

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R01093

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
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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

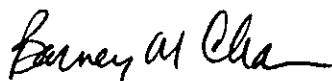
Mr. J. W. Silveria
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report stated that the wells would be installed, developed and sampled by the end of next month. You should initiate this field work (monitoring well installation) immediately. Our office recommends that a Tier I risk assessment 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

2JWSENF

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director (4)

RO#1093

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
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(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
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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

JWSENF

DFP

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R01093
RAFAT A. SHAHID, DIRECTOR

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

StID 4876

October 6, 1995

J.W. Silveria
Silveria Investment
499 Embarcadero
Oakland, CA 94606

RE: Well Decommission at Christian International Church, 1832
E. 12th Street, Oakland 94606

Dear Mr. Silveria:

This office and the S.F. RWQCB have reviewed the case closure summary for the above referenced site and concur that no further action related to the underground tank release is required at this time. Before a remedial action completion letter is sent, the onsite monitoring wells (MW-1 and MW-3) should be decommissioned, if they will no longer be monitored. Please notify this office upon completion of well destruction so a closure letter can be issued.

If you have any questions, I can be reached at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

cc: John Alt, Epigene, 38750 Paseo Padre Pkwy, Suite A-11,
Fremont, CA 94536
files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



STID 4876 : 1832 E. 12th St

✓ R01093

STID 4868 : 1200 20th Ave

R0504

RAFAT A. SHAHID, Assistant Agency Director

April 24, 1995
StID # 4876 and 4868

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

ALAMEDA COUNTY-ENV. HEALTH DEPT.
ENVIRONMENTAL PROTECTION DIV.
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577
(510)567-6700

**Re: Comment on the Monitoring Well Installation Reports for 1832
E. 12th St. and 1200 20th Ave., Oakland 94606**

Dear Mr. Silveira:

Our office has received the monitoring well installation reports for the above sites as prepared by your consultant, Epigene International. This letter serves to comment on these reports and the recommendation of your consultant.

In regards to the 1832 E. 12th St. site, our office concurs that no further work will be required at this time. This site will be reviewed for closure.

In regards to 1200 20th Ave., as recommended by Epigene, quarterly groundwater monitoring should continue at this site until further notice. It appears that the most reasonable approach is to rely on the natural biodegradation of the residual soil and groundwater contamination at this site. After four quarters of monitoring, you should review this site for either closure, modification of the monitoring schedule or propose some type of additional remediation. It was noted that the actual location of monitoring wells at this site differed from the March 21, 1994 work plan, however, no additional assessment is necessary at this time.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: Mr. J. Alt, Epigene, 38750 Paseo Padre, Suite B-4, Fremont,
CA 94536
Mr. J. Brinker, Bernabe & Brinker, 1281 30th Ave., Oakland
94608
Mr. R. Shapiro, King, Shapiro, Mittelman & Buchman, 3650 Mt.
Diablo Blvd., Suite 130, Lafayette 94549
B. Reynolds, files
E12&20thstat

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R01093

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

April 8, 1994
StID # 4876

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

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

**Re: Request for Work Plan for Additional Subsurface Investigation
for 1832 E. 12th St., Oakland CA 94606**

Dear Mr. Silveria:

Please be advised that this site has been transferred to the Local Oversight Program (LOP) section of Alameda County Hazardous Materials Division. You will be receiving a **Notice of Requirement to Reimburse** letter informing you of this. Because of your other sites in the Local Oversight Program, I know you are familiar with this program.

As you may recall, a 500 gallon gasoline tank was removed from this site on February 14, 1991 by Walker's Hydraulics. Water was observed in the pit at approximately 8 feet below ground surface, BGS. Because a broken water pipe was known to have exist within this pit, it was decided that the water encountered could be vacuumed out to see if it would recharge with "groundwater" or that the existing water could be sampled as is. Your consultant decided to sample and analyze the existing water. Gasoline at 0.910 ppm and BTEX (Benzene, Toluene, Xylenes and Ethylbenzene) at 0.017, 0.013, 0.018 and 0.045 ppm respectively was detected in this water sample. Two soil samples were taken, one from the sidewall of the pit at 8 feet BGS and one of the stockpiled soils. The sidewall sample was non-detectable, ND, for the petroleum constituents and the stockpile soils was ND for gasoline but detected 0.052 ppm xylenes and 0.013 ppm ethylbenzene. Stockpiled soils are required to be ND for all analyzed constituents prior to reuse.

Because petroleum hydrocarbon was detected in the grab groundwater sample, additional site investigation will be required. A number of questions remain regarding the amount of contamination within the backfilled soils and whether groundwater is truly impacted at this site. Our office recommends that you contact your consultant to have them review the data summarized in this letter and provide an appropriate work plan which clarifies the above concerns.

Enclosed please find an Unauthorized Release Form (URF), which must be completed by you or your consultant and returned to our office.

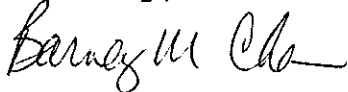
Mr. J. W. Silveria
1832 E. 12th St.
StID # 4876
April 8, 1994
Page 2.

Please provide your work plan and completed URF to our office
within 45 days or by May 25, 1994.

This should be considered a formal request for technical reports
pursuant to the California Water Code Section 13267 (b). Any
extensions of due dates must be confirmed in writing by either
our office or that of the Regional Water Quality Control Board,
(RWQCB).

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosure (Mr. Silveria)

cc: G. Jensen, Alameda County District Attorney Office
Mr. L. Charonnat, P. O. Box 3960, Berkeley, CA 94704
E. Howell, files

wp1832

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R01093

December 20, 1990

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

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

Re: Underground Tank at 1832 E.12th, International Church
Administration.

NOTICE OF VIOLATION

Dear Mr. Silveira:

On December 18, 1990, Alameda County Environmental Health was notified that an underground tank at the above location, located in the sidewalk, had been flooded by a broken EBMUD water line. Apparently the fill cap on the tank was not securely in place, the tank filled, overflowed and the resulting water/hydrocarbon mixture flowed to the storm drain and out to the estuary where it was detected by the Coast Guard. Upon subsequent follow-up it was revealed that you were the owner of this property. As you are aware, you have the legal obligation to either register and permit the tank or remove it.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

Please notify this Department within ten (10) days of receipt of this letter as to your intentions to correct this violation. If you have any questions concerning this matter, please contact the undersigned at 271-4320.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan,
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Leal Charonnat, P.O. Box 3960, Berkeley, CA 94703
Edgar Howell, Chief Hazardous Materials Division
Howard Hatayama, DOHS

FA