

Carl Emura

From: Cynthia
Sent: Thursday, May 3, 2018 2:17 PM
To: Carl Emura
Subject: 201801996 AUP HAYWARD PERMIT CENTER ZONING FOR CONCRETE RECYCLING FACILITY

Follow Up Flag: Follow up
Flag Status: Flagged

Regarding your request for opinion from neighboring property owners and businesses at 24701 Clawiter Road, Hayward.
 If you value our opinion regarding this I'm afraid it's not going to be a positive opinion.

1. I have asked this Company 6 TIMES (yes, 6 - no exaggeration) **including once in person**, to PLEASE not make their U-Turns with their street sweeper in our driveway here at 24785 Clawiter Road. This causes not only ALL cars in the vicinity to be covered in dust and dirt every day, but by U-Turning in our driveway we have dealt with 2 flat tires that are caused from the nails and other debris that gets pushed up into the edges of our driveway. We're at the point where we will start charging them for the flat tires if it keeps up. The last time I called - and mind you I have asked VERY politely each time - a certain man was put on the phone to mock me and my conversation with him. In other words I was talked to very rudely. Each time I ask them to STOP this illegal U-Turn they say they will, but they consistently do it again. This includes the driver of the sweeping vehicle taunting us, sitting in our driveway for extended amounts of time and laughing at us during any attempt to ask him to stop.

2. They block the sidewalks with their employee parking. Two of us here have to walk past this company to get to work, and we have to walk either up by their front door or out into that very busy intersection. I thought blocking sidewalks was illegal?

3. It is unavoidable to breathe the dust at times and the dirt and rocks that go everywhere from this company leave the entire street looking trashy.

I have no solutions for you, but if you want our opinion, this is it. We have nothing personal against this company, nor does anyone at State Pipe even KNOW anyone personally at this company.

Thank you for listening,

--

Cynthia I

Carl Emura

From: ALAN I
Sent: Thursday, May 10, 2018 10:34 AM
To: Carl Emura
Subject: 201501996 AUP - 24701 Clawiter Rd., Hayward, CA 94545

Dear Sir,

I am writing to you about the use permit for the concrete crushing facility at 24701 Clawiter Road, Hayward CA 94545.

I am VERY concerned that this facility can currently and legally operate in the City of Hayward with the lack of dust control (dust created by the crushing of concrete). I understand that the concrete crushing creates an airborne dust that put people within the area at a high risk of silica exposure if the dust is not contained or controlled properly (please see the OSHA information below).

I would like the City of Hayward to look into the issue of improper proper dust control measures. Since my employer is a facility just down-wind of this address I am quite concerned about my personal exposure to silica.

[Safety and Health Topics | Respirable Crystalline Silica | Occupational Safety and Health Administration](#)

**Safety and Health Topics | Respirable
Crystalline Silica | Occupational Safety and
Health Administration**

I believe the City of Hayward should require the operator of this concrete recycling facility be responsible not only to their employees, but also with the employees of all the neighboring businesses by being required to make modifications to the method of operations and completely illuminate the hazardous dust that all of the neighbors are being exposed to.

Personally, I can not believe the City of Hayward is allowing this business to operate as it is today - ESPECIALLY since I understand they have been operating without a permit for years.

BE RESPONSIBLE TO THE CITIZENS AND WORKFORCE IN THE CITY OF HAYWARD!



D.W. NICHOLSON

CORPORATION

INDUSTRIAL MECHANIZATION CONTRACTORS

May 8, 2018

Carl Emura, ASLA, Associate Planner
City of Hayward, Planning Division
777 B Street
Hayward, CA 94541

Reference: Bay Area Concrete Recycling (BACR)
201801996 AUP

Dear Mr. Emura:

We are in receipt of your Notice of Receipt of Application for a Temporary Administrative Use Permit application for the continued operation of a concrete recycling facility.

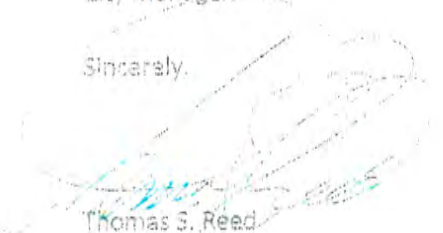
We strongly oppose the issuance of any Administrative Use Permit that does not require BACR to operate their business at any less stringent requirement than may be required at their attempted new relocation site at 3390-3898 Depot Road.

Please note that their attempt to sweep the streets are not effective and actually raises as much dust as it cleans up.

We have been subject to this continued nuisance for several years now, with the expectation that they would be moving. Apparently, this seems to no longer be the case.

I am enclosing a letter from our Attorney to the City Manager and the letter we received back from the City Manager.

Sincerely,


Thomas S. Reed
President, C.E.O.

Enclosures

TSR/amc



JOHN J. VERBER
jverber@burnhambrown.com
Direct Dial (310) 835-6817

October 26, 2017

Kelly McAdoo
City Manager
CITY OF HAYWARD
777 B. Street, Fourth Floor
Hayward, CA 94541

Re: Public Health Threat at 24701 Clawiter Road, Hayward, CA

Dear Ms. McAdoo,

I write on behalf of D. W. Nicholson Corporation ("Nicholson"), a national mechanical, electrical, and structural steel fabrication firm located at 24747 Clawiter Road in Hayward, CA since 1985.

Concrete demolition activities by a neighboring business, Bay Area Concrete Recycling ("BARC"), generates a large volume of hazardous silica dust, much of which settles on our property. That dust not only adversely impacts our use of the property, but poses a significant health threat to our employees and others in the community, as crystalline silica has been classified as a human lung carcinogen.

Our efforts to amicably resolve this issue with BARC have been unsuccessful.

We understand from BARC that it hopes to relocate its operation to 3890 - 3898 Depot Road in Hayward, but that environmental concerns raised by the City and neighboring businesses have delayed final approval of the move. While we applaud the measures required by the City to protect human health and the environment before granting BARC approval to relocate, we do not understand why the same level of concern does not apply to BARC's current operation.

Kelly McAdon

Re: Public Health Threat at 24701 Clawiter Road, Hayward, CA

October 26, 2017

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We respectfully request the City investigate the potential public health impacts of BARC's operations at 24701 Clawiter Road in Hayward.

Very truly yours,

BURNHAM BROWN



John J. Verber

Counsel for D.W. Nicholson Corporation

JJV:elb

cc: Alex Ameri
Director of Utilities & Environmental Services
777 B. Street, Fourth Floor
Hayward, CA 94541

Eusebio Espitia
Code Enforcement Manager
777 B. Street, 1st Floor
Hayward, CA 94541



November 13, 2017

John J. Verber
Burnham Brown
P.O. Box 119
Oakland, CA 94604-0119

Via email to: jverber@burnhambrown.com

Subject: Bay Area Concrete Recycling

Dear Mr. Verber:

Thank you for your letter of October 26, 2017 regarding Bay Area Concrete Recycling (BACR), which is located at 24701 Clawiter Road. The City has been working with BACR in an attempt to bring them into compliance for some time. In 2016, staff issued a notice of violation to BACR for multiple code violations at the Clawiter site and staff has continued to pursue enforcement of the violations. BACR must obtain a use permit for concrete crushing and recycling or cease all unpermitted activities at the Clawiter site. The City's Code Enforcement staff will continue to actively monitor the site and issue failed inspection fees until full compliance is achieved.

The City's Utilities and Environmental Services Department has also taken enforcement actions to address potential impacts to storm water runoff. Staff has directed BACR to sweep their point of entry to the facility to limit the dust that is tracked out through the ingress/egress point of the facility. Regarding air quality and dust issues, please contact the Bay Area Air Quality Management District. The BAAQMD has jurisdiction over air quality and actively enforces violations.

As you are aware, BACR is attempting to relocate to 3890 – 3898 Depot Road. An administrative use permit was approved for the Depot Road location and staff has been working with BACR to resolve final design details including dust mitigation.

If you have questions or would like additional information relating to our on-going enforcement efforts at this property, please contact Senior Code Enforcement Inspector, Phil Nichols, directly at Phillip.Nichols@hayward-ca.gov or 510-583-8542.

Sincerely,

Kelly McAdoo
City Manager

Carl Emura

From: TJ Simmons
Sent: Thursday, October 11, 2018 4:59 PM
To: Carl Emura
Subject: 24701 Clawiter Rd, Hayward, CA 94545
Attachments: IMG_1111.JPG; IMG_1110.JPG

Carl,

Following up on our phone conversation yesterday regarding the neighboring property at 24701 Clawiter Rd, Hayward, CA 94545.

We as neighbors, have 3 major concerns with the ongoing operation currently being conducted at the subject property.

First and foremost we are concerned about the safety of our employees and guest. As you can see in the attached picture, the operation has continually crept closure to our property causing the large mountain of debris to encroach across the boundary line and destroy our fence. While property damage can be fixed, our main concern comes from the potential of large boulders or masses of concrete to come tumbling down and hit someone. This type of activity has been witnessed by our staff and creates a condition in which we cannot allow employees to work near the property line.

Second, and also related to health and safety, is the amount of dust and air borne particulates created. While there seems to be some dust control measure in place, more often than not we experience large amounts of dust transferring onto our property effecting both our employees and equipment. We have made several complaint to both the city and the neighbor themselves with no measurable results.

Our last concern is related to storm water runoff. It is not immediately evident to us that the neighboring property has installed the necessary storm water runoff protection. More so, we are extremely concerned the large mountain of dirt and rock will divert water onto our property putting us at risk of storm water runoff violations. As you can see from the attached pictures, this is a likely outcome with the current situation and needs to be remedied immediately.

If you have any questions, please feel free to call me at

Best,

TJ Simmons | SVP Operations



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Corporate Headquarters

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Manufacturing Operations

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