



California Regional Water Quality Control Board San Francisco Bay Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

cc: Glenn, Chris
Mike, Paul
Jason Booth

CERTIFIED

No. 70050390000053247098

Date: JUL 27 2006
File No. 1538.03 (VP)

Mr. Paul Segal
Pick Your Part Auto Wrecking
1301 E. Orangewood
Anaheim, CA 92805

3/20/07
cc: Aron Feuerstein

SUBJECT: Cleanup and Abatement Order No. R2-2005-0001

Dear Mr. Segal:

Enclosed please find a copy of the Cleanup and Abatement Order No. R2-2005-0001 (CAO) for Pick Your Part Auto Wrecking in Hayward.

If you have any questions, please contact me at (510) 622-2403, or via e-mail at vpal@waterboards.ca.gov.

Sincerely,

Vic Pal, P.E.
Water Resources Control Engineer

Enclosure: PYP Recovery of Costs w/attachments
PYP CAO

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

CLEANUP AND ABATEMENT ORDER No. R2-2005-0001
PICK YOUR PART AUTO WRECKING
CITY OF HAYWARD, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (the Board) finds that:

1. Pick Your Part Auto Wrecking ("Pick Your Part") is a California corporation, which owns and operates a facility located at 2885 West Winton Avenue in Hayward. The facility borders a tidal wetland owned and operated by the Hayward Area Recreational and Park District ("HARD") ("the HARD Property"). The HARD Property is situated at the western end of West Winton Avenue, with its eastern boundary abutting the western boundary of the Pick Your Part property. The HARD Property and its tributary drainage ditches are waters of the United States and of the State of California. Storm water discharges from the site are regulated by the NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities ("General Permit") Order No. 97-03-Department of Water Quality (DWQ), NPDES No. CAS000001. Pick Your Part filed a Notice of Intent (NOI) to be covered by the General Permit on April 7, 1992.
2. Pick Your Part's Hayward facility is a 15-acre auto recycling facility, operated for the primary purpose of recycling vehicles for parts and scrap metal. Pick Your Part's general operation proceeds as follows: vehicles are purchased by Pick Your Part, usually at auctions, from official police garages, or from individuals, and brought to their several retail facilities, including the Hayward facility. The vehicles are first held in an impound area while title to the vehicle is confirmed. Once title clears, the vehicles' various fluids are drained to appropriate storage containers. Thereafter, the vehicles are placed in a retail area for 4-6 weeks while customers have an opportunity to remove and purchase individual parts from the vehicles. Thereafter, the vehicles are scrapped and/or compacted and taken offsite for shredding and recycling. (Note, however, as discussed below, as a result of an U.S. EPA order and city requirements, referenced below, Pick Your Part is not currently scrapping or compacting vehicles at the Hayward facility.)
3. The provisions of the General Permit require Best Management Practices (BMP's) to control pollutant discharges, pursuant to Clean Water Act Sections 301 and 302, using Best Available Technology that is economically achievable ("BAT") and Best Conventional Pollutant Control Technology ("BCT") to prevent and reduce pollutants, as well as more stringent controls as necessary to meet water quality standards.

4. On February 26, 1999, following inspections by representatives of the U.S. EPA (Region 9, Water Division), the San Francisco Bay Regional Water Quality Control Board (Board), and the City of Hayward, the U.S. EPA issued an Order of Compliance ("EPA Order"). Thereafter, on March 12, 1999, the Board issued a Notice of Violation, which contained findings that Pick Your Part (1) had discharged storm water and pollutants to waters of the State of California and waters of the United States, in violation of the General Permit; (2) had failed to develop and implement an adequate Storm Water Pollution Prevention Plan (SWPPP); (3) had failed to report information required by the General Permit; and, (4) had failed to implement an adequate storm water monitoring program.
5. Pursuant to the EPA Order, Pick Your Part is currently required to capture all storm water falling or running onto its property, and store captured water in rented storage tanks located on the premises. The water is settled, filtered, tested, and approved by the Board or a designated lead agency prior to any discharge. By agreement with the U.S. EPA, the Board, and the City of Hayward, once Pick Your Part receives confirmation that the treated storm water meets the U.S. EPA Multi-Sector Benchmarks for certain constituents (Attachment A), it notifies its intent to discharge the treated storm water to the U.S. EPA, the Board, and the City of Hayward. If no objection to the discharge is received within three business days, Pick Your Part discharges the treated storm water to the storm drain located at the end of West Winton Avenue in Hayward. The storm drain then empties into the adjacent tidal wetland administered by HARD.
6. Pick Your Part is also under Board Order No. 98-108 to remediate soil and groundwater pollution in conjunction with site renovation.
7. Additionally, pursuant to a 2003 Consent Agreement and Final Order agreed upon with the U.S. EPA, a Supplemental Environmental Project ("SEP") is currently underway at all of Pick Your Parts' facilities, including the Hayward facility. As part of the SEP, mercury switches from vehicles are removed prior to placement of the vehicles in the retail area.
8. Pick Your Part is in the process of renovating its Hayward facility. It has previously submitted a draft conceptual plan to the Board regarding the facility's post-renovation operation. Board staff tentatively accepted the plan in 2003. As set forth in the plan, Pick Your Part's planned renovation will include the following new BMP's: 1. Relocating all draining, scrapping, and dismantling operations and other potential high-impact activities indoors; 2. Paving the entire yard with concrete or an equivalently effective impermeable material; 3. Installing several storm water detention/filtration devices (known as "Top Hats"); 4. Installing vegetated bio-filters for filtering of storm water; and 5. Regularly sweeping throughout the facility.

9. This Order is an action to enforce the General Permit, and as such is exempt from the California Environmental Quality Act, pursuant to Section 15321(1)(2) of Title 14 of the California Code of Regulations.
10. Pursuant to Section 13304 of the Water Code, Pick Your Part is hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharge of waste and to oversee cleanup of such waste, abatement of the effect thereof, or other remedial action, required by this Order.

IT IS HEREBY ORDERED, pursuant to Section 13304 of Division 7 of the California Water Code, that Pick Your Part shall ensure that Best Management Practices for Storm Water Pollution Control are implemented before, during, and after renovation of its facility and take other remedial actions as follows:

A. Prohibitions

1. The discharge of wastes or hazardous materials in a manner which will degrade water quality, adversely affect beneficial uses of waters of the State, or in a way that is contrary to the specifications of this Order is prohibited.
2. Further migration of pollutants by surface or subsurface transport to waters of the State is prohibited.
3. Activities associated with investigation and cleanup that will cause significant adverse migration of pollutants are prohibited.
4. Wastes shall not be disposed of, in any way, where they can be carried from the site, or any temporary storage site, and discharged into waters of the State.
5. The treatment or storage of waste shall not cause pollution or nuisance as defined in Section 13050 of the California Water Code, and shall not degrade the quality of any water.

B. Provisions

1. Pick Your Part shall submit an Industrial Storm Water Pollution Prevention Plan (SWPPP) that incorporates BMP's to eliminate and control sources of pollutants in storm water. The SWPPP shall define when and how the BMP's will be implemented. The SWPPP will apply to the site before renovation starts and shall be submitted to the Board, acceptable to the Executive Officer, by **May 15, 2006**.

2. Pick Your Part shall submit a detailed SWMP (Storm Water Management Plan), acceptable to the Executive Officer, including a master site improvement plan and a proposed time schedule, outlining details of the site improvement (e.g., cross sections and details of any storm water treatment controls and structural source controls, water flow maps, engineered designs, grading plans, etc.), a plain english executive summary, the site improvement schedule, and any roadblocks to completing site improvement before the 2006-2007 rainy season begins (October 15, 2006). The site improvements will include, but are not necessarily limited to:
 1. Relocating all draining, scrapping, and dismantling operations and other potential high-impact activities indoors;
 2. Paving the entire yard with concrete or an equivalently effective impermeable material;
 3. Installing Top Hats;
 4. Installing vegetated bio-retention filters and similar controls for filtering of storm water; and
 5. Regularly sweeping throughout the facility.The SWMP shall also contain contingencies in case the site improvement is not complete before the start of the rainy season. As part of the SWMP, Pick Your Part shall submit a monitoring plan, acceptable to the Executive Officer, that lays out what types of monitoring will occur to determine the effectiveness of industrial storm water treatment controls proposed in the SWMP. This plan shall include a proposed monitoring and reporting schedule, constituents monitored for, monitoring locations, expected analysis, and all other information, as appropriate. Locations of sampling points shall also be clearly delineated on maps included in these plans. Results must be compared with U.S. EPA Multi-Sector benchmarks values (Attachment A). Any constituents not covered by the Attachment, such as Total Petroleum Hydrocarbons (TPH), Volatile Organic Compounds (VOC's), and Semi-Volatile Organic Compounds (SVOC's), shall be evaluated using pertinent Board screening values (Screening for Environmental Concerns with Contaminated Soil and Groundwater, last updated September 4, 2003). These reports and plans shall be submitted to this Board, and be acceptable to the Executive Officer, by May 15, 2006.
3. Pick Your Part shall file a complete Notice of Intent for the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity at least **30 days** before commencement of any construction activities related to site redevelopment. Pick Your Part shall comply with this Permit and, at least **30 days** prior to the start of construction, shall submit a Construction SWPPP, acceptable to the Executive Officer, prepared pursuant to the Permit's requirements. Any soil disturbances, including stockpiling of soils, removal of contaminated soils, and/or grading plans must be done in accordance with the laws and regulations of the State of California and in accordance with construction BMP's.
4. Pick Your Part shall submit an Industrial SWPPP, prepared pursuant to the requirements of the Industrial General Permit, and acceptable to the Executive Officer, that incorporates BMP's to eliminate and/or control sources of pollutants in storm water and defines when and how it will be implemented. The document will apply to the site after renovation and shall be submitted to this Board, and be

5. acceptable to the Executive Officer, at least **30 days** before construction is concluded.
6. Annual monitoring reports shall be submitted to this Board in accordance with the monitoring plan required by provision B.2. and approved by the Executive Officer, **30 days** after sampling data have been collected. Should a change in monitoring schedule be required, a written request shall be submitted and be acceptable to the Executive Officer. The monitoring reports shall include the analytical data in tabular and/or graphic form, statistical analysis of the data, evaluation of the effectiveness of engineered controls for this type of use, and estimation of pollutants removed by this remedial action. If the industrial storm water treatment controls as outlined in Provision B.2. are not effective in pollutant removal, as determined by the Executive Officer, a feasibility study must be submitted with an accompanying schedule and be acceptable to the Executive Officer, **60 days** after submittal of the Annual monitoring report.
7. Either a State Certified Engineering Geologist or a Registered Professional Engineer shall certify any design and/or pollution control plans and specifications.
8. All samples shall be analyzed by State certified laboratories or laboratories accepted by the Board, using approved U.S. EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control records for Board review.
9. Pick Your Part shall maintain in good working order, and operate as efficiently as possible, any facility or control system installed to achieve compliance with the requirements of this Order.
10. Pick Your Part shall permit the Board or its authorized representatives, in accordance with Section 13267(c) of the California Water Code, the following:
 - Entry upon the premises in which any pollution sources exist, or may potentially exist, or in which any required records are kept, which are relevant to this Order;
 - Access to copy any records required to be kept under the terms and conditions of this Order;
 - Inspection of any monitoring equipment or methodology implemented in response to this Order; and,
 - Sampling of any surface water, groundwater or soil that is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by Pick Your Part.
11. Pick Your Part shall immediately notify the Board by telephone at (510) 622-2300 whenever an adverse water quality condition occurs because of site improvement activities. A written confirmation of the incident shall follow within five working

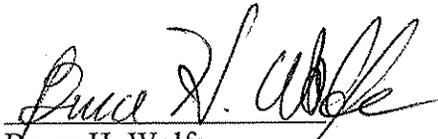
days. The written report shall include, but not be limited to, the following information:

- The nature of the waste or pollutant;
- The quantity involved and the duration of the incident;
- The cause of the spill;
- The estimated size of the affected area with a map showing the spill site; and,
- The corrective measures that have been taken or planned.

11. As described in Finding 10, upon receipt of a billing statement for costs incurred pursuant to Section 13304 of the Water Code, Pick your Part shall reimburse the Board.

12. If Pick Your Part is delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, Pick Your Part shall promptly notify the Executive Officer in writing and, if accepted, the new dates shall be an addendum to this Order.

Pursuant to California Water Code sections 13304 and 13350, if Pick Your Part fails to comply with the provisions of this Order, the Board may schedule a hearing to consider assessing civil monetary penalties and to consider requesting the Attorney General to take appropriate enforcement action against Pick Your Part, including injunctive and civil monetary remedies.


Bruce H. Wolfe
Executive Officer

JUL 27 2005

Date

Attachment A: Table B: U.S. EPA Multi-Sector Permit

ATTACHMENT A

TABLE B

U.S. EPA Multi-Sector Permit

Parameter Benchmark Values¹²

| Parameter Name | Benchmark Value |
|-----------------------------------|-----------------|
| Biochemical Oxygen Demand(5)..... | 30 mg/L |
| Chemical Oxygen Demand..... | 120 mg/L |
| Total Suspended Solids..... | 100 mg/L |
| Oil and Grease..... | 15 mg/L |
| Nitrate + Nitrite Nitrogen..... | 0.68 mg/L |
| Total Phosphorus..... | 2.0 mg/L |
| pH..... | 6.0-9.0 s.u. |
| Acrylonitrile (c)..... | 7.55 mg/L |
| Aluminum, Total (pH 6.5-9)..... | 0.75 mg/L |
| Ammonia..... | 19 mg/L |
| Antimony, Total..... | 0.636 mg/L |
| Arsenic, Total (c)..... | 0.16854 mg/L |
| Benzene..... | 0.01 mg/L |
| Beryllium, Total (c)..... | 0.13 mg/L |
| Butylbenzyl Phthalate..... | 3 mg/L |
| Cadium, Total (H)..... | 0.0159 mg/L |
| Chloride..... | 860 mg/L |
| Copper, Total (H)..... | 0.0636 mg/L |
| Dimethyl Phthalate..... | 1.0 mg/L |
| Ethylbenzene..... | 3.1 mg/L |
| Fluoranthene..... | 0.042 mg/L |
| Fluoride..... | 1.8 mg/L |
| Iron, Total..... | 1.0 mg/L |
| Lead, Total (H)..... | 0.0816 mg/L |
| Manganese..... | 1.0 mg/L |
| Mercury, Total..... | 0.0024 mg/L |
| Nickel, Total (H)..... | 1.417 mg/L |
| PCB-1016 (c)..... | 0.000127 mg/L |
| PCB-1221 (c)..... | 0.10 mg/L |
| PCB-1232 (c)..... | 0.000318 mg/L |
| PCB-1242 (c)..... | 0.00020 mg/L |
| PCB-1248 (c)..... | 0.002544 mg/L |
| PCB-1254 (c)..... | 0.10 mg/L |
| PCB-1260 (c)..... | 0.000477 mg/L |
| Phenols, Total..... | 1.0 mg/L |
| Pyrene (PAH,c)..... | 0.01 mg/L |
| Selenium, Total (*)..... | 0.2385 mg/L |
| Silver, Total (H)..... | 0.0318 mg/L |
| Toluene..... | 10.0 mg/L |
| Trichloroethylene (c)..... | 0.0027 mg/L |
| Zinc, Total (H)..... | 0.117 mg/L |

¹ If storm water samples have been analyzed for parameters without Parameter Benchmark Values, contact your Regional Water Board.

² Regional Water Boards may adopt Parameter Benchmark Values that are different than those listed in this Table.