

17007 Redwood Rd.  
C.V.

MEMO to file:

1-24-91  
1-25-91

I spoke with Rene S. Viviani today, the son of Rene Viviani, owner of the noted facility. My call was in response to this Dept.'s receipt of a letter dated Jan. 21, 1991 which rejected this Dept.'s request for a PSA. Mr. Viviani (son) indicated that he had conferred with his own set of "experts", ~~reported~~ reportedly from diverse backgrounds, including ~~several~~ individuals from EBRPD, EBMUD, and an attorney. Mr. Viviani indicated that these "experts", following the review of data compiled and in his possession, determined that a PSA is unwarranted. Mr. Viviani indicated that he was, or has <sup>already</sup> through language in his Jan. 21 letter, going to appeal the PSA request to the RWQCB. He said his attorney told him that as a result of this appeal, W.P.C.C. cannot be made to proceed on the request for a PSA until the appeal is heard. Mr. Viviani also said that his expert from EBRPD told that he shouldn't have to do a PSA because "... They <sup>[EBRPD]</sup> have had much greater problems in the past and no one ever made them investigate further."

Mr. Viviani attempted to paint a picture of incompetence by citing some minor mistakes ~~in~~ or oversights in the Dec. 26, 1990 letter from this office, specifically that the UST was 1,000 gals, not 500 gals as indicated in the Dec. 26 letter. That slight

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mistake was based upon the KTW's Assoc Sept 25, 1990 closure report which indicated the UST was of 500 gal. capacity. Clearly a mistake, albeit a minor one having no bearing on the real issue here: the reasoning behind the requested PSA. However, Mr. Viviani was attempting to argue that such a minor slip was cause to substantially question all other aspects of this Dept.'s discretion.

Several statements made in Mr. Viviani's letter are not completely true, as follows:

① STATEMENT: "At no time in my presence did you offer or demonstrate any negative input as to existing conditions or actions of the geologist or licensed contractor employed."

FACT: Contrarily, when the tank was removed and the odor gasoline evident, as well as the evident staining of material beneath the tank, I told Mr. Viviani that this was not a good sign. He asked what might result from such observations. I told him that the worse case may involve the installation of wells to assess any potential impact to G.W. Mr. Viviani denies recollection of this conversation.

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Further, when it was evident that there was only a thin mantle of material beneath the tank before reaching the fractured bedrock below, it was evident that the geologist would not be able to sample appropriately. Therefore, soil and rock fragments, essentially slough material scraped from the weathered bedrock surface and not necessarily from directly beneath the tank, was forced into the tube, to a large extent by hand, ~~these~~ particularly in the sample collected at the fill end of the tank.

The geologist, David Glick of David C. Glick & Assoc., and I both pondered this situation, and realized that the sample was likely unrepresentative and very disturbed, but went ahead and collected what was available to be collected.

Mr. Viviani contends that the description of the sample collection in the 28 Aug 90 field report is contrary to the description presented in the Dec. 26, 1990 correspondence.

② STATEMENT:

" WPGC voluntarily undertook the removal of a structurally sound underground fuel tank. "

FACT:

It was only with great effort by this author that Mr. Viviani reluctantly agreed to properly close the UST. Previously this tank had existed ~~was~~ unmonitored and unregistered. Mr. Viviani wanted to abandon the tank in place following the installation of the proposed above-ground Convault. This Dept. told him that the tank must either be properly closed under permit, or registered and fully monitored. Because this Dept. told him that we would not approve his Convault installation until he submitted plans for closure (if this was what he chose to do) and submitted an HMMPT, ~~he~~ he submitted these documents. To say it was done "voluntarily" could not be further from the truth.

③ STATEMENT: " The term 'Historic Overfilling' would question [the practice of efforts to avoid future environmental impact]."

FACT: Mr. Viviani likely did not understand what overfilling was until my conversation with him Jan. 24. "Historic overfilling" does not question the sincerity of current environmental compliance efforts by Willow Park G.C. It only refers to the common occurrence of excess fuels spills during the tank filling process, over the ~20 year life of this tank. Dissolved tar coatings and stained soil beneath the tank are indicators of this practice.

④ STATEMENT: " A gradient for monitoring purposes cannot be established when dealing with extremely small quantities of a non-moving product."

FACT: This statement combines several unrelated elements which are nonsensical when together. Gradient deals with water flow direction. The product here has not been shown to be non-moving or

in small quantities. The installation of well(s) may prove or disprove both points.

⑤ STATEMENT: "The asphalt surface above the tank showed no sign of large quantity loss or fuel contamination associated with spillage."

FACT: Mr. Viviani may be confusing surface spillage with overfilling. However, the observations made at the surface have no bearing on those made in the tank pit.

⑥ STATEMENT: "There are drainage points for surface and subsurface accumulation in close proximity to the removal site that show no sterility or burden to vegetation."

FACT: Again, what correlation surface drainage observations have with observations made during tank removal are not known. Considering the tank was installed in fill adjacent to a cut slope, and was covered with an asphalt cap, one cannot see the connection with surface vegetation.

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STATEMENT:

" Skepticism of further action is also solidified with periodic reservoir water testing by EBRPD which has shown no presence of gasoline or constituents thereof. "

FACT:

Mr. Viviani told me Jan. 24 that the point at which lake (Chabot) water is tested is approx. 2500' from the UST site. Further, this water is surface water, not ground water and has no direct bearing on this case.

I spoke with Tom Lindenmeyer of EBRPD today regarding the testing of water at the lake, among other issues. He referred me to Ken Burger (sp?) of EBRPD who deals with water testing. Mr. Burger indicated that Lake Chabot is tested quarterly, and samples are drawn from the deepest areas near the dam, and from the shallowest in Honker Bay. Honker Bay is where San Leandro Creek enters the lake after flowing through Willow Park E.C.

Mr. Burger told me that water is tested only for such characteristics as:

- o pH
- o plankton
- o Cu
- o etc.
- o Dissolved O<sub>2</sub>
- o alkalinity
- o conductivity

No testing for gasoline or its constituents, nor VOCs in general, is performed. He further indicated that no tests are performed for pesticides or fertilizers (by EBRPD).

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Mr. Lindenmeyer indicated that this lake is still considered a potential source of drinking water, and is in "back-up" status with EBMUD. The water treatment plant was taken off-line by EBMUD approx. 2 years ago (according to K. Burger).

Mr. Viviani indicated that his fuel supplier told him that fuel deliveries were made to WPGC "at the end of his runs" so that there was "news" gas left in the supply truck when the tanks were filled at the Golfcourse. Therefore, Mr. Viviani argued, overspilling must have occurred, in spite of the facts suggesting otherwise.



I supplied Mr. Vivian with copies of several pages of the August 1990 RWQCB Recommendations which included all the criteria for assessing the need for an investigation. This document clearly identifies that where fractured bedrock or other high permeability material is found beneath a tank where detectable conc. of TPH are found, a PSA is required.

I later spoke with Mr. Bill Elgas of ERMUD, a Supervisor in the water quality lab. He indicated that Lake Chabot is sampled quarterly pursuant to a State DTHS program to analyze for Title 22 constituents and other inorganics, including:

28 metals - ICAP  
 EPA 500 series - pesticides & VOCs  
 inorganics

Mr. Elgas indicated that this program began February 1989. He further indicated that he was not aware of any results to date which required further action. (Presumably, below AEs and MCLs.)