



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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March 25, 2010

Mr. Harold Mendoza (*Sent via first class mail and via E-mail to: hmendoza@nicametals.com*)

Nica Metals
248 Industrial Drive
Stockton, CA 95206

Harold and Asta Dhont
P.O. Box 749
Livermore, CA 94551

Subject: SLIC Case No. RO0002966 and Geotracker Global ID SLT19765274, Nica Metals, 6491 Southfront Road, Livermore, CA 94551 – Second Notice of Violation

Dear Mr. Mendoza:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanup (SLIC) case file for the above-referenced site. In correspondence dated October 22, 2008, ACEH concurred with implementation of the scope of work proposed in the document entitled, "*Site Investigation and Cleanup Work Plan for Nica Metals Facility, 6491 Southfront Road, Livermore, California 94551,*" dated August 5, 2008 (Work Plan). The Work Plan, which was prepared on your behalf by Weiss Associates, proposed six soil borings across the site and excavation and removal of surface soil within an area of visibly stained soil.

ACEH requested submittal of a report presenting the results of the soil borings and excavation by February 27, 2009. No report was received. On March 12, 2009, ACEH issued a Notice to Comply. We received an electronic mail message from Mr. Mendoza on March 30, 2009 requesting additional time to implement the work. Subsequently, Mr. Mendoza did not respond to my telephone inquiry of May 5, 2009 regarding the status of the investigation and cleanup. On May 15, 2009, ACEH issued a Notice of Violation indicating that a definitive schedule must be provided for the proposed soil borings and excavation by May 29, 2009. On May 29, 2009, we received a schedule from Mr. Mendoza indicating that work would be initiated by August 1, 2009. No work has been initiated to date. On October 29, 2009, we contacted Mr. Mendoza and requested that he attend a meeting regarding implementation of work at the site. Mr. Mendoza did not meet with us and avoided subsequent phone calls.

This site is out of compliance with directives from this agency. You must initiate the proposed six soil borings across the site and excavation and removal of surface soil within an area of visibly stained soil no later than May 10, 2010. Please provide a minimum of 48 hours advance notification to ACEH of the start of field activities (e-mail preferred to jerry.wickham@acgov.org). If you do not initiate the proposed and approved work, this case will be referred for enforcement action.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **May 10, 2010** – Implementation of Site Investigation and Soil Removal

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an

Harold Mendoza
Harold and Asta Dhont
RO0002966
March 25, 2010
Page 3

appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

cc: Danielle Stefani, Livermore Pleasanton Fire Department, 3560 Nevada St, Pleasanton, CA 94566 (*Sent via E-mail to: dstefani@lpfire.org*)

Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (*Sent via E-mail to: cdizon@zone7water.com*)

Michael Roemer, Alameda County District Attorney's Office, Consumer and Environmental Protection Division, 7677 Oakport Street, Suite 650, Oakland, CA 94621

Scott Bourne, Weiss Associates, 5801 Christie Avenue, Suite 600, Emeryville, CA 94608

Bill Thompson, 122 Stealth Street, Livermore, CA 94551

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH

Geotracker, File