

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO# 2910
RAFAT A. SHAHID, DIRECTOR

May 16, 1996

DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6777

Jack Williams
371 13th Street,
Oakland, CA 94612

Bernadine Hammond
3717 MLK Way,
Oakland, CA 94609

Subject: Underground Storage Tanks Located at 3701 Martin Luther King Way, Oakland, CA 94609

Dear Mr. Williams & Ms. Hammond:

This office has attempted to permit the underground storage tanks at the aforementioned facility for the last several years. Meetings were held as late as March 2, 1996 with Mr. Jack Williams, for the purpose of obtaining information in order to meet the criteria for legally permitting the tanks on site. No further contact has been made with this office since that time.

If this office does not receive any communication within the next ten days, an Alameda County District Attorney's Office **Pre-Enforcement Hearing** will be scheduled in June, 1996.

If you have any questions concerning the proposed hearing, or any questions concerning actions by this office, please call (510) 567-6737.

Sincerely,

Brian P. Oliva, REHS, REA
Senior Hazardous Materials Specialist

cc: Ariu Levi, ACDEH North Area Manager
Gordon Coleman, Acting Chief, ACDEH
Gil Jensen, Alameda County Deputy District Attorney

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO# 2916

RAFAT A. SHAHID, DIRECTOR

February 27, 1996

DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6777

Jack Williams
371 13th Street,
Oakland, CA 94612

**Subject: Underground Storage Tanks located at 3701 Martin Luther
King Way, Oakland, CA 94609**

Dear Mr. Williams:

This letter is being sent to you in response to the telephone conversation that took place on February 26, 1996, following an inspection of the facility mentioned above. Thank you for contacting this office in a timely manner.

Regarding the underground storage tanks (USTs) on site, you inquired as to the permit process in order to comply with State law. Enclosed you will find a permit application packet containing the information/forms necessary for obtaining an underground storage tank permit to operate.

Per the aforementioned telephone conversation, a follow-up inspection/consultation will be conducted at 1:00 O'clock pm, on Saturday, March 2, 1996, at your facility. In light of the fact that this office has attempted to permit this site for several years, the time frame for completing the permit process will not be waived or otherwise amended. However, this office will aid in any way possible in "fast-tracking" any submitted application.

If you have any questions, please call this office. The number is (510) 567-6737.

Sincerely,

Brian P. Oliva, REHS, REA
Senior Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Ariu Levi, Manager, North Area
Bernadine Hammond, 3717 MLK Way, Oakland, CA 94609

enclosures: UST permit packet, inspection, 2/23/96

Gen. Fred Walker

June 16, 1995

Ms. Bernadine Hammond
 3717 Martin Luther King Jr. Way
 Oakland, CA 94609

Re: J & R Auto Repair
 3701 Martin Luther King Jr. Way
 Oakland, CA 94609

FINAL NOTICE OF VIOLATION

Dear Ms. Hammond:-

On May 5, 1995, an inspection of the above listed facility on your property revealed the presence of four underground storage tanks that have not been used for several years.

In accordance with the California Code of Regulations, Title 23, Chapter 1, Subchapter 16, Article 7, Section 26707, you are required to submit an underground tank closure plan to this department within 30 days. I have enclosed a copy of this form along with the state permit A and B forms and a form letter that outlines the underground tank removal process in Alameda County. I have also enclosed some financial assistance information as requested by Mr. Jack Williams of J & R Auto Repair.

Please note that Section 25298 of the California Health and Safety Code states that any owner or operator of an underground storage tank is liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5000) per day for failing to properly close an underground tank.

On May 31, 1989, Josephine Hammond was sent a similar Notice of Violation from this department, but there was no response. Failure to respond to this Notice of Violation will result in referral of this case to the Alameda County District Attorney's Office.

In addition, the inspection of the property revealed an oil spill with visible contaminated soil beneath a waste oil drum behind the garage. This will have to be remediated in conjunction with the underground tank removal. Please submit a plan of extraction for this as a supplement of the underground tank closure plan.

Ms. Bernadine Hammond
June 16, 1995
page 2 of 2

If you have any questions on this matter, please contact me at
567-6742.

Sincerely,

Ronald J. Owcarz

Ronald J. Owcarz, REHS
Hazardous Materials Specialist

Enclosures

c: Gil Jensen, Alameda County District Attorney's Office
Jack Williams, J & R Auto Repair
Eva Chu, LOP
Ari Levi - file

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02910

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer# P 386 338 164

November 15, 1993

Hammond Service
3701 MLK Way
Oakland, CA 94608

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

Re: **FIVE-YEAR PERMITS FOR OPERATION OF THREE
UNDERGROUND STORAGE TANKS (UST's) AT
3701 MLK Way, Oakland, CA 94608**

According to our records the above mentioned facility has not received a five-year permit to operate UST's. Please complete the following items marked below and return them to me within 30 days. The example plans enclosed should be used only as guidelines and may not meet your requirements under Title 23.

- ✓ 1. Complete UST PERMIT FORM A - one per facility. (enclosed)
- ✓ 2. Complete UST PERMIT FORM B - one per tank. (enclosed)
- ✓ 3. Complete UST PERMIT FORM C - one per tank if information is available. (enclosed)
- ✓ 4. A written tank monitoring plan. (enclosed)
- ✓ 5. Results of precision tank test(s) (initial and annual).
- ✓ 6. Results of precision pipeline leak detector tests (initial and annual).
- ✓ 7. An accurate and complete plot plan. (enclosed)
- ✓ 8. A written spill response plan. (enclosed)

Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit. Please feel free to contact Brian P. Oliva, at 510/271-4320 if you have any questions which may arise in completing the mandatory five year permit process.

Sincerely,

Brian P. Oliva, REHS, REA
Hazardous Materials Specialist

cc: files

enclosures: see checklist

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02910

~~R02901~~

Certified Mailer #P 833 981 437

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

May 31, 1989

Ms. Josephine Hammond
3717 Martin Luther King Jr. Way
Oakland, CA 94609

SECOND NOTICE OF VIOLATION

Dear Ms. Hammond:

On February 1, 1989, Gil Wistar and Dennis Byrne of the Alameda County Department of Environmental Health Hazardous Materials Division inspected your commercial property at 3701 Martin Luther King Jr. Way in Oakland. The inspectors found two unlabeled, 55-gallon waste drums with unknown contents, one adjacent to the garage, and the other near the restroom area. Both drums had apparently been on-site for at least three years. Quarantine stickers were affixed to both drums, and disposal of material in these drums occurred on April 13, 1989.

The inspectors also found evidence of oil disposal on the ground along the back side of the garage, as well as an open pan partly filled with oil and a car battery in deteriorated condition. The facility has three underground storage tanks, two containing gasoline and one containing waste oil.

The inspectors noted other violations of the California Code of Regulations at this facility. In a notice of violation addressed to you on February 14, 1989, this office instructed you to submit a formal Plan of Correction regarding these violations within 30 days. So far, we have received no response to these violations, which are listed below.

Title 22:

1. Sec. 66471 - The nature of the hazardous wastes generated at the facility are not identified.
2. Sec. 66472 - The facility has no EPA identification number, which is required for any facility that disposes of hazardous wastes. You can get an EPA ID# by calling the California Dept. of Health Services at (916) 324-1781.

Ms. Josephine Hammond
May 31, 1989
Page 2 of 3

3. Sec. 66508 - The contents of the underground waste oil tank have been kept on the facility for over 90 days. In addition, no waste containers at the facility are labeled for their contents, the types of hazards they pose, and your address as waste generator.
4. Sec. 66492 - The facility operator could not produce receipts for disposal of the waste oil tank's contents.
5. Sec. 26189.5 (California Health and Safety Code) - There is evidence of illegal on-site disposal of waste oil onto soil behind the garage.
6. Sec. 67245 - The waste storage areas for the two unidentified drums do not have adequate secondary storage systems.

Title 23:

7. Sec. 25284 - There are no permit applications on file for the three underground tanks on-site. (Application forms were provided to Jack Osborne during the inspection.)
8. Sec. 25292 - Underground storage tanks on the facility have no provisions for monitoring to detect unauthorized releases of hazardous materials.
9. Sec. 2712 - The facility does not have records dating back three years regarding underground tank monitoring and inventory reconciliation.
10. Sec. 2643 - None of the underground tanks has had a precision test capable of detecting a leak of 0.05 gallons per hour.
11. Sec. 2644 - The underground tanks also have no records of daily inventory reconciliation, which must be done according to the requirements of this section.

A Plan of Correction addressing each of these violations must be submitted to this office by June 16, 1989. The plan should specify the actions you will take to remedy the violations and when you will implement them. As part of your Plan of Correction, you must indicate how you plan to dispose of contaminated soil behind the garage.

Ms. Josephine Hammond
May 31, 1989
Page 3 of 3

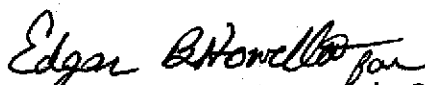
Your attention is directed to Sections 25184, 25189, and 25191 of the California Health and Safety Code, which provide for civil and criminal penalties of up to \$25,000 per day for each violation of these regulations.

In addition, in accordance with Sec. 25299 of the Health and Safety Code, any owner or operator of an underground tank who operates or improperly closes the tank without Alameda County's approval is liable for minimum fines of \$500 per day on each count. Your tanks must either be permitted or removed according to procedures specified in Title 23. If you choose to remove the three tanks, you must submit a deposit of \$663, made out to Alameda County. Costs are charged against the deposit at an hourly rate.

You must notify this office by June 16, 1989 of your plans to keep the tanks in operation or to remove them.

If you have any questions concerning this matter, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,


Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:GW:gw

cc: Doug Krause, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVID J. KEARS, AGENCY

~~CAROLYN LESTER~~
CAROLYN LESTER, Agency Director



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

R02910

Certified Mailer # P 833 981 178

Telephone Number:(415) 271-4320

7833 981248 2nd Mailing

February 14, 1989

Ms. Josephine Hammond
3717 Martin Luther King Jr. Way
Oakland, CA 94609

NOTICE OF VIOLATION

Dear Ms. Hammond:

On February 1, 1989 Dennis Byrne and Gil Wistar of the Alameda County Department of Environmental Health Hazardous Materials Division inspected your commercial property at 3701 Martin Luther King Jr. Way in Oakland. The inspectors found two unlabeled, 55-gal. waste drums with unknown contents, one adjacent to the garage, and one adjacent to the restroom area. Your employee, Jack Osborne, indicated that both drums had been on-site for at least three years. The inspectors also found evidence of oil disposal on the ground along the back side of the garage, as well as an open pan partly filled with oil and a car battery in deteriorated condition. The facility has three underground storage tanks, two containing gasoline and one containing waste oil.

The inspectors noted the following violations of the California Code of Regulations at this facility.

Title 22:

1. Sec. 66471 - The nature of the hazardous wastes generated at the facility are not identified.
2. Sec. 66472 - The facility has no EPA identification number, which is required for any facility that disposes of hazardous wastes. You can get an EPA ID# by calling the California Dept. of Health Services at (916) 324-1781.

Ms. Josephine Hammond
February 14, 1989
Page 2 of 3

3. Sec. 66508 - Hazardous wastes in the underground waste oil tank and in the unidentified drums have been kept on the facility for over 90 days, and no beginning accumulation date was shown. In addition, nonstationary waste containers at the facility are not labeled for composition/physical state, type of hazards posed, and name/address of waste generator.
4. Sec. 66492 - The facility operator could not produce receipts for disposal of the waste oil tank's contents.
5. Sec. 26189.5 (California Health and Safety Code) - There is evidence of illegal on-site disposal of waste oil behind the garage.
6. Sec. 67245 - The waste storage areas for the two unidentified 55-gal. drums do not have adequate secondary storage systems that would prevent the uncontrolled release of hazardous wastes into the environment.

Title 23:

7. Sec. 25284 - There are no permit applications on file for the three underground tanks on-site. (Application forms were provided to Jack Osborne during the inspection.)
8. Sec. 25292 - Underground storage tanks on the facility have no provisions for monitoring to detect unauthorized releases of hazardous materials.
9. Sec. 2712 - The facility does not have records dating back three years regarding underground tank monitoring and results, including inventory reconciliation.
10. Sec. 2643 - None of the underground tanks has had a precision leak test capable of detecting the release of product at a rate of 0.05 gallons per hour.
11. Sec. 2644 - The underground tanks also have no records of daily inventory reconciliation, which must be done according to the requirements of this section.

In accordance with Sec. 66238 of Title 22, a Plan of Correction must be submitted to this office within 30 days of receipt of this letter. The plan should specify the actions to be taken

Ms. Josephine Hammond
February 14, 1989
Page 3 of 3

to address the above violations and the expected dates of completion.

Quarantine stickers were affixed to both 55-gal. drums described above. Disposal of material in these drums without the written approval of this office is illegal. The quarantine will remain in effect until a properly completed waste manifest is presented to this office. The material in these drums must be disposed of properly within 30 days of receipt of this letter.

Your attention is directed to Sections 25184, 25189, and 25191 of the California Health and Safety Code, which provide for civil and criminal penalties of up to \$25,000 per day for each violation of these regulations.

In addition, in accordance with Sec. 25294 of the Health and Safety Code, any owner or operator of an underground tank who operates or improperly closes the tank without Alameda County's approval is liable for fines of up to \$50,000 per day on each count. Your tanks must either be permitted or closed according to procedures specified in Title 23. If you choose to close the tanks, Alameda County Ordinance Section 3-140.4 et. seq. requires a deposit to be submitted for checking underground tank closure plans and inspection activities. The deposit required is \$663. Costs are charged against the deposit at an hourly rate. If the deposit is exhausted before final approval or if the balance is not sufficient to cover anticipated remaining costs, an additional deposit is required.

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

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:GW:gw

cc: Dwight Hoenig, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division

Enclosure(s)

ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH HAZARDOUS MATERIALS DIVISION 80 SWAN WAY, ROOM 200 OAKLAND, CA 94621 430-4530

P 833 981 178

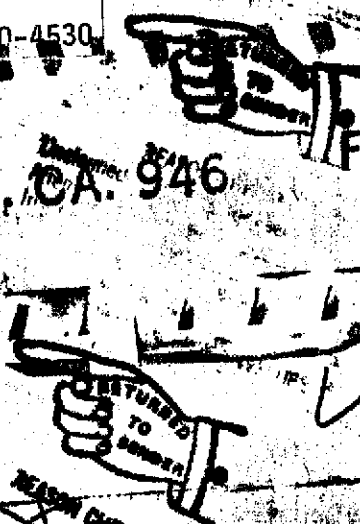
MAIL

RO2910

OAKLAND, CA 946

FEB 15 1989

PM OAKLAND, CA



UNDELIVERED RETURN CHECKED No such address No such office in zone DO NOT RE-MAIL IN THIS ENVELOPE

MS. JOSEPHINE HAMMOND 3717 MARTIN L. KING WAY OAKLAND, CA 94609

FINAL NOTICE

[GW]

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. Restricted Delivery (Extra charge)†

3. Article Addressed to: Ms. Josephine Hammond 3717 Martin L. King Oakland, CA 94609 [GW: 3701 M. L. King Way Oakland]	4. Article Number P 833 981 178
5. Signature - Addressee X	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
6. Signature - Agent	Always obtain signature of addressee or agent and DATE DELIVERED
	8. Addressee's Address (ONLY if requested and fee paid)

2-21
3-3