as paints and household cleaners, but most of their contents remained unknown. These materials should be placed in a designated area and considered hazardous until confirmation of the contents has been obtained. As the segregation and removal of debris continues, incidental materials will undoubtedly be uncovered and should be handled in a similar manner.

Since the readily identifiable hazardous materials and wastes have been removed, presumably by Erickson Inc., there remains the issue of documentation. Your proposal indicated you would retain all manifests, weigh bills, and receipts for disposed materials and our 60-day follow-up inspection requested that you begin preparing a summary report of your disposal practices. In order to close the reporting loop, please submit copies of these documents to both agencies within the next 10 days of receipt of this letter.


Failure to produce the required documentation will result in our reopening our initial complaint with the Alameda County District Attorney.

Jack Hohener Property
June 26, 1992
Page 2 of 2

3) Your property continues to be used for the storage of tires, vehicles, scrap steel and metal products, wood and other debris. Progress has been made in segregating these materials to allow for their eventual removal and disposal, but the property is far from being completely cleared, as was specified in your proposal.

Therefore, due to the incidental nature of any remaining materials that might be considered hazardous, we do not intent to impede the City of Hayward from implementing abatement procedures to remove the remaining debris from your property. Should you have any questions regarding this summary, please contact either of our offices.

Sincerely,



Ravi Arulanantham
Senior Hazardous Materials Specialist
Alameda County Dept. of Environmental Health
(510) 271-4320



Jay Swardenski
Hazardous Materials Investigator
Hayward Fire Department
(510) 293-8695

c: Gil Jensen, Alameda County District Attorney
Debra Margolis, Deputy City Attorney, City of Hayward
Rafat Shahid, Ass't Agency Director, Alameda County Health
John Boykin, Hayward Fire Department
Cynthia Palacio, Community Preservation, City of Hayward
Thomas Camp, Law offices of Thomas Camp

Post-It™ brand fax transmittal memo 7671		# of pages ▶	
To	Sherman Balch	From	Ravi
Co.		Co.	Alameda County
Dept.		Phone #	271-4320
Fax #	429-9966	Fax #	



Department of Community and Economic Development
Community Preservation Division



June 15, 1992

17 JUN 16 11:27 AM '92

CERTIFIED MAIL
REGULAR MAIL

Mr. Jack Hohener
3686 Beard Road
Fremont, CA 94538

Re: 1384 Ruus Lane, Hayward, California

Dear Mr. Hohener:

This letter is written to remind you that clean up pursuant to the plan dated March 3, 1992, that you submitted during the citation hearing with the City, District Attorney, and County agents, is scheduled to be completed by June 15, 1992. Pursuant to that plan, you are required to remove all hazardous wastes as well as all junk and debris, including but not limited to, all vehicles currently stored on the property.

The City plans to inspect your property jointly with the County shortly after June 15, 1992. Should we find at that inspection that the property has not been cleared, the City will resume abatement of all remaining debris junk and vehicles without further notice to you.

As you know, if the City is required to abate the property, the full abatement costs, including any and all administrative costs, will be charged to you and may become a lien upon your property if not promptly paid.

Mr. Jack Hohener
June 15, 1992
Page 2

This letter will also serve as notice to you that I am the spokesperson for the City departments involved in this abatement. I can be reached at (510) 293-5015 during regular business hours.

Very truly yours,



Cynthia Palacio
Manager
Community Preservation
and Environmental Management

cc: Thomas F. Camp
Sherman Balch
John Rassier

✓ Ravi Arulanatham, Alameda Co. Dept. Health
Gilbert A. Jensen, Senior Deputy District Attorney

City of Hayward:

Sylvia Ehrenthal, Director Community & Economic Dev.
Debra S. Margolis, City Attorney's Office
Jay Swardenski, Hazardous Materials Division
MacGreagor Wright, Police Department
Chuck Breazeale, Police Department



Alameda County
District Attorney's Office
John J. Meehan, District Attorney

92 JAN 31 11:52

CERTIFIED

NOTICE OF CITATION HEARING

January 30, 1992

Mr. Jack Hohener
3686 Beard Road
Fremont, CA 94538

Re: 1384 Ruus Lane, Hayward, California

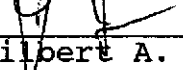
Complaint has been made to this office that you may have violated California Hazardous Waste laws.

You are therefore, cited to appear in the Office of the District Attorney, Consumer & Environmental Protection Division located at the Oakland Executive Center, 7677 Oakport Street, Suite 400, Oakland, California on February 13, 1992 at 9:30 a.m. to show cause, if any you may have, why a formal complaint should not be filed.

Please be prompt and bring this citation with you.

Very truly yours,

JOHN J. MEEHAN
DISTRICT ATTORNEY

By: 

Gilbert A. Jensen
Senior Deputy District Attorney

CC: Ravi Arulanantham, Alameda County Environmental Health
Jay Swardenski, Hayward Fire Department
Thomas Camp, Attorney at Law

Webster Machine & Mfg.

PH. 415-887-3075
2416 RADLEY CT. #5
HAYWARD, CA 94545

91 DEC 13 PM 12:24

Dec 16, 1991

Dr. Ravi Arulanantham
Alameda County Health Agency
Division of Hazardous Materials
80 Swan Way Rm 200
Oakland, Ca. 94621

Dear Dr. Arulanantham,

Thank you for meeting with me today at the property at 1384 Ruus Lane. As agreed, I am forwarding on to you copies of all correspondence I have had with the different agencies of the City of Hayward. Even Though the dates of written correspondence goes back to Jan 30, 1990, I have worked on this matter since around 1986. This is when I tried to get the Hayward Police Dept. to try and enforce some broken laws. Most of this correspondence was done over the phone. This is why I started to correspond by written letters. It took those years to get to somebody. As you can see this issue was passed to several different people. I will work with you to try and rid this lot of this mess. I will try and be patient. Please let me know of any changes, status, etc. that is done in the future. My home telephone is 785-8248 and address is 29324 Ruus Road-94544-zip. Please don't hesitate to call me if you need any more help.

Sincerely,

Dan Webster
Dan Webster

INTEROFFICE MEMO

To: Sergeant Craig Calhoun #104, Crime Prevention
 From: Sergeant T. West #101

I was assigned this investigation at the January 30th City Council meeting. I have done a lot of the preliminary work but the abatement process, through Community Preservation, needs to go through your office simply because of my work hours.

The Problem: There is an unauthorized junk yard at 1524 Ruus Lane. The neighborhood is upset about its existence. It was brought before the City Council by Mr. Daniel Webster. Mr. Webster resides at 29324 Ruus Rd. His phone number is 785-8248.

Secondary to the unattractiveness of the acreage is the fact that there are several, if not many, transient types living in the wrecked vehicles, according to Mr. Webster.

Factors Bearing on the Problem: I went to the address on Ruus Lane and observed what appeared to be a five acre parcel with an abandoned house near the street and a mailbox indicating the address. From the street I could plainly see hundreds of junked and dismantled cars and trucks. There is no fencing surrounding the property, but there are several "No Trespassing" signs in the front.

I also observed several elevated storage tanks, like the type used to store petroleum products. It appears that large amounts of petroleum products and other toxics have been spilled or dumped on the grounds and have probably leached into the ground water.

I checked with the Revenue Department here and found that there are no utilities actively on the property. City records indicate that water has not been active since 2-25-85. There is no gas or electric either. There are no business licenses or permits for the property. City records indicate the owners information is:

Owner: Jack Hohener
 Address: 3686 Beard Ln.
 Fremont, Calif.
 94536
 Phone: 794-6150

I actually tried to call Mr. Hohener about forty times and have never gotten a response.

I continued to check the property and on April 9, 1990 I contacted a person on the property. Mr. William Davis, D.O.B.

11-20-42, gave his address as 1384 Ruus Lane and stated he was the caretaker for the property. I told him why I was there and did a site inspection. I also found a Mr. Virgil Tarrango, D.O.B. 1-22-66 who gave his address as 27876 LaPorte Ave. Hayward. Mr. Tarrango was arrested for an outstanding warrant.

During the inspection I noticed that several of the junk cars and some of the sheds on the property have been converted into living quarters. I had CST Atkins photograph the site and the evidence of people living there. The photos are attached. I also noted that there is no garbage pick up and no sanitation facilities there.

Recommended action: ~~The evidence and the testimony of the neighbors~~ indicates that an illegal business is ~~operating on~~ Mr. Hohener's property. There are no licenses or E.P.A. permits, ~~sanitation, or utilities.~~

I am recommending that this business be abated according to the ~~Municipal Code.~~ The property ~~needs to be inspected for~~ sewage of fluids and toxics into the ground, buried metallic ~~vehicle members and pollution.~~

It is my understanding that the City of Fremont has a similar situation with Mr. Hohener running an unauthorized dismantling yard in thier city.

I am forwarding this entire investigation to your department.

Sergeant T. West #101



**CITY OF HAYWARD
COMMUNITY PRESERVATION AND IMPROVEMENT**

January 3, 1991

CERTIFIED MAIL, REGULAR MAIL AND FAX

Mr. Roy Amerine
Law Offices of Edgar J. Lana
P.O. Box 2180
Orinda, CA 94563

Re: Jack Hohener - 1384 Ruus Lane, Hayward
City of Hayward Case No. 90-23/gm

Dear Mr. Amerine:

The City is proceeding with the abatement action last mentioned in our letter to you of September 24, 1990. The purpose of this letter is to briefly explain the process of abatement.

Except for vehicles, all items will be removed from the property and disposed of at appropriate facilities without further notice. City employees and contractors will enter the property with equipment to remove the items.

The vehicles will be disposed of under the Vehicle Abatement Ordinance and California Vehicle Code. City employees and contractors will enter the property for purposes of identifying vehicles in order to send the required legal notices via certified mail. Service is deemed complete upon deposit in the mail.

Normally, we do not provide estimates of the time or cost involved in abatement actions. However, this is an unusual case where the abatement will take longer than one day. We expect that the removal of these items will take a minimum of thirty, eight-hour days to accomplish. Our contractor estimates that the labor to remove just the non-vehicles items will be a minimum of \$30,000. In addition, there is a 32% administrative fee charged by the City. ~~These are absolute minimum estimates and do not reflect any costs associated with removal of vehicles or hazardous materials.~~

Mr. Roy Amerine
Page 2
January 3, 1991

Since you are representing the property owner, we would like to have his written consent for City employees and contractors to enter the property commencing January 14, 1991, and continuing until the nuisances are abated. Please have your client sign the copy of this letter and return it to us no later than January 13, 1991.

Sincerely yours,

Cynthia Palacio

Cynthia Palacio
Community Preservation Manager

cp

cc: Complainants
City Attorney's Office

Bruce D. Kelly
Property Specialists
556 Mowry Avenue, Suite 103
Fremont, CA 94538

Mr. Jack Hohener
3686 Beard Road
Fremont, CA 94536

Certified Mail and
Regular Mail

Mr. Jack Hohener
1384 Ruus Road
Hayward, CA

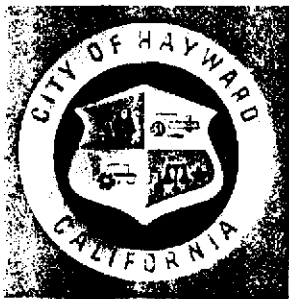
Certified Mail and
Regular Mail

CONSENT TO ENTER

City employees and contractors have my permission to enter my property to remove nuisance accumulations and inoperable vehicles noted in the Findings and Order dated July 20, 1990, commencing on January 14, 1991, and continuing until abated.

Date

Jack Hohener



**CITY OF HAYWARD
COMMUNITY PRESERVATION AND IMPROVEMENT**

Mr. Roy Amerine
Law Offices of Edgar J. Lana
P. O. Box 2180
Orinda, CA 94563

Re: Jack Hohener - 1384 Ruus Lane, Hayward
City of Hayward Case No. 90-23/gm

Dear Mr. Amerine:

On Thursday, October 4, 1990, the Hayward Fire Department responded to a fire at the above property. Because of our enforcement action, the Fire Department has asked me to inform your client that the City will seek full cost recovery for material and labor involved in any future fires.

While I do not have a copy of the fire report yet, it is my understanding that there were several fires on the property, including a vehicle fire. Based on our field investigations in the recent past, we know that transients live on the property.

I checked the water bill after a resident informed me that there was water service to this vacant lot. Based on the monthly bills it appears that there is regular water consumption. Please ask your client to telephone the Public Works Water Bureau (581-2345) and request that the water be shut off ("pull meter and crimp house"). This will make it less convenient for transient living.

Sincerely yours,

Cynthia Palacio

Cynthia Palacio
Community Preservation Manager

cp

cc: Complainants
City Attorney's Office
Public Works Water Bureau
Fire Department
Zoning Inspector



**CITY OF HAYWARD
COMMUNITY PRESERVATION AND IMPROVEMENT**

Mr. Roy Amerine
Law Offices of Edgar J. Lana
P. O. Box 2180
Ordina, CA 94563

Re: Jack Hohener - 1384 Ruus Lane, Hayward
City of Hayward Case No. 90-23/gm

Dear Mr. Amerine:

This letter is written to confirm the results of our meeting today. The City will not proceed with the abatement scheduled in the Findings and Order (dated July 20, 1990) until after December 30, 1990.

If Mr. Hohener has not obtained a use permit to allow the storage on his property of any or all items currently there by December 30, 1990, the City will commence abatement immediately after that date and bill Mr. Hohener for the cost of abatement including an administrative fee. No further extensions of time will be provided for any reason except an approved use permit.

The property must be completely cleared of all items, including the items listed by Mr. Hohener and faxed to me on August 29, 1990, as well as the single-family dwelling which was the subject of an expired use permit.

Sincerely yours,

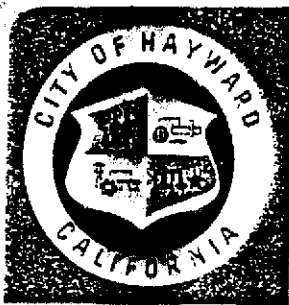
Cynthia Palacio

Cynthia Palacio
Community Preservation Manager

cp

cc: Complainants
City Attorney's Office

CP



**CITY OF HAYWARD
COMMUNITY PRESERVATION AND IMPROVEMENT**

CITY MANAGERS OFFICE

**FINDINGS AND ORDER FOR CITY ABATEMENT OF PUBLIC NUISANCE
(CP 90-23/gm 1384 Ruus Lane/453-45-48 Hohener)**

The matter of the alleged nuisance at the above-described property was heard before the Assistant to the City Manager, Cynthia Palacio, to consider all relevant evidence, objections, or protests regarding the alleged public nuisance and the proposed method(s) of abatement which may include cleanup, rehabilitation, repair, removal, demolition of such property, or such other method(s) which the City may deem appropriate. The legal property owner of record appeared with his attorney, Roy Amerine, and his tenant, Nick Tesi.

FINDINGS AND ORDER

After consideration of the matter, the Assistant to the City Manager finds that the condition of the above-described property constitutes an unlawful property nuisance under Hayward Municipal Code Section 5-7.15 as more particularly set forth on the attached, and that there is sufficient cause to abate the nuisance. It is also found that the property owner has failed, neglected or refused to comply with the Notice to Abate served pursuant to section 5-7.25. In addition, it is also found that there is a record of prior violations.

The condition of the above-described property is hereby declared to be a public nuisance and IT IS ORDERED that the same be abated in the manner and within the time indicated on the attached.

TIME FOR WORK TO BE COMMENCED AND COMPLETED

Work shall be commenced by the owner and completed within the time indicated on the attached. If the owner fails to abate the nuisance as ordered, the City shall cause the nuisance to be abated by City employees or private contract as indicated. The costs shall be billed to the owner, as specified in section 5-7.35 of the code. The City's contractors or employees are authorized to enter upon the property for such purposes. (5-7.25).

RIGHTS OF APPEAL

The owner may appeal the findings and order to the City Council by filing an appeal with the City Clerk within seven (7) calendar days of the date of service of the City Manager's decision. Service is deemed complete at the time the findings and order are deposited in the mail (5-7.25). The appeal must be in the form contained in Section 5-7.30.

NATURE OF THE NUISANCE

Generally described in the code sections enumerated below and more specifically described as: extensive accumulations on the vacant lot consisting of operable and inoperable vehicles, vehicle parts, vehicle axels, camper shells, house trailers, modular trailers, storage containers, sheet metal, tractor-trailer beds, water truck trailer, salvage materials, scrap metal, lumber, pipe, drums, garbage, trash, boxes, cartons, junk, plywood, trailer homels, tires, furniture, broken appliances, wooden boards, litter; and weeds in excess of four inches.

METHOD OF ABATEMENT

Commence and complete work on the dates indicated below. Method of removal shall be to remove above items of debris from the property to a refuse dump. Cut weeds below four inches. Make vehicles operable or remove from property to enclosed storage facility or auto wrecking yard. Remove vehicle parts from property to enclosed storage facility or auto wrecking yard. Park operable vehicles on paved surfaces.

Provide list of items to be retained by owner on or before August 3, 1990. Commence removal of other items of debris by May 17, 1990 and complete removal of all items by September 17, 1990, except those items approved for inclusion in use permit application by owner for contractor storage yard. Apply for use permit to retain items by September 17, 1990.

ADMINISTRATIVE HEARING:	May 2, 1990
FINDINGS AND ORDER MAILED/POSTED:	July 20, 1990
LAST DAY TO APPEAL:	July 30, 1990
COMMENCE WORK:	May 17, 1990
COMPLETE WORK:	September 17, 1990
* CITY ABATEMENT SCHEDULED:	September 18, 1990

CITY MANAGERS OFFICE

By Cynthia Palacio
Cynthia Palacio
Assistant to the City Manager

SUMMARY

Case Number/Inspector:	CP 90-23/gm
Address/APN:	1384 Ruus Lane/453-45-48
Property Owner:	Jack Hohener 3686 Beard Road Fremont, CA 94536
Violations:	5-7.15 (a)(c)(d)(e)(f)(h)(j)(k)(l)
Prior Violations:	ZV 70-5, 70-10, 81-33, 81-98, 84-229, 84-283, 88-222, 90-23
Notice to Abate:	March 5, 1990
Notice of Adm. Hearing:	April 20, 1990
Adm. Hearing:	May 2, 1990
Findings/Order Mailed:	July 20, 1990
Findings/Order Posted:	July 20, 1990
Last Day To Appeal:	July 30, 1990
Commence Work:	May 17, 1990
Complete Work:	September 17, 1990
City Abatement Scheduled:	September 18, 1990

Law Offices of Thomas F. Camp

A Professional Law Corporation

3700 Mt. Diablo Boulevard
Lafayette, California 94549
Telephone: (415) 284-7881
FAX: (415) 284-7886

December 5, 1991

Ravi Arulanantham
Hazardous Materials Specialist
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, CA 94621

Re: Jack Hohener Property
1384 Ruus Lane, Hayward, California
Our File No. 4862

Dear Mr. Arulanantham:

This office has represented Mr. Hohener for several months in regard to the hazardous material problems at 1384 Ruus Lane.

Under agreements and directives from Mr. Swardenski of the Hayward City Fire Department, a plan for removal of the hazardous waste materials has been in place. Just since your inspection and immediately before your letter, we were able to complete the agreements necessary to issue to Erickson Company (an approved City of Hayward hazardous waste material contractor) to remove the hazardous waste materials. This work has been started and it is my understanding will be finished toward the end of the week of December 2.

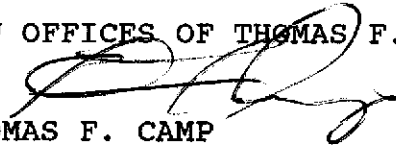
It is our plan to immediately go into a clean-up of the balance of the debris on the property and it is Mr. Hohener's sincere intent to have the property completely cleaned at or around the turn-of the year.

I am hopeful that based on the progress that is presently being made, no further action from your department will be necessary. Nevertheless, if you would wish to schedule the meeting that you speak of in your letter of December 2, would you please contact me at your earliest opportunity.

Thank you very much for your cooperation.

Very truly yours,

LAW OFFICES OF THOMAS F. CAMP


THOMAS F. CAMP

TFC/dmh

cc: Jack Hohener

12/17/91 : Tilled to Mr. Camp.
Plans to clean up property by Feb. 1992.

1/13/91 : Left message for Mr. Camp.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:

Mr. Jack Hohener
3686 Beard Road
Fremont, CA 94538

4. Article Number
P 367 604 340

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee
X *Jack Hohener*

6. Signature - Agent
X

7. Date of Delivery
12/5/91

8. Addressee's Address (ONLY if requested and fee paid)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

Certified Mail #: P 367604340

December 2, 1991

Mr. Jack Hohener
3686 Beard Road
Fremont, CA 94538

RE: Jack Hohener Property
1384 Ruus Lane, Hayward, California

NOTICE OF VIOLATION

Dear Mr. Hohener:

I visited your property at 1384 Ruus Lane, Hayward on 10/25/91. Mr. Jay Swardenski of the Hayward Fire Department was also present at the time of the visit (please refer to the Hayward Fire Department's letter dated 10/08/91). Walking through your property I noticed that there were several damaged drums, most of them without any labels, scattered all over the property (we counted more than fifty drums during our visit). In several areas the soil appears to be contaminated with petroleum products. This property is clearly a public health hazard for residents living nearby

Several agencies have repeatedly requested that you take steps to mitigate the potentially dangerous situation that exists at your property. The City of Hayward has given you ample time and also provided the necessary resources that you would need to resolve this problem. However, very little progress has been made so far and the property still remains a potential health hazard to the nearby communities. I strongly urge you, therefore, to immediately address the concerns we have regarding the condition of your property (communicated to you and your attorney in several letters by the Hayward Fire Dept.). Pursuant to the California Code of Regulations (CCR), Title 22, section 66272.1., please submit a written plan of correction to this office, to reach me before December 15, 1991.

On receipt of your letter I will schedule a meeting with you and all other regulatory agencies to arrange for a suitable time table that you will follow, until the property is cleaned and


does not pose any more threat to the public. If the time table agreed upon is not reached, this case then will be referred to the District Attorney for legal actions.

Mr. Hohener, I would like to reiterate that this office, as the lead Agency for the management of hazardous materials and wastes, in Alameda County, is willing to cooperate with you to resolve this problem in a timely manner. If you have any questions regarding this letter, please contact me at 271-4320.

Sincerely,



Ravi Arulanantham
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Howard Hatayama, Regional Administrator, Region II,
California Environmental Protection Agency
Rafat Shahid, Director, Alameda County Department of
Environmental Health
 Edgar Howell, Chief, Hazardous Materials Division
Hugh Murphy, Environmental Specialist, City of Hayward Fire
Department
Jay Swardenski, Hazardous Materials Investigator, City of
Hayward Fire Department
Debra Margolis, Deputy City Attorney, City of Hayward
John Boykin, Hazardous Materials Coordinator, City of Hayward
Fire Department
Cynthia Palacio, Community Preservation, City of Hayward
Thomas Camp, Law offices of Thomas Camp



Fire Department

91 OCT 11 AM 11:35



October 8, 1991

Mr. Thomas F. Camp
Law Offices of Thomas F. Camp
3700 Mt. Diablo Blvd.
Lafayette, CA 94549

*Jack Hohener
3686 Blvard
Fremont 94538*

RE: Jack Hohener Property
1384 Ruus Lane, Hayward, CA

Dear Mr. Camp:

I have recently discussed with Erickson's representative, Mr. Bruce McCausland, the removal of hazardous materials and wastes from 1384 Ruus Lane in Hayward. We focused on issues raised in a letter from this office dated September 19, 1991 with the following results:

- 1) A site specific health and safety plan has been prepared and will be maintained on-site for review throughout the project.
- 2) All locations where hazardous materials or wastes are removed will be entered onto a site map and the map will also include areas of observed or suspected spillage.
- 3) The project work plan as presented includes only those materials and wastes characterized as "readily accessible." It does not include materials that may be contained in the various locked cargo boxes, nor has anyone approached this office with plans to address these inaccessible areas.

I must reiterate that the complete and proper removal of all materials that are or could potentially be classified as hazardous is the responsibility of the generator and/or property owner. We have arranged with the Alameda County Environmental Health Department to conduct an inspection of the site on October 25, 1991 to assess the progress of the

remedial measures and to determine the need for enforcement actions.
Please contact me at 293-8695 if you wish to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Swardenski". The signature is stylized and somewhat cursive.

Jay Swardenski
Hazardous Materials Investigator

JS:lo

cc: Debra Margolis, Deputy City Attorney
Cynthia Palacio, Community Preservation
✓ Ravi Arulanantham, ACEHD



Fire Department



September 19, 1991

Mr. Thomas F. Camp
 Law Offices of Thomas F. Camp
 3700 Mt. Diablo Blvd.
 Lafayette, CA 94549

RE: JACK HOEHLER PROPERTY
 1384 RUUS LANE
 HAYWARD, CA 94544

Dear Mr. Camp:

I have received and reviewed the proposal Erickson, Inc. prepared for the removal of hazardous materials and wastes at 1384 Ruus Lane in Hayward. Although it is difficult to assess the completeness and scope of a project without a detailed inventory of the materials under consideration, the approach and concept of the proposal are acceptable with the following clarifications.

- 1) Unsafe Conditions: The project leader must contact the Hazardous Materials Office of the Hayward Fire Department if an unsafe condition is suspected or telephone the 911 emergency number if an actual or eminent emergency situation exists.
- 2) Health and Safety Plan: A site specific health and safety plan will need to be prepared and available on-site for review prior to commencing operations. This plan must include provisions to insure that only qualified individuals are allowed to work in an area identified as containing hazardous materials and wastes.
- 3) Documentation: All locations where hazardous materials or wastes are located and removed must be entered onto a site map. This map should also include areas of observed or suspected spillage and must be submitted when the summary reports are prepared. The information contained in these reports will be used to facilitate further investigation that may be required for pending development.

Please note that the complete and proper removal of materials identified as hazardous remains the responsibility of the generator and/or property owner. We will be discussing this site with the Alameda County Environmental Health Department and will arrange follow-up inspections as necessary to ensure compliance with the applicable regulations and to determine the need for any further remedial or enforcement actions.

In a recent discussion, you indicated that Mr. Hohener was considering storing four or five 55-gallon drums of new petroleum products. If this is the case, Mr. Hohener will be required to obtain a hazardous materials storage permit, store the materials according to prescribed methods, and complete his reporting obligation by submitting a hazardous materials management plan. These issues can be clarified and completed pending a firm decision on the part of Mr. Hohener.

Sincerely,



JAY SWARDENSKI
HAZARDOUS MATERIALS INVESTIGATOR

JS:vs

cc: Hugh Murphy, Environmental Specialist
John Boykin, Hazardous Materials Coordinator
Debra Margolis, Deputy City Attorney
✓ Ravi Arulanantham, Alameda County Environmental Health Department



ERICKSON
255 Parr Boulevard, Richmond, California 94801
(415) 235-1393 • FAX (415) 235-3709

RECEIVED BY
HAZARDOUS MATERIALS OFFICE

SEP 16 1991

HAYWARD FIRE DEPARTMENT

ERICKSON, Inc.

August 12, 1991

Law Office of Thomas F. Camp
A Professional Law Corporation
3700 Mt. Diablo Blvd.
Lafayette, CA 94549

Project # 91-045 (Your File #4862)

RE: Jack Hohener Property
1384 Ruus Lane, Hayward, CA

Dear Mr. Camp:

Erickson, Inc. is pleased to offer this proposal for the packaging, transportation and disposal of your Lab Pack waste, and Phase I (sampling), Phase II (analysis) and Phase III transportation and disposal of your non-Lab Pack waste.

This quote is based on the attached inventory. *NONE ATTACHED*

Our quotation for this part of the project is \$19,965.

This pricing does not include any federal, state or local taxes.

The above price is firm for 45 days.

The services are provided exclusively by Erickson, Inc. and our technically trained professionals, whose sole responsibility is providing laboratory waste management services.

For your convenience, I have enclosed two copies of our standard service agreement for you to complete and return to me when your decision is finalized. We will return an executed copy for your records.



To expedite the scheduling of your project please provide us with the following:

- A purchase order along with your signed agreement. Please write the purchase order number in the designated area on the agreement.
- A completed credit application.
- An EPA identification number specific to the waste location. This number is required to perform this project. If you need assistance obtaining this number please call use.
- A Board of Equalization number for tax exemption purposes. Please see attached letter.

The scheduling of this project can commence upon receipt of the aforementioned paperwork.

We sincerely appreciate your contacting us for a quotation and we welcome the opportunity to provide proof of our professional competence in this highly sensitive activity;

Please call me if you have any questions. We look forward to working with you.

Sincerely,

Bruce McCausland
Erickson, Inc.
Lab Pack Division

BM/lw

EXHIBIT I
Project Number #91-045

SCOPE OF WORK

When added to and made a part of a mutually acceptable agreement. Erickson, Inc. will perform this scope of work for Jack Hohener based on the services, provisions and fees outlined below.

Lab Pack Services-Generator's Facility

Lab pack waste are materials in five gallon or smaller containers (one gallon or smaller, if glass) that may be packaged together for transportation and treatment/disposal. Lab pack services include:

- 1) Fingerprint testing of any unknown or generic (trade name) chemicals to determine their characteristics.
- 2) Proper classification and segregation by hazard class in accordance with all applicable laws and regulations, including DOT, EPA and state regulations.
- 3) Packaging of all materials by trained personnel using provided materials and supplies.
- 4) Providing a complete inventory of materials packaged to the generator.
- 5) Profiling and application for approval at a permitted treatment/disposal facility.

Non-Lab Pack Services - Generator's Facility

Non-Lab Pack wastes are wastes in containers larger than five gallons (one gallon, if glass). These services include:

1. Waste identification work and profiling, including:
 - a. Sampling, fingerprinting and compositing of non-lab pack waste for lab analysis (Phase I).
 - b. Analytical testing, profiling and approval for treatment/disposal at licensed facilities (Phase II).

Removal and Management of Lab Pack and Non-Lab Pack Wastes

Erickson will perform the services below one we have obtained approval for waste acceptance at a permitted facility.

1. Transportation of containerized wastes to permitted treatment/disposal facilities.
2. Treatment/disposal of wastes at these facilities.
3. Assistance to the generator in meeting regulatory obligations, including labeling and completion of paperwork required by law.

SERVICE PROVISIONS

Excluded Wastes: Any wastes found to be unacceptable for processing through the waste stream profiling, evaluation and approval process, will be left on the generator's site and will not become a part of Erickson's services. At a minimum, Erickson will not accept the following:

- radioactives
- explosives
- dioxins and their derivatives
- mercury-contaminated porous materials
- some pressurized containers
- some biological wastes

Unsafe Conditions: If it is determined by the Erickson project leader that there is an existing condition of circumstance that contributes to an unsafe working environment, the leader reserves the right to correct the condition or circumstance or postpone the project until a safe working environment can be provided.

Post-Project Clean-Up: Erickson will remove supplies and, when applicable, surface clean (e.g., sweep) the work area before leaving, to return it to the general condition it was in prior to mobilization.

Temporary Storage: Once packaged, waste will be left at the job site for a short time while awaiting treatment/disposal decisions and/or permits (e.g., Extremely Hazardous waste, state EPA I.D. numbers). Waste destined for incineration may be left for longer periods while an economical milk run is arranged.

Lab Pack Trade Name or Unknown Wastes: Trade name or unknown (unlabeled) waste for which generator has no material safety data sheets or analytical data may be tested before packaging to verify chemical characteristics. The fees for this services will be billed at our current rates. This type of waste is always disposed of by incineration.

Lab Pack Reactive Chemicals: Chemicals assumed to contain or tested and found to contain peroxides will be billed at reactive disposal rates. Trade name or unknown (unlabeled) wastes tested and found to be reactive and acceptable at an Erickson disposal site will also be billed at these rates.

Lab Pack Container Seals: All lab pack drums will be securely sealed by Erickson personnel. At the time of pick up, any drums with broken seals will not be accepted for transportation until Erickson repackages them.

Non-Lab Pack Container Condition: Any non-lab pack waste containers not acceptable for transportation will be overpacked prior to loading. Cost of container overpacking has not been included and will be billed at the additional rates.

Non-Lab Pack Sampling Protection: Presence of certain Extremely Hazardous Waste (e.g., cyanides, carcinogens) may require use of Level A (encapsulated suit) Personnel Protective Equipment during sampling. Cost of this level of protection has not been included and will be billed at the additional rates posted in the current Erickson rate schedule.

FEES FOR SERVICES

Packaging, transportation and disposal of your lab pack waste and Phases I and II of this project, including sampling, fingerprinting and compositing of samples from 1 container; lab analysis of no more than 1 composite samples, profiling and submission of profiles for treatment/disposal facility approval, will be done for a lump sum of \$19,965. After the approvals are received, Erickson will forward Phase III pricing supplement, covering costs of transportation and disposal.

Services at the generator's job site will be recorded on daily worksheets completed by /Erickson personnel and signed by generator's representative. This fee may only be increased subject to provisions of this contract.

An increase to the original scope of work will increase fees for the waste management project. An increase in the scope of work shall include testing and incineration of unknown lab pack chemicals, incineration of peroxide forming and reactive lab pack chemicals, at the time of shipment, chemicals not listed or inaccurately described on an inventory provided by the generator, and delays caused by the generator, as well as other increases in scope of work.

This lump sum assumes loading time of one hour on the date of transportation. Loading time beyond one hour will be charged according to the current Erickson price schedule.

SERVICE CONTRACT

Purchase Order No. _____

Customer No. 91-045

WASTE LOCATION

BILLING LOCATION

DESCRIPTION OF SERVICES TO BE PROVIDES: As stated in letter and Exhibit I, dated 8/12/91. Lab pack and Phases I, II and III of your non-lab pack waste. Cost for this part of the project is \$19,965.

Notes: Unless noted, the above price does not include applicable local, state and/or federal taxes which, if assessed, shall be invoiced to any payable by the Customer on a actual cost basis. If customer is to supply the waste material containers, Customer will be solely responsible for the appropriate construction marketing and labeling of the containers.

The prices shown or rate schedule referenced above are in effect for the day of the agreement, unless modified by providing a minimum or thirty (30) days written notice. Payment terms: NET thirty (30) days.

A "change order" shall mean a written amendment of this agreement signed by both parties describing and addition, deletion or revision in Erickson services, an adjustment in the price or the term as a modification to this agreement. The terms of this Contract including Erickson Services may only be change by means of a Change Order.

Company: Erickson, Inc.

Company: Jack Hohener Property

By: John Cutshall

By: _____

Title: General Manager

Title: _____

Date: 9/12/91

Date: _____

C A L L E R I C K S O N

EMERGENCY SPILL RESPONSE	* Erickson, Inc.
FIELD SERVICES INDUSTRIAL CLEANING	* Erickson, Inc. * Erickson Environmental
LABORATORY SERVICES	* Erickson Analytical
LAB PACKING	* Erickson, Inc.
INDUSTRIAL HYGENE	* Erickson Analytical
INDUSTRIAL PLANT CLOSURES	* Excel Trans, Inc.
PETROLEUM SERVICES	* Erickson, Inc. * Erickson Environmental
REMEDICATION / BIOREMEDIATION	* Erickson Environmental
TRAINING	* Erickson Training
TRANSPORTATION	* Erickson, Inc. * Excel Trans, Inc.
TREATMENT FACILITIES	* Treatment Transfer
UNDERGROUND STORAGE TANK REMOVAL	* Erickson, Inc.
WASTE MINIMIZATION	* Erickson Environmental

ERICKSON, INC.; (415)235-1393

ERICKSON ANALYTICAL; (415)235-1393

ERICKSON ENVIRONMENTAL; (707)745-2770

EXCEL TRANS, INC.; (707)745-8907



TRANSMITTAL

3315 Almaden Expressway, Suite 34
 San Jose, California 95118
 (408) 264-7723 FAX (408) 264-2435

TO: MR. RAVI ARULANATHAM
ALAMEDA COUNTY HEALTH AGENCY
DEPARTMENT OF ENVIR. HEALTH
80 SWAN WAY, ROOM 200
OAKLAND, CALIFORNIA 94621

DATE: 7/31/91
 PROJECT NUMBER: AGS 60029.02
 SUBJECT: [REDACTED]

FROM: MR. KEN MATEIK
 TITLE: PROJECT GEOLOGIST

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:
 Shop drawings Prints Reports Specifications
 Letters Change Orders _____

COPIES	DATED	NO.	DESCRIPTION
1	7/30/91		FINAL - REPORT ON LIMITED SUBSURFACE ENVIRONMENTAL INVESTIGATION AT THE ABOVE SUBJECT SITE.

THESE ARE TRANSMITTED as checked below:

- For review and comment Approved as submitted Resubmit ___ copies for approval
- As requested Approved as noted Submit ___ copies for distribution
- For approval Return for corrections Return ___ corrected prints
- For your files _____

91 AUG 7 1991 2:36

REMARKS: THIS REPORT HAS BEEN FORWARDED TO YOU AT THE
REQUEST OF MR. CHUCK CARMEL OF ARCO PRODUCTS
COMPANY.

Copies: 1 to AGS project file no. 60029.02

SAN JOSE READER'S FILE

*Revision Date: 10/15/90
 *File Name: TRANSMT.PRJ

CITY OF HAYWARD
FIRE DEPARTMENT

MAY 29, 1991

*General file
Hayward
5/29/91*

TO: DEBRA MARGOLIS, DEPUTY CITY ATTORNEY II

FROM: JAY SWARDENSKI, HAZARDOUS MATERIALS INVESTIGATOR

SUBJECT: Alameda County Health Care Services, Hazardous Materials Division's, involvement in the removal of hazardous waste as part of the overall abatement of the nuisance presented by the property at 1384 Ruus Lane in Hayward, CA.

On May 21, 1991, I visited the above referenced site with Cynthia Palacio, Manager of Hayward's Community Preservation Division, to review and discuss the presence of hazardous materials and hazardous wastes and how they might impact the abatement proceedings.

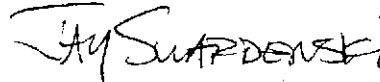
While on site, we observed many 1-7 gallon metal, plastic, and glass containers, at least two dozen 55 and 110 gallon metal and plastic drums, and even a 550 gallon storage tank rated for the storage of hazardous liquids. Many of these containers had labels reflecting commonly used products such as paints, thinners, cleaning agents, and lubricating oils. Others containers bore no label at all, even though they were quite full. Still others had residual oily products around the rims, some of which had spilled and stained the surrounding plants. These indicators led to the determination that hazardous materials and wastes were present on the site and that they should be removed prior to, or in tandem with, the general cleanup of vehicles, wood and metal scrap, and other accumulated debris.

I spoke with the Alameda County Health Care Agency to advise them of the site and discussed the strategy the City would take to remove and properly dispose of the wastes found. I discussed this with Ravi Arulanantham, Hazardous Materials Specialist with Alameda County, because the site is within his geographic district. He would like to be kept abreast of the project and contacted if anything unusual turns up, but we could not identify any problems with the City initiating the removal of the wastes. This is especially the case since the hazardous materials and wastes are a component of a larger abatement project, which in itself is designed to alleviate any immediately threat to public health and the environment. I would recommend that a report be sent to Alameda County, summarizing the activities undertaken at the site, when the abatement project is completed. Additionally, because the City is only removing the immediately identifiable materials and wastes, any use, reuse or development of the site should be preceded by a complete soil and groundwater investigation.

If more involved questions arise, do not hesitate to contact Gil Jensen, Deputy District Attorney, at the Alameda County District Attorney's Office, Consumer and Environmental Protection Division. He can be reached at 569-9281. Ed Howell, Chief of Alameda County's Hazardous Materials

Division, may also be a useful contact for discussing formal County involvement, should it be deemed necessary. He can be reached at 271-4320. I will continue to be available should additional technical guidance or discussions be necessary.

Sincerely,



Jay Swardenski
Hazardous Materials Investigator

JS/llt

cc: John Boykin, Hazardous Materials Coordinator
Hugh Murphy, Environmental Specialist
Ravi Arulanantham, Alameda County Health Agency ✓
Cynthia Palacio, Community Preservation Manager

SITE SAFETY PLAN
PACKAGE, TRANSPORT, & DISPOSE OF VARIOUS HAZARDOUS WASTES
AT
JACK HOHENER PROPERTIES
1384 RUUS LANE, HAYWARD, CA.

Prepared For:

Erickson Inc.
255 Parr Blvd.
Richmond Ca. 94801
(415) 235-1393

Prepared By:
Gary Royer, Industrial Hygienist

SITE SAFETY PLAN

PACKAGE, TRANSPORT & DISPOSE OF VARIOUS HAZARDOUS WASTES

JACK HOHENER PROPERTIES

INTRODUCTION:

This plan describes the Health and Safety requirements for all Erickson Inc. clean up and remedial activities that will be performed at the job site.

Site Description:

Location: Jack Hohener Properties, 1384 Ruus Lane, Hayward, Ca.
The Job site is located in remote area in Hayward, Ca.

Job Goal:

- a. Characterize waste materials utilizing field I.D. tests (Haz-Cat)
- b. Re-package waste materials as needed into proper containers.
- c. Label containers according to DOT Regulations & Disposal Site requirements.
- d. Transport and dispose of the hazardous materials.

Project Description:

This plan will describe minimum site health and safety requirements for the site remediation project. This site safety plan is written specifically for Erickson Inc. employees and is not intended for the protection of other contractors or personnel on site.

Project Personnel:

Name	Title	Phone	Pager
Bill Carter	Oper. Mgr.	510-235-1393	510-549-5809
Dan Carroll	Dept. Supr.	510-235-1393	415-809-1816
Gary Royer	Ind. Hygienist	510-235-1393	415-809-8242
Morgan Olk	Project Supr.	510-235-1393	415-809-2335

Project Work Plan:

The following is a description of the waste materials to be disposed of:

- A. 25/55 gal. drums of various residual waste materials.
2/20 gal. drums " " " " " "
1/10 gal. Butane tank.
- B. 12/55 gal. drums of petroleum/oil waste. >50% Volume.
1/85 gal. drum " " " " " "
1/15 gal. drum " " " " " "
- C. 3/55 gal. drums of residual liquid. < 50% Volume.
- D. 11/55 gal. drums of asphalt compounds. >50% Volume.
- E. 9/55 gal. caustic liquid. (ie. Zep/NaOH soap >50% Vol.
- F. 1/20 gal. caustic drum. > 50% Volume.
- G. 1/55 gal. drum of grease.
1/15 gal. drum of grease.
2/10 gal. drum of grease.
- H. 32/5 gal. paint cans. (Most are > 50% Volume.

HAZARD EVALUATION:

This Site Safety Plan addresses specific on-site work activities relevant to the packaging, transportation & disposal of hazardous waste materials on site. Workers at the site will be experienced in hazardous waste remediation projects. All Erickson employees on site will have received 40 hour SARA training consistent with 29 CFR 1910.120. This training covers subjects to include but not limited to Hazard Communication, Proper Permit Required Confined Space Entry, Proper Care and Use of Respiratory Equipment, Hearing Conservation, Decontamination Procedures, Care and Use of Personal Protective Equipment, and Emergency Procedures.

Site workers will be informed that the work may involve physical or chemical hazards. This plan covers anticipated activities and hazards, and makes provision for modification or amendment as hazard-related data are discovered during the course of work. This plan will be amended with a hazard assessment if previously unknown hazards are encountered.

Workers entering the area will be required to wear Level C protection. This would include wearing a North full face respirator with an Acid Gas/Organic Vapor/HEPA cartridge; a one piece PVC suit, rubber boots and chemical resistant gloves.

Air monitoring will be required during any confined space work for oxygen deficiency and combustibles (LEL). Once these tests have determined that the atmosphere is safe for entry, a confined space entry permit will be issued.

Chemical Hazards:

The area to be cleaned contains hazardous chemicals as described on page 2 of the Project Work Plan. To minimize employee exposure all workers entering the area must wear Level C protection as described above.

Any MSDS (Material Safety Data Sheets) that are available for the waste materials should be reviewed by the employees on site.

Physical Hazards:

The site has several potential hazards that can be anticipated. These include:

- a. The moving of drums and misc. debris. "Use proper lifting techniques"
- b. Be aware of slips, trips, and fall hazards when working on the job site.
- c. To avoid heat stress there should be potable water on site.
- d. Confined Space; Proper confined space procedures must be followed which include testing the atmosphere for oxygen and combustibles. A confined space permit must be filled out and be attached to the tank to be entered.

GENERAL SAFE WORK PRACTICES:

The field supervisor is responsible for ensuring all employees have the proper tools and safety equipment. Smoking shall be allowed on breaks in designated areas only. To ensure proper hygiene, all employees must wash their hands and face before lunch and upon completion of the work day. Employees should perform proper decontamination procedures to minimize contamination of the surrounding equipment and work site.

Tailgate Safety Meetings:

To ensure worker safety, employees will attend a tailgate safety meeting before starting the project. The safety meeting will cover site specific hazards on a daily basis. Employees are encouraged to participate and ask any questions about the job. A copy of the site safety plan will be available for reference on-site.

Emergency Procedures:

In general, a client's Emergency Procedures/Contingency Plan will apply to work done by the field crew. If for some reason client personnel are not immediately available, Erickson will be responsible for taking appropriate actions in an emergency.

RECORD KEEPING REQUIREMENTS:

The following record keeping will be maintained on file at the Erickson Inc. office in Richmond, California.

- a. Tailgate Safety Meeting Reports
- b. All incident/accident reports.
- c. Copy of site safety plan.
- d. A summary of training records (i.e. classes and dates attended) for all site personnel.