

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SCWT
12-7-05

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

December 7, 2005

J.W. Silveira
C/o Virginia Tracy
J.W. Silveira Realty
499 Embarcadero
Oakland, CA 94606

Subject: Fuel Leak Case No. RO0000388, Harley Davidson, 744 East 12th Street, Oakland, CA

Dear Mr. Silveira:

Alameda County Environmental Health (ACEH) and California Regional Water Quality Control Board staff have reviewed the fuel leak case file and case closure summary for the above-referenced site and concur that no further action related to the underground storage tank fuel release is required at this time. This fuel leak case will be closed with the following site management requirement:

"Case closure for the fuel leak site is granted for commercial land use. If a change in land use to residential or other conservative scenario occurs at this property, Alameda County Environmental Health must be notified and the case needs to be re-evaluated. This site is to be entered into the City of Oakland Permit Tracking System due to the residual contamination posing a nuisance for subsurface utility work."

Prior to issuance of a remedial action completion certificate, the monitoring wells at the site are to be properly destroyed, should the monitoring wells have no further use at the site. Please decommission the monitoring wells and provide documentation of the well decommissioning to this office. A remedial action completion certificate will be issued following receipt of the documentation.

Well destruction permits may be obtained from the Alameda County Public Works Agency (<http://www.acgov.org/pwa/wells/index.shtml>). If you have any questions, please call me at (510) 567-6791.

Sincerely,

Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Penny Wilson, Tetra Tech EMI, 135 Main Street, Suite 1800, San Francisco, CA 94105
Donna Drogos, ACEH
Jerry Wickham, ACEH, File



SENT
4-29-05 ✓

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
Fax (510) 337-9335

April 28, 2005

Mr. J.W. Silveira c/o
Ms. Virginia Tracey
499 Embarcadero
Oakland CA 94606

**Re: Fuel Leak Case No. RO0000388 Environmental Investigation at 744
E.12th St., Oakland CA 94606**

Dear Mr. Silveira:

It has come to our attention that you and/or your consultant have requested the review of the above subject site for closure. Please be advised that the following State Water Board "low risk" criteria must be met prior to your case being considered for closure. If you feel that your site meets the following state requirements for a "low risk" site, then submit a stand-alone document specified below for our office review.

LOW RISK requirements:

1. Leak stopped, on-going source, including free product removed
2. Site adequately characterized
3. Plume not migrating
4. No sensitive receptors impacted
5. No significant risk to human health
6. No significant risk to environment
7. Water quality objectives to be achieved within a reasonable time frame

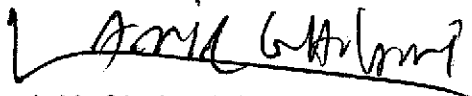
Please be advised that a stand-alone document must include a site conceptual model (SCM), which incorporates the following items:

- Summary Figures
 - Site vicinity map showing the site location and identification of any nearby sensitive receptors.
 - Plot plan showing all historical sampling locations. Differentiation between sample types (i.e. excavation soil samples, soil boring locations, monitoring wells, soil vapor sampling points, etc.) is required. This figure also needs to include any former and existing UST system components, delineation of excavation areas, areas targeted by active remediation, building locations, potential preferential pathways such as utilities, property boundaries and public right-of-way locations.

- Depth-specific contaminant isoconcentration maps for soil and groundwater. If active remediation was performed, separate pre-remediation and post-remediation isoconcentration maps are required.
- Summary Tables
 - Table of all historical soil data. Sample ID, date, depth, and results for all analytes are required. Please refer to the Tri-Regional Guidelines to confirm that chemical analysis was performed for all relevant contaminants of concern (CoCs). Pre- and post-remediation concentrations should be clearly identified or presented in separate tables.
 - Table of all historical groundwater data. Chemical concentrations in monitoring well(s) concentrations along with depth to water should be tabulated.
 - The tables need to compare the detected CoC concentrations with the Regional Board's ESLs or other appropriate cleanup levels and to the water quality objectives identified in the Regional Board's Basin Plan.
- Complete set of all boring logs generated during site investigation.
- Geologic cross-sections showing soil borings, monitoring wells with screened intervals, UST locations, any preferential pathways, excavation boundaries, water table elevations (historical and current) and extent of residual contamination.

The above stand-alone document will help to expedite the review of your case. Please contact Amir K. Gholami at 510-567-6876 or amir.gholami@acgov.org to receive document samples to help you prepare the stand-alone document, if you are requesting a closure review.

Sincerely,



Amir K. Gholami, REHS

Hazardous Materials Specialist

C: D. Drogos, A. Gholami

Mr. H. Dawson, Tetra Tech EMI, 135 Main St., Suite 1800, San Francisco, CA
94105

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



01-12-01
RO 388 ✓
RO 387 ✓
RO 504 ✓

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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January 12, 2001

Mr. J. W. Silveira c/o
Ms. Virginia Tracey
499 Embarcadero
Oakland CA 94606

Re: Subsurface Investigations at Silveira Properties, 744 E. 12th St., 1200 20th Ave., and 2301 E. 12th St., Oakland CA

Dear Mr. Silveira:

This letter serves to update you on the status of three of your properties regarding their on-going investigation of fuel releases from former underground storage tanks. I have also projected their likely future disposition based upon additional requirements from our office.

744 E. 12th St., Oakland 94606, Former Harley Davidson site

Tetra Tech EMI has just sampled the three wells at this site in December 2000. Assuming that sample results remain as they have in the past, a safe assumption, your consultant can request for site closure. Tetra Tech is asked to include a cumulative table of groundwater monitoring results in their next report.

1200 20th Ave., Oakland 94606, Former W. Wurzbach Co.

Groundwater contamination appears localized adjacent to the former underground tanks. Oxygen releasing compound (ORC) socks have been added to monitoring well MW-1 in the area of petroleum contamination to promote bio-remediation. Tetra Tech recommends groundwater monitoring be done after six months (to let the action of the ORC socks work). This monitoring change is acceptable. Please remove the socks from MW-1 one month before sampling to allow the groundwater to equilibrate. Should the gasoline and BTEX concentrations remain stable and low our office will proceed with recommending site closure.

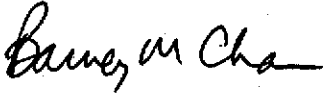
2301 E. 12th, Oakland 94601, Former Senna Auto Parts

Our office agreed to suspend groundwater sampling in mid 2000 on the condition that active remediation be done at this site. There has been free petroleum product found in wells at this site. An area just down-gradient of the former waste oil tanks has the most elevated Total Petroleum Hydrocarbons (TPH) in the gasoline, diesel and motor oil range. It is believed that if you focus on this area for remediation, the contaminant plume will slowly shrink and site closure can be achieved with either a deed notice or deed restriction. Tetra Tech has been requested to provide a feasibility study to study and choose the most reasonable remedial approach. This has been difficult due to the geology encountered, however, several approaches have been discussed with our office. It is recommended to test the groundwater for total dissolved solids and conductivity to establish whether the water is potable. **Please provide your feasibility study and a schedule for its implementation to our office within 30 days or no later than February 15, 2001.** Note further delay will require to reinstate groundwater monitoring.

Mr. J. W. Silveira c/o
Ms. Virginia Tracey
Underground Tank Sites
January 12, 2001
Page 2

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. H. Dawson, Tetra Tech EMI, 135 Main St., Suite 1800, San Francisco, CA 94105

Mr. R. Shapiro, Shapiro, Buchman Provine & Patton, 1331 N. California Blvd.,
Suite 320, Walnut Creek, CA 94596

statSilveirasites

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SNT 4-18-2000
Inheld CC 13

20388

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

April 14, 2000
StID # 2957

Mr. J.W. Silveira c/o
Ms. Virginia Tracey
499 Embarcadero
Oakland CA 94606

Re: Former Underground Tank Site, 744 E. 12th St., Oakland CA 94606

Dear Mr. Silveira:

Our office has received and reviewed the recently submitted Tetra Tech EM Inc. (TTEMI) report for the above site. This report includes the results of soil and groundwater sampling from off-site borings and three monitoring wells done in June 1999. Based upon the results of these investigations, your consultant recommends and our office concurs with quarterly groundwater monitoring. **Please institute quarterly monitoring immediately and provide our office with your monitoring report within 30 days or no later than May 31, 2000. Reports should then follow every three months.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. H. Dawson, Tetra Tech EMI, 135 Main St., Suite 1800, San Francisco, CA 94105

Mon744E12

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sent 2/10/00
with cc's

20387
20388
20504

February 10, 2000
StID #71, 2957,4868

Mr. J. W. Silveira c/o
Ms. Virginia Tracey
499 Embarcadero
Oakland CA 94606

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

Re: Former Underground Storage Tank Sites; 2301 E. 12th St., 744 E. 12th St. and
1200 20th Ave., Oakland, CA

Dear Ms. Tracey:

This letter updates you on the progress and status of the environmental investigations being performed on your behalf by Tetra Tech EM Inc. It further comments on the February 8, 2000 e-mail letter sent to me by Mr. Hal Dawson of Tetra Tech.

Based on past discussions and e-mail messaged from our office and Tetra Tech, it is believed that we have reached an understanding on the requirements and likely future of the three referenced sites. Tetra Tech wanted to discuss their recommendations with our office prior to finalizing the monitoring reports. **Please submit final monitoring reports to our office within 15 days or no later than February 29, 2000.**

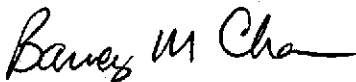
In regards to the above sites, our office has the following comments:

- For 744 E. 12th St., it is assumed that this site will be considered for closure after completing four quarters of groundwater monitoring.
- For 1200 20th Ave., our office believes that some type of remediation will be required given the elevated gasoline and BTEX concentrations being detected in MW-1. At a minimum, your consultant is considering adding oxygen-releasing compound (ORC) socks into this well in enhance bio-remediation. Long term monitoring will be required to verify the effectiveness of this approach. If groundwater contamination is remediated in this well, the boring within the building may not be required. To hasten the investigation, you may choose to advance the boring prior to the completion of ORC application.
- For 2301 E. 12th St., our office has received and reviewed an e-mail letter from Tetra Tech offering several remedial approaches for the site. At this time, the only approach our office is not considering is the assumption that natural attenuation has reduced concentrations to acceptable levels. Our office still believes there is considerable petroleum within soil and groundwater. Please provide an iso-concentration map for residual soils at this site. It is believed that once the highest impacted areas are identified, treatment of these areas would hasten the attenuation of contaminant concentrations. This treatment could include the injection of peroxide solution as discussed by Tetra Tech, however, a pilot study is recommended to verify its feasibility.

Mr. J.W. Silveira
StID # 71, 2957 & 4868
February 10, 2000
Page 2.

I hope this clarifies the status of these sites. Please contact me at (510) 567-6765 if you have any questions.

Sincerely,

Handwritten signature of Barney M. Chan in cursive script.

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files
Mr. H. Dawson, TetraTech EMI, 135 Main St., Suite 1800, San Francisco, CA 94105

Stat-JWSilveira

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT 11-3-99
including cc's

RO358

ENVIRONMENTAL HEALTH SERVICES

1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9335 (FAX)

November 2, 1999
StID # 2957

Ms. Virginia Tracey c/o
J.W. Silveira Co.
499 Embarcadero
Oakland CA 94606

Re: Subsurface Investigation at 744 E. 12th St., Oakland CA 94606, Former Harley Davidson

Dear Ms. Tracey:

Our office has received a preliminary report for the above site prepared by your consultant, Tetra Tech EM Inc. (Tetra Tech). The cover letter accompanying this report, written by Mr. Roy Glenn of Tetra Tech, states that they are unable to meet my deadline for the submittal of reports of the recent work at Mr. Silveira's three sites; 744 E. 12th St., 2301 E. 12th St. and 1200 20th Ave., while not offering a schedule as to when the reports will be provided. It would appear that there has been ample time to prepare these reports, therefore, please provide your schedule for delivery of the previously requested reports.

In regards to the report provided for 744 E. 12th St., our office has the following comments:

- Our office will require a signed and stamped copy of a complete report by an appropriate registered professional. It was noticed that the entire analytical data package was absent from this report.
- When our office was provided these preliminary analytical results from Tetra Tech, in August 1999, I recommended that quarterly monitoring be started. This was based on the need to verify groundwater concentrations (even if they are low) over a complete hydro-geologic cycle, typically one year. This requirement still remains. Please continue groundwater monitoring and provide a monitoring report within 45 days or no later than December 16, 1999.
- The presence of methyl tertiary butyl ether (MTBE) requires a greater understanding of the site geology. The Water Board requires that all MTBE impacted sites have a site conceptual model (SCM). Your site conceptual model should include, at a minimum, the following:

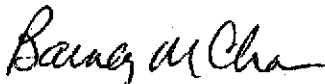
Local and regional plan view maps with location of sources, extent of contamination, direction and rate of groundwater flow and location of receptors,
Geologic cross-section maps with subsurface geologic features and man made conduits,
Plots of chemical concentration vs. time,
Plots of chemical concentration vs. distance from source,
Summary tables of chemical concentrations in different media,
Well logs, boring logs, well survey map, and
Prioritizing of site based on water usage and groundwater concentration.

Ms. Virginia Tracey
Silveira Properties
StID # 2957
744 E. 12th St.
November 2, 1999
Page 2.

- The Tetra Tech report also uses the City of Oakland Risk Based Corrective Action (RBCA) to evaluate the human health risk at this site. Please be aware that all soil data and historical groundwater data should be evaluated in the RBCA evaluation. In addition, please provide evidence that the site is eligible to use the Oakland RBCA using their check sheet. If actual site conditions are different from that assumed for the Oakland RBCA, you must provide a print out of the new SSTLs.

You may provide comment to this letter in your forthcoming groundwater monitoring report. Please contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. Roy Glenn, Tetra Tech EM Inc., 135 Main St., Suite 1800, San Francisco, CA 94105
Ms. J. Duerig, Alameda County District Attorney Office
744E12th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 388

April 26, 1999
StID # 2957

Ms. Virginia Tracey c/o
J.W. Silveira Co.
499 Embarcadero
Oakland CA 94606

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Re: Work Plan for 744 E. 12th St., Oakland CA 94606, Former Harley Davidson

Dear Ms. Tracey:

This letter confirms the receipt and approval of the proposed sampling locations according to the 4/23/99 fax from Tetra Tech EM. After my site inspection on March 25, 1999, the original work plan had to be modified due to the anticipated difficulty of locating a monitoring well on the City sidewalk. A new location within the north curb of 8th Ave. was proposed. In addition, the location of the borings along the former piping run within the former building will have to be located by "best guess" due to the absence of evidence of the piping run and the former dispenser.

Please contact me prior to the proposed work. I may be reached at (510) 567-6765.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. H. Dawson, Tetra Tech EM Inc., 135 Main St., Suite 1800, San Francisco, CA 94105

Wpmod744E12

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 387 / RO# 504 / RO# 388

February 2, 1999
StID # 71, 2957 and 4868

Mr. J. W. Silveira c/o
Ms. Virginia Tracey
499 Embarcadero
Oakland CA 94606

ENVIRONMENTAL HEALTH SERVICES

1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9335 (FAX)

Re: Request for Technical Report for Underground Storage Tank Sites at 2301 E. 12th St., Oakland, 94601 and 744 E. 12th St. and 1200 20th Ave., Oakland CA 94606

Dear Ms. Tracey:

During our meeting on October 16, 1998 at the County's offices, specific work and report submittal dates were committed to by you, Mr. Alt, your consultant and Mr. Shapiro. Mr. Alt, subsequently faxed our office work plans for the three referenced sites, reiterating the commitments to perform additional site investigation and submit the required reports. After review of these work plans, they were approved with minor changes. It was hoped that this would resolve the on-going problems with Mr. Silveira's sites. Unfortunately, to date, our office has not been notified of any action taken to perform the proposed work plans. We have not received any reports, either.

The following restates your commitments:

2301 E. 12th St., Oakland 94601 (RO# 387) STID # 71

- Hard copies of all previously non-submitted groundwater monitoring reports were promised for this site and 1200 20th Ave. Reportedly, Mr. Alt had these reports in a locked file cabinet and was not able to bring them to the October meeting.
- The next monitoring event, scheduled for October 1998, would include both chemical analysis and the analysis for bio-remediation parameters. Should the results indicate a lack of oxygen, the wells would have oxygen releasing compound added to them.
- Hydropunch borings would be installed up-, down- and cross-gradient of the former underground tanks in order to define the extent of the contamination and identify any other sources of contamination.

The results of the monitoring were to be submitted and the subsurface investigation scheduled for the first quarter 1999.

1200 20th Ave., Oakland 94606 (RO# 504) STID # 4868

- As previously mentioned, hard copies of all non-submitted monitoring reports were to be delivered as soon as possible.
- Two hydropunch borings, one on Solano Ave. and one on 20th Ave. were to be advanced. Soil and groundwater samples were to be collected for analysis. This work was to be performed in November 1998 and a report of findings submitted by December 1998.

It should be noted that given the elevated concentrations of TPHg and BTEX in the report sheets for the July 1998 event, it would be advisable to measure the dissolved oxygen in the wells and consider the addition of oxygen releasing compound, if warranted.

Mr. J.W. Silveira
LOP sites; #71, #4868, #2957
February 2, 1999
Page 2.

744 E. 12th St., Oakland 94606 (R0#388) ST10 2957

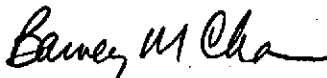
- This site is the least characterized of the three. No work has been reported since the underground tank removal. To characterize this site and complete the tank removal sampling requirement, three monitoring wells and two hydropunch borings were proposed. I recommended minor changes in boring locations and sampling requirements. This investigation was to be completed in November 1998 and the report submitted by the end of December.

Because I requested to be notified prior to any field work, I presume no work has occurred. No reports have been submitted to our office. I recommend that you contact me immediately to update me on the status of these sites and provide all the requested reports.

This is a formal request for technical reports pursuant to Title 23 of the California Code of Regulations. The failure to submit the requested reports may subject Mr. Silveira with civil liability. The Water Board may also impose civil liability for the similar violation of the Water Code. The District Attorney Office is notified of these sites as a follow-up to the past pre-enforcement hearing.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. J. Alt, Epigene International, 37161 Niles Blvd., Fremont, CA 94536

Mr. R. Shapiro, Esq., Shapiro Buchman LLP, 1331 North California Blvd., Suite 320
Walnut Creek, CA 94596

Mr. Bob Chambers, Alameda County District Attorney Office, 7677 Oakport, Suite 400,
Oakland CA 94621

2stat-Silveira

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 388

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

October 27, 1998
StID # 2957

Mr. J. W. Silveira c/o
Ms. Virginia Tracey
499 Embarcadero
Oakland CA 94606

**Re: Work Plan for Additional Site Assessment for 744 E. 12th St., Oakland CA 94606,
Former Harley Davidson Site**

Dear Mr. Silveira:

Thank you for the submission of the October 16, 1998 work plan for additional site assessment at the above site, as prepared by Mr. J. Alt, of Epigene International. Our office received a fax copy of this report on October 26, 1998. This work plan follows the October 14, 1998 meeting at the County offices which included myself, Mr. Alt, Ms. Tracey and Mr. R. Shapiro. Through our discussion, the initial approach discussed earlier with Mr. Alt was changed to include the installation of three permanent monitoring wells.

Upon review of the submitted work plan, I have the following comments/recommendations:

- The hydropunch beneath the former pump location may not be necessary. I recommend taking a soil sample approximately 1-2' below this location and only taking a water sample if soil contamination is detected near the anticipated groundwater level.
- I recommend making the proposed location of MW-2 a hydropunch sample instead and making the proposed hydropunch sample just southwest of the former underground tank a monitoring well. It is often desirable to have a monitoring well immediately down-gradient of the contaminant source.
- If the above changes are made, I would then recommend that monitoring well MW-3 be moved to the south within the curb on the south side of 8th Ave.

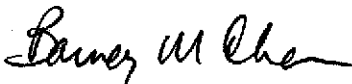
All soil and groundwater samples should be analyzed for Total Petroleum Hydrocarbons as gasoline, BTEX and MTBE. Should MTBE be detected in soil or groundwater, it should be verified using EPA Method 8240 or 8260. Assuming the above items are agreeable and the appropriate permits obtained, this investigation will be completed in November of 1998 and the report completed and submitted to our office by the end of December 1998.

Please contact me at least 72 working hours prior to this field work.

You may contact me at (510) 567-6765 if you have any comments or questions.

Mr. J. W. Silveira
744 E. 12th St., Oakland CA
StID # 2957
October 27, 1998
Page 2.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. J. Alt, Epigene International, 347161 Niles Blvd., Suite B. Fremont CA 94536
Mr. R. Shapiro, Esq., Shapiro Buchman LLP, 1331 North California Blvd., Suite 320
Walnut Creek, CA 94596

Wpap744

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0387
R0504
R0388

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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September 3, 1998
LOP Sites

Mr. Robert Shapiro
1331 North California Blvd., Suite 320
Walnut Creek, CA 94596

Re: Current Status of J. W. Silveira Site in the Local Oversight Program-Alameda County

Dear Mr. Shapiro:

This letter responds to your September 1, 1998 letter inquiring about our office's response to your June 3, 1998 letter. Your letter, in turn, responded to my May 5, 1998 letter where I attempted to summarize the County's opinion and concerns regarding Mr. Silveira's sites under our jurisdiction. My initial response to your letter was that the work proposed was not in the form of an acceptable work plan and was not signed by a registered professional as required by the Business and Professional Code. I then contacted Mr. John Alt of Epigene who verified that your letter was based upon his work plans. I requested that Mr. Alt submit the original work plans, signed and stamped by him.

I have talked to Mr. Alt several times since then and he has promised several times to submit the original work plans. To date, he has not provided these work plans, apparently because he has not been paid for this work.

At this time, the three LOP sites are considered out of compliance and are subject to the District Attorney's Office decision as whether to enforce or not.

You may contact me at (510) 567-6765 if you have any questions or comments.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. John Alt, Epigene, 37161 Niles Blvd., Fremont CA 94536
Mr. J.W. Silveira, 499 Embarcadero, Oakland CA 94606

statJWSsites

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO # 388

May 5, 1998

Mr. J. W. Silveira
499 Embarcadero
Oakland CA 94606

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

**Re: Underground Tank Subsurface Investigations in the Local
Oversite Program (LOP), Overseen by Alameda County**

Dear Mr. Silveira:

Our office would like to give you a final chance to continue and conclude on-going subsurface investigations on the three Oakland LOP sites which are currently overseeing by our office.

As you are aware, these three sites, which are owned by you, are being overseen by our office;

- 744 E. 12th St., Oakland CA , the former Harley Davidson site, StID # 2957
- 1200 20th Ave., Oakland CA, the William Wurzbach property, StID # 4968 and
- 2301 E. 12th St., Oakland CA 94601, the former Mel Senna Auto

Recall, my November 11, 1996 letter requested technical information on these sites by December 16, 1996. I cautioned you that Alameda County District Attorney's office was considering enforcement activities on you. Be aware that both County District Attorney's office and the Regional Water Quality Control Board have the authority under the Health and Safety Code and the Water Code, respectively, to levy civil fines in addition to requiring the same information and work that Alameda County Environmental Health requests for the proper closure of an underground tank site. Therefore, it is advisable to avoid enforcement and work with our office.

I would like to reiterate the County's current understanding of the status of each site and restate the needs for each site.

1200 20th Ave. Ave., Oakland 94606 StID # ~~4968~~⁴⁸⁶⁸ (RO# 504)

Significant investigation has already occurred at this site. This site has been preliminarily reviewed for closure. Upon internal review, it was determined that additional site characterization is necessary. This would likely consist of the advancement of several borings south of the former tank and the sampling of both soil and groundwater. The results of these borings should then be evaluated for potential risk to human health and the environment. Should no unacceptable risk exist, this site would be recommended for closure.

Mr. J. W. Silveira

LOP Sites

May 5, 1998

Page 2.

It certainly would be a waste if this investigation was not continued to closure. Please submit a work plan for this additional investigation within 30 days or by June 8, 1998.

744 E. 12th St., Oakland 94606 StID #2957 (Ro#388)

The underground tank closure of the 500 gallon gasoline tank is not complete. Additional soil samples are required along the former underground piping run. In addition, based on the initial elevated benzene and gasoline concentration in initial tank pull samples, further site characterization is required to define the limits of soil and groundwater contamination. Having discussed this previously with Mr. John Alt of Epigene, he proposed the advancement of four borings around the former tank pit to initially assess soil and groundwater conditions. At this time, it is unknown whether additional investigation or remediation is necessary. Please provide a work plan for piping run sampling and the advancement of at least four borings to our office within 30 days or by June 8, 1998.

2301 E. 12th St., Oakland CA 94601, StID # 71 (Ro# 387)

Considerable site investigation has occurred at this site. Significant gasoline and diesel contamination exists beneath and downgradient of this site. Potential risk to human health exists as determined by review of groundwater data and comparing these concentrations to conservative Tier 1 RBSLs (risk-based screening levels). This means potential health risk exists for current operators of the commercial business operating at this site. Low levels of chlorinated solvents also exist, likely the result of disposal of these solvents into the former waste oil tank. Off-site groundwater contamination has been found. The last time I spoke with Mr. Alt, he verbally proposed the advancement of soil borings both up and downgradient to the site. In addition, an extraction well placed near the former waste oil tank was being considered for groundwater extraction. The elevated levels of petroleum hydrocarbons must be remediated. At a minimum, until an active remediation system is initiated, you should have your consultant consider the addition of oxygen releasing compounds and any other supplements which would enhance natural bioremediation. Please provide your work plan for offsite borings and the analysis of natural biodegradation parameters to our office within 30 days or by June 8, 1998. You should continue to monitor groundwater quarterly at the site. Our last monitoring report from you was dated February 7, 1997.

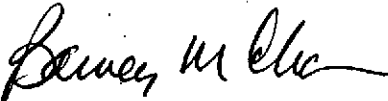
Mr. J. W. Silveira
LOP Sites
May 5, 1998
Page 3.

Again, our office encourages you to complete the investigation and remediation at these sites. Civil liability will be avoided and you will restore property value and site useage.

The failure to respond to this request will result in the referral of these sites to the Water Board and the County District Attorney office for enforcement.

Please contact me at (510) 567-6765 should you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files
Mr. B. Chambers, Alameda County District Attorney Office
Mr. C. Headlee, RWQCB
Mr. R. Shapiro, 1331 N. California Blvd., Walnut Creek, CA
94596

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ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO# 388

February 14, 1997
StID # 2957

Mr. J.W. Silveira
J.W.Silveira Company
499 Embarcadero
Oakland CA 94606

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

**Re: Tank Closure Report and Recommendations for Further Work at
744 E. 12th St., Oakland CA 94606, former Harley Davidson**

Dear Mr. Silveira:

Our office recently met with Mr. John Alt of Epigene International on February 3, 1997 and we discussed several of your properties where underground tanks have been removed. For the above referenced site, our office received and has reviewed the **August 15, 1996 Tank Closure Report** which details the removal of one 500 gallon gasoline tank, soil sampling and analysis, soil disposal and recommends performing two hydropunch samples to delineate the extent of soil and groundwater contamination. My July 17, 1996 letter requested this report by August 19, 1996 and it appears that it was completed by this date but not delivered until nearly six months later after several Notices of Violation.

This tank closure report fails to address verification testing or sampling along the former piping run which lead to a dispenser located within the building. Please provide documentation as to the proper closure of the piping run.

Based upon the soil sample results, further investigation is required. Epigene International has proposed two hydropunch borings for soil and groundwater sampling. Our office recommends that a minimum of four borings be advanced around the tank, due to the uncertainty of groundwater gradient at the site. The borings should be advanced to groundwater where a grab sample can be taken. At least one soil sample should be taken from each boring for chemical analysis and the boring should be field screened for hydrocarbons every five feet, change in lithology or sign of contamination. Because of the overhead power line, you should use the boring technique which will allow for clearance of this utility. Please analyze all samples for TPHg and BTEX and analyze one obviously impacted sample for MTBE.

Please provide a work plan to perform this additional investigation and clarify the piping closure. Please submit your work plan within 30 days or by March 14, 1997.

Mr. J. W. Silveira
StID # 2957
744 E. 12th St.
February 14, 1997
Page 2.

Our office has not received the Unauthorized Release (Leak) Report for this site as requested in my July 17, 1996 letter. Please complete or have your consultant complete this form and submit to our office within 10 days or by February 28, 1997.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: Mr. J. Alt, Epigene International, 38750 Paseo Padre Parkway,
Suite A-11, Fremont, CA 94536

B. Chan, files
2wp744

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0388

November 11, 1996

Mr. J. W. Silveira
499 Embarcadero
Oakland CA 94606

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP) (E)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

**Re: Status of Sites J.W. Silveira Sites Overseen by Alameda
County for Potential Enforcement Action**

Dear Mr. Silveira:

Our office last wrote to you in my January 31, 1996 letter which detailed the status of five (5) sites owned by you which our office was providing oversight. Though some action has occurred on these sites, progress has not been as expected. Again our office requests that immediate corrective actions be performed or these cases will be referred to the Alameda County District Attorney office for enforcement. Please provide a written response to the noted deficiencies within 30 days or by December 16, 1996.

Below is a list of sites where you have been identified as the property owner and the status of the ongoing remediation or compliance issue.

- (R01093) 1. 1832 E. 12th St., Oakland 94606, Christian International Church. StID # 4876.
Our office has received verification of the closure of the two monitoring wells at this site and site closure is complete.
- (R01120) 2. 923 87th Ave., Oakland 94621, Former Acker and Guerrero Roof Co. StID # 3668.
Our office has received verification of monitoring well closure. No further action is required for this site.
- (R0388) 3. 744 E. 12th St., Oakland 94606, Former Harley Davidson, StID # 2957.
The 500 gallon underground gasoline tank at this site was removed from this site on April 3, 1996. Petroleum contamination was detected in soil samples. Our office requested in my July 17, 1996 letter, that you provide the tank closure report and a work plan to determine the extent of petroleum contamination in soil and groundwater. These reports was requested to be submitted to our office by August 19, 1996. To date, our office has not received any reports. Please submit these reports along with a schedule for the proposed field work by previously requested date, 12/16/96. You may assume that your work plan proposal will be reviewed within one working week of the date of submittal.

Mr. J. W. Silveria
Status of Sites
November 14, 1996
Page 2.

Note that the tank closure occurred over 7 months ago and that the tank closure report was due within 60 days of the tank removal. Through discussion with Mr. John Alt of Epigene, I understand that temporary borings prior to monitoring well installation is being considered for your work plan. Proper closure and sampling of the piping run should also be addressed. In addition, we have not received a completed Unauthorized Release Report for this site. Please have your consultant complete this report and submit it along with the requested reports. Another blank form has been enclosed.

- (R0504) 4. **1200 20th Ave., Oakland 94606, William Wurzbach Property, StID # 4968.** This site experienced a petroleum release from the two gasoline tanks removed from this site on January 19, 1994. Groundwater monitoring has been performed four times from February 1995 to February 1996. Epigene's February 29, 1996 monitoring report requested that our office consider this site for closure. At this time, our office requests that additional site characterization be performed south of the former tank area. Our office recommends the use of a rapid site assessment tool such as the Geoprobe, Hydropunch et al. to obtain soil and groundwater data to fully characterize the site. Groundwater monitoring should also be performed as soon as possible to verify consistency of existing groundwater data. Please also verify that the piping run to the former tanks has been properly closed and sampled. Your work plan for additional site assessment and a schedule for its implementation is due by 12/16/96. Based upon the results of the additional site assessment and groundwater monitoring results, our office will reconsider this site for closure as a "Low Risk Groundwater Case".
- (R0387) 5. **2301 E 12th St., Oakland 94601, Former Mel Senna Auto, StID # 71.** This site was previously the focus of an August 31, 1993 Pre-enforcement Hearing. A request for technical reports letter was sent to you under the Water Board letterhead. Due to the significant fuel and solvent release, supplemental work plans have been submitted to further characterize and initiate remediation at this site. Our office reviewed and approved the June 9, 1995 Remedial Action Plan provided by your consultant, Epigene International. This work plan called for the installation of three additional wells (one upgradient and two downgradient) and the installation of a groundwater extraction system. To our knowledge, this work has yet to be performed nearly 17 months after County approval, even though the February 29, 1996, first quarter 1996 monitoring

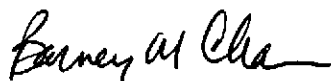
Mr. J. W. Silveria
Status of Sites
November 14, 1996
Page 3.

report stated that the wells would be installed, developed and sampled by the end of next month. You should initiate this field work (monitoring well installation) immediately. Our office recommends that a Tier I risk assessment be performed to verify the need for the proposed extraction system. All viable exposure pathways should be considered. If the contaminant plume is not migrating significantly and petroleum contaminants dominate, onsite enhanced bioremediation might be considered. Our office has been made aware of the problems encountered with installing the extraction system. Please submit all additional quarterly monitoring reports for this site. The February 29, 1996 monitoring event is the most recent one which we have received. Your monitoring reports and a schedule for the installation of the additional monitoring wells is due by 12/16/96.

Your immediate written response and provision of requested technical reports to the above items is necessary to prevent these cases from being referred to the Alameda County District Attorney's Office for enforcement.

Please contact me at (510) 567-6765 should you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

- c: L. Blazer, Alameda County District Attorney Office
J. Alt, Epigene Intl., 38750 Paseo Padre Parkway, Suite B-4
Fremont, CA 94536
R. Shapiro, Attorneys-At-Law, 1331 N. California Blvd.,
Walnut Creek, CA 94596
P. Evans, ACEH
B. Chan, files

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ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

20388

July 17, 1996
StID # 2957

Mr. J. W. Silveira
J. W. Silveira Co.
499 Embarcadero
Oakland, CA 94606

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

Re: Former Harley Davidson, 744 E. 12th St., Oakland 94606

Dear Mr. Silveira:

Our office has received verbal analytical results of soil samples taken after the removal of the 500 gallon underground gasoline tank at the above referenced site. These results were transmitted to our office by Mr. John Alt of Epigene International. Recall, the tank was removed from the site on April 3, 1996. The results showed elevated concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg) as well as elevated levels of BTEX (benzene, toluene, ethylbenzene and xylenes). The results support my field observations that an obvious release of petroleum fuel had occurred. As you are aware, the extent of such contamination must be determined and potentially remediated.

Your site has, therefore, been transferred to the Local Oversight Program (LOP), within Alameda County Environmental Health, Hazardous Materials Division. Our office has been delegated by the Regional Water Quality Control Board (RWQCB), to be the local agency which will oversee such releases to soil and/or groundwater. A Notice of Requirement to Reimburse (NORR) letter has been sent to your attention informing you of this administrative action.

Please provide your tank closure report along with a work plan to determine the extent of the petroleum contamination in both soil and groundwater. Your reports are due to our office **within 30 days or by August 19, 1996**. Please note, a condition of your approved permit to remove this underground tank is to provide a tank closure plan within 60 days of the tank removal, therefore, you are already over 30 days delinquent in providing this report.


Enclosed, please find an Unauthorized Release (Leak) Report (ULR). Please fill out this form and return to our office **within 10 days of receipt**.

Mr. J. W. Silveira
744 E. 12th St.
Former Harley Davidson
July 17, 1996
Page 2.

This is a formal request for technical reports pursuant to both the Water Code Section 13267 (b) and the California Health and Safety Code Section 25299 and 25299.76. Failure to submit the requested reports may subject you to civil liability up to \$10,000 per day.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosure

c: Mr. J. Alt, Epigene International, 38750 Paseo Padre Parkway,
Fremont, CA 94536
G. Coleman, files

wprq744

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro# 388

RAFAT A. SHAHID, Assistant Agency Director (4)

January 31, 1996

Mr. J. W. Silveira
499 Embarcadero
Oakland CA 94606

Alameda County CC4580
Environmental Health Services
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
(510)567-6700 FAX(510)337-9335

**Re: Referral of Sites to the Alameda County District Attorney
Office for Enforcement**

Dear Mr. Silveira:

Our office has been providing both environmental remediation and regulatory oversight for a number of properties owned by you. Among these, the site at 2301 E. 12th St. in Oakland was the focus of a Pre-enforcement Hearing on August 31, 1993.

At this time, based on the lack of action on any of your sites, these cases will be referred to the Alameda County District Attorney Office for enforcement unless immediate action are initiated within 30 days or by March 1, 1996.

Below is a list of sites where you have been identified as the property owner and an ongoing remediation/compliance issue exists.

- (Ro#1093) 1. 1832 E. 12th St., Oakland 94606, Christian International Church. StID # 4876. This site has been reviewed and granted closure by our office and the Water Board. You have been requested to properly close the two monitoring wells at this site. This has yet to be done. Please have this done and provide a report to our office documenting this action.
- Ro#1120) 2. 923 87th Ave., Oakland 94621, Former Acker and Guerrero Roof Co. StID # 3668. This site has been closed by our office. Like the above site, you must close the existing three wells and provide a report to our office documenting this action.
- (Ro# 388) 3. 744 E. 12th St., Oakland 94606, Former Harley Davidson, StID # 2957. An application for the removal of the 250 gallon gasoline tank was submitted on June 13, 1994 and approved on July 20, 1994. Over 1.5 years has elapsed without word as to when this tank will be removed. During this time, no tank registration fees have been paid to our office. This tank must be either registered and permitted or properly closed.

Mr. J. W. Silveria
Referral of Sites
January 31, 1996
Page 2.

(Ro#504) 4. 1200 20th Ave., Oakland 94606, William Wurzbach Property, StID # 4968. This site experienced a petroleum release from the two gasoline tanks removed from this site on January 19, 1994. Three monitoring wells were installed at the site on February 13 and 14, 1995. A March 31, 1995 report documented this activity. Since this time, our office has not received any additional monitoring reports. We have been informed, however, that subsequent groundwater monitoring has occurred. Please provide all reports subsequent to the initial report to our office immediately. Further recommendations will be made after review of these reports.

(Ro#387) 5. 2301 E 12th St., Oakland 94601, Former Mel Senna Auto, StID # 71. This site was previously the focus of an August 31, 1993 Pre-enforcement Hearing. A request for technical reports letter was sent to you under the Water Board letterhead. Due to the significant fuel and solvent release, supplemental work plans have been submitted to further characterize and initiate remediation at this site. Our office reviewed and approved the June 9, 1995 Remedial Action Plan provided by your consultant, Epigene International. This work plan called for the installation of three additional wells and the initiation of a groundwater extraction system. This work has yet to be performed. You should initiate this field work immediately unless you provide justification, perhaps a risk assessment, to show that such work is not necessary. Additionally, our office has only received the first quarter 1995 monitoring report for the existing six wells at this site. Please provide all monitoring reports after the first quarter 1995 to our office immediately.

Your immediate written response to all of the above items is necessary to prevent these cases from being referred to the Alameda County District Attorney's Office for enforcement.

Please contact me at (510) 567-6765 should you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Mr. J. W. Silveria
Referral of Sites
January 31, 1996
Page 3.

c: G. Jensen, Alameda County District Attorney Office
J. Alt, Epigene Intl., 38750 Paseo Padre Parkway, Suite B-4
Fremont, CA 94536
R. Shapiro, Attorneys-At-Law, 1331 N. California Blvd.,
Walnut Creek, CA 94596
P. Evans, ACEH
G. Coleman, files

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