

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
05-31-06

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

May 30, 2006

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

Subject: Fuel Leak Case No. RO0000387, Mel Senna Brake Service, 2301 East 12<sup>th</sup> Street, Oakland, CA

Dear Mr. Silveira:

In correspondence dated January 31, 2006, Alameda County Environmental Health (ACEH) requested a Work Plan for soil and water investigation at the above-referenced site by April 10, 2006. To date, we have not received a Work Plan or an additional request for time extension. Additional work is needed at the site due to the elevated concentrations of petroleum hydrocarbons and VOCs that remain in soil and groundwater at the site. We reiterate the request made in our January 31, 2006 correspondence to conduct the additional requested work.

Your soil and water investigation Work Plan is late, and your fuel leak site is not in compliance with ACEH directives. In order for your site to return to compliance, please **submit the previously requested Work Plan by June 30, 2006**. This date is not an extension of your due date, reports for this site are late and your site is out of compliance. ACEH makes this request pursuant to California Health & Safety Code Section 25296.10. 23 CCR sections 2652 through 2654, and 2721 through 2728 outline the duties of a responsible party in response to a reportable unauthorized release from a petroleum UST system, and require your compliance with this request.

If it appears as though significant delays are occurring, or reports are not submitted as requested, we will consider referring your case to the County District Attorney or other appropriate agency, for enforcement. California Health and Safety Code, Section 25299.76 authorizes ACEH enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation. Please note that further delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive cost reimbursement from the State's Underground Storage Tank Cleanup Fund.

If you have any questions, please call me at (510) 567-6791.

Sincerely,

Jerry Wickham  
Hazardous Materials Specialist

J.W. Silveira  
May 30, 2006  
Page 2

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Shari Knieriem  
SWRCB-USTCF  
P.O. Box 944212  
Sacramento, CA 94244

Penny Wilson  
Tetra Tech EM, Inc.  
135 Main Street, Suite 1800  
San Francisco, CA 94105

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SCOT  
02-02-04

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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January 31, 2006

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

Subject: Fuel Leak Case No. RO0000387, Mel Senna Brake Service, 2301 East 12<sup>th</sup> Street, Oakland, CA

Dear Mr. Silveira:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the documents entitled, "Tier 1 Screening Level Human Health Risk Assessment," "Additional Site Characterization Report," and "Draft Evaluation of Remedial Alternatives." The "Draft Evaluation of Remedial Alternatives," identifies and evaluates remedial alternatives for the site; however, no site cleanup has been conducted to date. Groundwater sampling has apparently not been conducted at the site since 2001. The most recent groundwater monitoring report in ACEH files is dated May 2000. During the May 2000 groundwater sampling event, total petroleum hydrocarbons (TPH) as gasoline were detected at concentrations up to 14,000 micrograms per liter ( $\mu\text{g/L}$ ), THP as diesel was detected at concentrations up to 6,900  $\mu\text{g/L}$ , and benzene was detected at concentrations up to 970  $\mu\text{g/L}$ . In addition to petroleum hydrocarbons, volatile organic compounds (VOCs) have been detected in groundwater throughout the site. Trichloroethene has been detected in groundwater at concentrations up to 160  $\mu\text{g/L}$ . Vinyl chloride has been detected in groundwater at concentrations up to 130  $\mu\text{g/L}$ . Soil and groundwater contamination from your site extends beneath 23<sup>rd</sup> Avenue to the property on the opposite side of 23<sup>rd</sup> Avenue.

Additional work is needed at the site due to the elevated concentrations of petroleum hydrocarbons and VOCs that remain in soil and groundwater at the site. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

**TECHNICAL COMMENTS**

1. **Human Health Risks Due to Vapor Intrusion.** Human health risks due to potential indoor vapor intrusion have not been fully evaluated for the site. Please present plans (including soil gas sampling) in the Work Plan requested below to evaluate the potential for indoor vapor intrusion.
2. **Extent of Groundwater Contamination.** The extent of groundwater contamination has not been defined to the west and southwest. The regional groundwater flow direction in the area of the site is to the west and southwest, towards San Francisco Bay. The use of depth-discrete groundwater samples to define plume extent is to be considered. Please present

plans to define the off-site extent of groundwater contamination in the Work Plan requested below.

3. **Preferential Pathways and Well Survey.** Please evaluate whether any potential preferential pathways may exist at the site. The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a 1/2-mile radius of the subject site. Please review historical maps such as Sanborn maps, aerial photos, etc., when performing the background study. Submittal of map(s) showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Include appropriate prints of historic aerial photos used as part of your study. Refer to the Regional Board's guidance for identification, location, and evaluation of potential deep well conduits when conducting your preferential pathway study. Please identify any sensitive receptors near the site. The evaluation of preferential pathways and well survey are to be included in the Work Plan requested below
4. **Groundwater Monitoring.** Groundwater monitoring has apparently not been conducted at the site since 2001. Please sample the existing monitoring wells at the site on quarterly basis. The water samples are to be analyzed for TPHg and TPHd by EPA Method 8015M or 8260, BTEX, chlorinated hydrocarbons, ethylene dibromide, and 1,2-dichloroethane by EPA Method 8260. Please present the results in the Quarterly Monitoring Reports requested below.

#### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **April 10, 2006** – Work Plan
- **April 17, 2006** - Quarterly Monitoring Report for the First Quarter 2006
- **July 17, 2006** - Quarterly Monitoring Report for the Second Quarter 2006

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

#### **ELECTRONIC SUBMITTAL OF REPORTS**

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County

Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org).

#### PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

#### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

#### UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

J.W. Silveira  
January 31, 2006  
Page 4

**AGENCY OVERSIGHT**

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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 EM, Inc.  
135 Main Street, Suite 1800  
San Francisco, CA 94105

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File



✓  
out 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. RO0000387 Environmental Investigation at 2301 E. 12<sup>th</sup> St.,  
Oakland 94601**

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

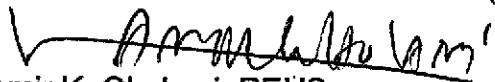
Please be advised that a **stand-alone document** must include a site conceptual model (SCM), which incorporates the following items:

- 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](mailto: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, TTEMI, 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



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



02-27-01

po387

February 26, 2001  
StID # 71

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

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
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**Re: Draft Evaluation of Remedial Alternatives for 2301 E. 12<sup>th</sup> St., Oakland 94601**

Dear Mr. Silveira:

Our office has received and reviewed the February 15, 2001 Draft Evaluation of Remedial Alternatives for the above referenced site prepared by Tetra Tech EM Inc. (TTEMI), your consultant. As you will recall, our office tentatively approved suspending groundwater sampling at this site in mid 2000 with the condition that active remediation be implemented at the site. It was acknowledged that groundwater conditions remain consistently elevated near the former waste oil and fuel tanks. Natural bio-remediation was not occurring, or at least it had not yet been observed. This Evaluation of Remedial Alternatives was done to determine the most cost effective and efficient remedial action. Keep in mind that some kind of confirmation monitoring is still required to verify the effectiveness of the remediation and demonstrate groundwater stability. Bi-annual monitoring, followed by annual monitoring is most likely needed prior to site closure consideration.

A risk assessment has not been done at this site, however, it appears that no immediate threat to human health or the environment exists. A Tier 1 Human Health Risk Assessment should be done to show this. Either the ASTM, Oakland RBCA or Regional Water Quality Control Board guidance document methodology can be used. It is assumed that the shallow groundwater beneath this site is not considered potable and no surface water or other sensitive receptors are being affected by the fuel release. Prior to any remediation, a baseline-monitoring event is necessary. It should also include appropriate testing to determine if the groundwater is considered potable. Using the Water Board guidance document, a total petroleum hydrocarbons cleanup level of 5000 parts per billion (ppb) is recommended.

The four remediation alternatives considered by TTEMI are: No Action ie monitoring only, excavation and off-site soil disposal, in situ chemical oxidation and in situ air sparging. Each approach is evaluated on the basis of overall protection of human health and environment, long and short term effectiveness and permanence, reduction in toxicity, mobility and volume, ability to be implemented and cost. Because of the lack of bio-remediation observed to date, the no action approach does not appear to be a realistic means for achieving site closure. Soil excavation and chemical oxidation have the drawback that there may be residual contamination not affected by this approach, which could not predict the length of groundwater monitoring. TTEMI, therefore, recommends in situ air sparging. This approach actually would include soil

Mr. J. W. Silveira  
Re: 2301 E. 12<sup>th</sup> St., Oakland 94606  
February 26, 2001  
Page 2.

excavation through the removal of some of the contaminated soil when installing a trench along the down-gradient perimeter of the site, vapor extraction from the removal of volatiles (gasoline) and enhanced bio-remediation from the air sparging process. Our office also recommends adding the capacity to remove groundwater by installing dual phase extraction wells, which could remove both volatile and non-volatile contamination.

In your formal feasibility study and corrective action plan, please include a Tier 1 Human Health Risk Assessment, a groundwater monitoring schedule and include comments and a cost estimate for the addition of dual phase extraction wells within the proposed extraction trench.

Please 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, TTEMI, 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

FS-CAP2301E12

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. 12<sup>th</sup> St., 1200 20<sup>th</sup> Ave., and 2301 E. 12<sup>th</sup> 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. 12<sup>th</sup> 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 20<sup>th</sup> 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.

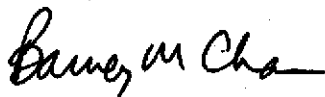
**2301 E. 12<sup>th</sup>, Oakland 94601, Former Senna Auto Parts**

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

11-3-00

20387

November 2, 2000  
StID # 71

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

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

**Re: Subsurface Investigation at 2301 E. 12<sup>th</sup> St., Oakland CA 94601**

Dear Mr. Silveira:

This letter recounts my meeting today with your consultants from Tetra Tech EMI. A number of items were discussed including the history of environmental work, the status of soil and groundwater contamination, report requirements and future remediation options. I would like to summarize the items discussed and the requirements associated with these items.

- As you will recall, our office agreed to allow annual monitoring at the site as long as appropriate remediation was performed. The first of the annual monitoring events occurred in May of this year. This report, I understand, confirmed groundwater contamination at levels consistent with past results. Therefore, remediation will be required. Your consultant was waiting for information to use in the monitoring report, however, it appears that the report is nearly complete. **Please provide the groundwater monitoring report within the next 10 days.**
- Although we discussed a potential remediation approach during the meeting, you are requested to include a feasibility study along with your remediation work plan. **Please submit your work plan within 30 days or no later than December 4, 2000.** Your work plan should include an estimation of the area of soil and groundwater impact, identification of the chemicals of concern and the details of the proposed remediation ie permit requirements, treatment locations, confirmation sampling and cleanup goals. **Please plan to expedite your work plan to have it in place prior to your next annual monitoring event ie May 2001.**

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

Req2301E12

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SNT mold cells  
4-14-2000

20387

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
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April 14, 2000  
StID # 71

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

**Re: Former Underground Tank Site, 2301 E. 12<sup>th</sup> St., Oakland CA 94601**

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 the off-site borings and the April 1999 groundwater sampling of the existing wells. As you are aware, this work is part of the investigation of the petroleum hydrocarbon release from the former gasoline, diesel and waste oil tanks at this site. Based upon the results of these investigations, your consultant has made the following recommendations:

- Reduce monitoring from quarterly to an annual schedule. **Please specify when the annual monitoring will occur.**
- Preparation of an iso-concentration map of soil and groundwater contamination
- Perform a pilot study at the site testing the efficacy of hydrogen peroxide injection and
- If the pilot study is positive, prepare a work plan to treat the identified "hot" spots at the site.

**Our office concurs with these recommendations. Please submit a report including the iso-concentration maps, a description of the pilot study and a schedule for performing this study to our office within 30 days or no later than May 31, 2000.**

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  
Wp2301E12

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. 12<sup>th</sup> St., 744 E. 12<sup>th</sup> St. and  
1200 20<sup>th</sup> 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. 12<sup>th</sup> St., it is assumed that this site will be considered for closure after completing four quarters of groundwater monitoring.
- For 1200 20<sup>th</sup> 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. 12<sup>th</sup> 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,



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 9-29-99  
(1) SILVEIRA  
(2) B-Chan  
(3) H. Dawson  
(4) R. Shapiro

R0387

ENVIRONMENTAL HEALTH SERVICES

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

September 28, 1999  
StID 71, 4868, 2957

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

**Re: Request for Technical Reports for 2301 E. 12<sup>th</sup> St., 1200 20<sup>th</sup> Ave. and 744 E. 12<sup>th</sup> St.,  
Oakland CA**

Dear Mr. Silveira:

Our office has been providing regulatory oversight for the three sites referenced above which you own. Tetrattech EM Inc. has been performing subsurface investigations at these sites and informing our office of their progress. We have also been provided verbal and draft results of soil and groundwater results for the sites. I believe that the investigations were completed in mid-August. Your reports should include an interpretation of results and recommendations for the next stage of investigation or actions leading to closure.

Please submit the investigation report for the above three sites to our office **within 30 days or no later than October 29, 1999.**

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. Hal Dawson, Tetra Tech EM Inc., 135 Main St., Suite 1800, San Francisco, CA 94105  
Mr. R. Shapiro, 1331 N. California Boulevard, Suite 320, Walnut Creek, CA 94596  
Reps-2301E12etal

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 387 / RO# 504

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 RO# 388  
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. 12<sup>th</sup> St., Oakland, 94601 and 744 E. 12<sup>th</sup> St. and 1200 20<sup>th</sup> 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. 12<sup>th</sup> St., Oakland 94601 (RO# 387) STID # 71**

- Hard copies of all previously non-submitted groundwater monitoring reports were promised for this site and 1200 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> Ave. were to be advanced. Soil and groundwater samples were to be collected for analysis. This work was 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. 12<sup>th</sup> St., Oakland 94606 (RO# 388) SPO 2957

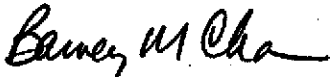
- This site is the least characterized of the three. No work has been reported since the underground tank removal. To characterize this site and complete the tank removal sampling requirement, three monitoring wells and two hydropunch borings were proposed. I recommended minor changes in boring locations 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



R0#387

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 # 71

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

**Re: Work Plan for Additional Site Assessment for 2301 E. 12<sup>th</sup> St., Oakland CA 94601**

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

The work plan proposes the following items:

- Concurrent with the next monitoring report (expected late October 1998), groundwater samples from the existing wells will be analyzed for the bio-remediation parameters; dissolved oxygen, oxidation-reduction potential, nitrates, sulfates and iron +2.
- After verifying the need, existing wells will have oxygen releasing compound (ORC) socks installed in them. Should the wells need ORC, I recommend that it be placed in all monitoring wells except MW-4 and MW-5. These wells can be used to monitor the effect of the addition of the ORC.
- Three hydropunches will be installed in the park area, northwest and down-gradient of the former underground tanks. A groundwater and a soil sample from above groundwater will be collected for analysis. These samples will be analyzed for Total Petroleum Hydrocarbons as diesel and as gasoline, BTEX, MTBE and chlorinated solvents by EPA Method 8010. Should MTBE be detected, it should be verified by EPA Method 8240 or 8260. These samples will be used to determine the down-gradient extent of contamination. An additional hydropunch sample will be collected on the east side of E. 12<sup>th</sup> St. to assess whether there may be an off-site source impacting this site. Two more hydropunches will be advanced inside the building, up-gradient to the former underground tanks to assess whether an up-gradient source of contamination.

The groundwater monitoring inclusive of monitoring for bio-parameters and the addition of ORC socks to specific wells will be performed in the last quarter of 1998 while the subsurface investigations will be performed in the first quarter of 1999.

Mr. J. W. Silveira  
2301 E. 12<sup>th</sup> St., Oakland CA  
StID # 71  
October 27, 1998  
Page 2.

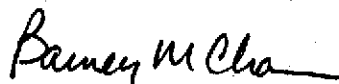
The reports for the groundwater sampling should be sent to our office **within the first quarter of 1999**. In addition, the entire monitoring report for the recent July 1998 sampling event **should be sent to our office as soon as possible**. We have received only a copy of the analytical results, not the entire report. In fact, our office has not received any hard copy monitoring reports for this site since 1996.

Mr. Alt has stated that the results of the prior pump test from the extraction well were not reliable, therefore, he was considering performing another test. Please clarify this situation to our office and also clarify if the enhanced bioremediation (addition of ORC) will be the recommended or supplemental corrective action.

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.

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

Wpap2301

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  
FAX (510) 337-9335

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# 387

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 overseen by our office.

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

- 744 E. 12<sup>th</sup> St., Oakland CA , the former Harley Davidson site, StID # 2957
- 1200 20<sup>th</sup> Ave., Oakland CA, the William Wurzbach property, StID # 4968 and
- 2301 E. 12<sup>th</sup> 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 20<sup>th</sup> Ave. Ave., Oakland 94606 StID # <sup>4868</sup>~~4968~~ (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. 12<sup>th</sup> St., Oakland 94606 StID #2957 (R0#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. 12<sup>th</sup> St., Oakland CA 94601, StID # 71 (R0#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.



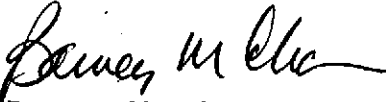
Mr. J. W. Silveira  
LOP Sites  
May 5, 1998  
Page 3.

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



R0#387

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

February 18, 1997  
StID # 71

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

Re: Former Mel Senna Auto Parts, 2301 E. 12th St., Oakland CA  
94601

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 July 16, 1996 and October 16, 1996 Quarterly Monitoring Reports plus the analytical data for the January 1997 monitoring event. You are reminded to perform monitoring at either a quarterly or otherwise specified schedule and to submit monitoring/update reports on a quarterly basis as required by Title 23 of the California Underground Storage Tank Regulations.

A review of the analytical data indicates significant gasoline, diesel and BTEX groundwater contamination around and downgradient to the former underground tanks. Additionally, chlorinated solvents exist near the former waste oil tank and downgradient to it. The levels of these solvents tend to be less than the Primary Remediation Goals (PRG), risk-based values accepted as cleanup standards. The exception to this is the compound vinyl chloride which has been detected in MW-6 since February 1995 at levels exceeding the PRG.

Although there are both petroleum and non-petroleum compounds released at the site, requirements for site investigation and remediation remain the same. Site characterization must be complete and a baseline risk assessment is necessary. Because of this, Mr. John Alt provided a map indicating the proposed location of seven (7) hydropunch borings. Four borings are proposed north of the site and three south. I recommended at least one additional sample upgradient to MW-1, perhaps within the median of E. 12th St. It is assumed that both soil and groundwater samples will be taken to further characterize this site.

Mr. J.W.Silveira  
StID # 71  
2301 E. 12th St.  
February 18, 1997  
Page 2.

**Please submit a formal work plan for this additional site assessment, as outlined in the February 1997 meeting, to our office within 30 days or by March 19, 1997.**

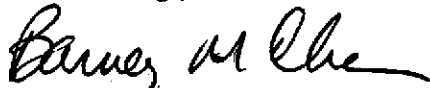
Based on the cumulative data from past monitoring events our office recommends the following changes to the current monitoring schedule:

1. You may discontinue groundwater sampling and analysis on the extraction well EW-1. This well may be used in the future for its intended purpose, however, no additional sampling is warranted at this time.
2. Based upon past chlorinated solvent results, it is appropriate to monitor the other wells (those other than EW-1) on a semi-annual basis for chlorinated solvents. These wells should, however, continue to be monitored for the existing petroleum contaminants on a quarterly basis.

Through conversation with Mr. Alt, I was informed that he performed a pump test using EW-1 while measuring the effects of pumping on the adjoining wells. Please submit a copy of these results along with the requested work plan.

I may be reached 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 wpm0n2#01

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#387

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.

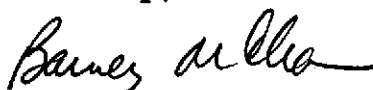
Mr. J. W. Silveria  
Referral of Sites  
January 31, 1996  
Page 2.

- (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

JWSENF

AS

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

June 26, 1995  
StID # 71

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

**Re: Comment on June 9, 1995 Proposed Remedial Action Plan for  
2301 E. 12th St., Oakland CA 94601**

Dear Mr. Silveira:

This letter comments on the above referenced work plan for 2301 E. 12th, Oakland which I received on Friday, June 23, 1995. Although this report is missing a time schedule for its implementation, with the provision that a written and approved time schedule is submitted along with the upcoming quarterly monitoring report, (QMR), our office will not recommend any enforcement on this site. The site will also be considered in compliance and eligible for application to the Clean-up Fund.

Since our office has been in discussion with Mr. John Alt of Epigene, we are familiar with the contents of the Remedial Action Plan (RAP) and it is acceptable. Work should proceed as soon as possible in accordance to an accepted time schedule.

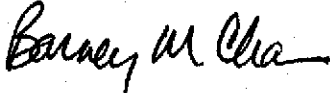
Please note the following additional comments/requirements:

1. The RAP mentioned that four additional wells would be installed, three monitoring and one extraction. Please provide a map depicting the monitoring well locations and a schedule for their installation.
2. As previously mentioned, a time schedule for the implementation of your RAP must be provided with your next QMR. A site update should also appear in your QMR.
3. It was noted in your RAP that not analytical data was included in your summary of groundwater results, specifically, not all the chlorinated organic data was reported. Please include tables of all previous groundwater results, cumulative groundwater gradient data and an explanation for any significant changes.
4. I have been informed that the pump test performed at this site had mixed results. Please provide a copy of these results. After the initiation of the groundwater extraction system please determine the actual area of influence experienced from the extraction wells.

Mr. J. W. Silveira  
StID # 71  
2301 E. 12th St.  
June 26, 1995  
Page 2.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
J. Alt, Epigene International, 38750 Paseo Padre Parkway,  
Suite B-4, Fremont, CA 94536  
R. Shapiro Esq., King, Shapiro, Mittelman & Buchman,  
Attorneys-At-Law 1331 North California Blvd.  
Sixth Fl., Walnut Creek, CA 94596  
J. Makishima, files

RAP2301



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

June 16, 1995  
StID # 71

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

**Re: Status of Subsurface Investigation at 2301 E. 12th St.,  
Oakland CA 94601**

Dear Mr. Silveira:

This letter serves to notify you of your delinquency in providing reports and performing appropriate work pursuant to your required investigation and remediation of the above referenced site. Because this site has previously had a Pre-enforcement hearing on August 31, 1993, the Regional Water Quality Control Board (RWQCB) and Alameda County District Attorney Office are being copied with this letter so they may be informed of this situation and can proceed with appropriate enforcement actions if necessary.

As you are aware, only part of the requested work of the Legal Request has been performed. At this time, our last correspondence regarding this site has been my June 8, 1994 letter to you which requested the determination of a viable remedial approach for this site ie a feasibility study.

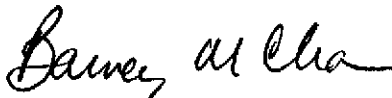
In the interim, our office has had several conversations with Mr. John Alt of Epigene, your consultant on record. Based on our conversations, he stated that he was recommending instituting a groundwater extraction system as a method of controlling the spread of contamination. The specifics of the extraction system including obtaining the appropriate permits, the location of the treatment system and the disposal of contaminated water were also discussed. Additionally, he stated that he had prepared this information in the form of a Remedial Action Plan (RAP). The elements of which were to include an examination of viable alternatives and the proposal for the implementation of the alternative of choice. When I spoke last with Mr. Alt, he stated that he had received authorization to submit the RAP and that I should expect it by June 12, 1995. To this date, our office has not received this document. Please provide your RAP to our office by **June 23, 1995**. Your RAP should also provide an acceptable time schedule for its implementation. Each subsequent monitoring report should describe the progress of the RAP.

Mr. J. W. Silveira  
StID # 71  
2301 E. 12th St.  
June 16, 1995  
Page 2.

Should our office not receive the requested document by this date I will request that this case be turned over to the aforementioned agencies for enforcement. In addition, any application for the State Clean-up Fund will be voided due to this non-compliance.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
J. Kaiser, RWQCB  
J. Alt, Epigene International, 38750 Paseo Padre Parkway,  
Suite B-4, Fremont, CA 94536  
R. Shapiro Esq., King, Shapiro, Mittelman & Buchman,  
Attorneys-At-Law, 1999 Harrison St., Suite  
1600, Oakland CA 94612  
M. Ling Tung, files

enf2301

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

June 8, 1994  
StID # 71

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. Silveira  
499 Embarcadero  
Oakland CA 94606

**Re: Comment on May 10, 1994 Progress Report for Investigation  
at 2301 E. 12th St., Oakland 94601**

Dear Mr. Silveira:

Our office has received and reviewed the above report as performed by your consultant, Mr. John Alt of Epigene International. This report details the installation of three additional monitoring wells, the installation of one extraction well and the advancement of two borings within the former gasoline and diesel tank pit. The motivation of this additional work was to: determine the limits of soil and groundwater contamination, to determine if the the tank pit still contained contaminated soil and to install an extraction well to treat contaminated water and possibly soil.

The results presented in this report indicate that the extent soil and groundwater contamination has not been defined. The tank pit areas still act as a source of gasoline, diesel and BTEX (benzene, toluene, ethylbenzene and xylenes) contamination. It appears that the soil contamination is considerably higher in the ten foot range ie near groundwater, therefore, it is possible that groundwater treatment may also serve to remediate the soil contamination. For this reason, it is important that the proposed pump test on the extraction well be performed as soon as possible. If this is a viable remedial method, groundwater extraction should be instituted as quickly as possible since the permitting process for your treatment system may take considerable additional time. It is not a viable method, other alternatives must be evaluated and proposed.

Our office looks forward to the progress of verifying an appropriate remedial alternative for this site. Please update your progress in your subsequent quarterly monitoring reports. Keep in mind that the concentrations of contaminants currently being found in the monitoring wells requires remediation to meet the minimum of cleanup thresholds.

Mr. J. W. Silveira  
StID # 71  
2301 E. 12th St.  
June 8, 1994  
Page 2.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
J. Alt, Epigene International, 38750 Paseo Padre Parkway, Suite  
B-4, Fremont, CA 94536  
R. Shapiro, King, Shapiro, Mittelman & Buchman, Attorneys At  
Law, 1999 Harrison St., Suite 1600, Oakland 94612  
E. Howell, files

3-2301E

**ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY**

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

April 28, 1994  
StID # 71

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

**Re: Request for Technical Reports for 2301 E. 12th St., Oakland,  
CA, 94601, Alejo Auto Parts.**

Dear Mr. Silveira:

Our office has received and reviewed the February 7, 1994 monitoring report prepared by Epigene International. The report gave the results of the December 1993 monitoring event. We also are aware of the recent additional monitoring wells and borings installed at this site in March of 1994. We agree that it would be best to incorporate all wells in your future monitoring event.

We have been given verbal results from this latest investigation and it appears that significant soil contamination remains within the former diesel/gasoline tank pit. Groundwater contamination was also detected at significant concentrations in both the on-site and off-site wells. Because of these results, you are required to perform a feasibility study which evaluates at least two remedial action alternatives. I understand that you are considering groundwater extraction as one alternative. Please provide a time schedule for the performance of your pump test. You should also provide an additional remedial alternative.

Please provide the following reports to our office within 30 days or by May 31, 1994 :

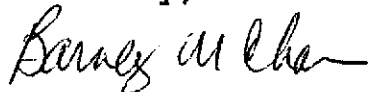
1. Your report detailing the installation of monitoring wells and borings;
2. Your March 1994 groundwater monitoring report for all wells;
3. Your Feasibility Study, providing the remedial alternatives being considered for this site. Please include a time schedule for performing the proposed pump test.

Again, you are reminded that this is a formal request for technical reports pursuant to the California Water Code Section 13267 (b). Failure to provide the requested reports will cause this case to be referred for enforcement.

Mr. J. W. Silveira  
StID # 71  
2301 E. 12th St.  
April 28, 1994  
Page 2.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiett, RWQCB  
R. Shapiro, King, Shapiro, Mittelman & Buchman, Attorneys At  
Law, Lake Merritt Plaza, Suite 1600, 1999  
Harrison St., Oakland CA 94612  
J. Alt, Epigene International, 38750 Paseo Padre Parkway,  
Suite B-4, Fremont, CA 94536  
J. Brinker, B&B Inc., 1281-30th St., Oakland CA 94608

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

November 8, 1993  
StID # 71

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. Silveira  
499 Embarcadero  
Oakland CA 94606

**Re: Evaluation of October 22, 1993 Work Plan for 2301 E. 12th St., Oakland CA 94601, former Mel Senna Auto**

Dear Mr. Silveira:

Our office has received and reviewed the above referenced work plan for 2301 E. 12th St. as provided by Mr. John Alt of Epigene International. Recall, this work plan calls for the installation of three monitoring wells, the installation of one extraction well and the advancement of two borings within the former diesel tank pit. A pump test will be performed on the extraction well to determine the effectiveness of a groundwater extraction system. These actions are acceptable with the following conditions:

1. Please consider relocating monitoring well MW-4 to the east approximately 10 feet and monitoring well MW-6 southeasterly approximately 20 feet. This way MW-4 will accomodate the wide fluctuation of gradient which has occurred at this site. In addition, MW-6 will be a true upgradient well. Note that monitoring well, MW-1 is so close to the former tank pit that it cannot be considered representative of upgradient contamination.
2. Please analyze monitoring wells MW-2 and MW-3 for semi-volatile and volatiles via Method 8270 and 8240. This is in addition to Total Petroleum Hydrocarbons as gasoline, as diesel, BTEX and Total Oil and Grease. Recall that these two parameters have yet to be run on the soil or groundwater samples associated with the former waste oil tanks. In addition, all parameters found in MW-2 and MW-3 should also be run in the proposed two off-site well water samples.
3. The work plan states that only groundwater samples will be run on the new monitoring wells, excluding the extraction well. Please screen the soil boring samples from the wells at every 5 foot interval with a field instrument, either a Hnu or OVA. You should analyze any soil sample with significant screening values for TPHg, TPHd and BTEX via a certified laboratory.

Mr. J. W. Silveira  
2301 E. 12th St.  
StID # 71  
November 8, 1993  
Page 2.

Please provide written comment on the above items prior to initiating work. You should also contact me 48 hours prior to performing this work.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: John Alt, Epigene International, 38750 Paseo Padre Parkway,  
Suite B-4, Fremont, CA 94536  
Robert Shapiro, c/o King, Shapiro, Mittelman & Buchman, 1999  
Harrison St., Suite 1600, Oakland CA 94612  
J. Brinker, Bernabe and Brinker Inc., 1281 30th St., Oakland  
CA 94608  
E. Howell, files

2wp2301E12



Alameda County Health Care Services Agency, Department of Environmental Health, Hazardous Materials Division

In Re The Property Known As :  
Former Mel Senna Brake Service  
2301 E. 12th St.  
Oakland, CA 94601

Notice of Official Action  
By the San Francisco Bay  
Regional Water Quality  
Control Board

Dear Sirs:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Layma Arreguin, do hereby certify

that I served J. W. Silveira  
with a copy of the attached Notice of Official Action by the  
Regional Board by certified mailer

# P 418 724 649

Dated: 10/1/93

Barney M Chan  
(signature)

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0387

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

August 23, 1993  
StID # 71

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

**Re: Comment on the July 15, 1993 Work Plan for the Installation  
of an Extraction Well and Additional Wells at 2301 E. 12th  
St., Oakland CA 94601**

Dear Mr. Silveria:

Our office has received and reviewed the above referenced work plan as provided by Mr. James Brinker of Bernabe and Brinker Inc. Our office has a number of comments and requirements which must be addressed prior to the implementation of the work plan. You may either reply in writing or provide your reply in the upcoming pre-enforcement hearing scheduled at our office on August 31, 1993 at 10:00 am. These are the items which should be addressed:

1. Please be advised that all work plans which require geologic or engineering evaluations and/or judgements must be signed by a California Registered Professional. The above referenced work plan was not signed by such a professional.
2. On 3/14/91, 10/15/92, 2/3/93 and 3/2/93 you were notified that our office had yet to receive a complete tank closure report. We have been informed that one has been prepared but are still not in receipt of the report requested over three years ago.
3. Contaminated soils were reused in the backfilling of the 6K diesel tank. How will the extent of this and other soil contamination be defined? The work plan does not address this issue.
4. Please explain the logic with the location of one of the offsite wells within the street and one on the other side of the street. If there is no advantage for a specific location, consideration should be given to the length of time expected for obtaining permission to excavate.
5. The extraction well will be located slightly south of the former waste oil tanks. Keep in mind that the radius of influence found using this extraction well may be influenced due to the former tank pit having been excavated to near groundwater.

Mr. J. W. Silveira  
StID # 71  
2301 E. 12th St.  
August 23, 1993  
Page 2.

6. Until the extent of soil contamination has been determined, all monitoring wells must be sampled and analyzed for the potential contaminants which have been found at the site.

7. You were asked, previously in my March 2, 1993 letter, to provide a timetable for the implementation of your tasks. Please provide such a timetable to be implemented upon receiving work plan approval from our office. All updates of the proposed tasks should be noted in your quarterly monitoring reports.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiett, RWQCB  
J. Alt, Epigene International, 38750 Paseo Padre Pkway.,  
Suite B-4, Fremont, CA 94536  
J. Brinker, B&B, 1281-30th St., Oakland CA 94608  
E. Howell, files

2-wp2301

Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division

In Re The Property Known As : ) Proof of Service of

2301 E. 12th St.  
Oakland, CA 94601

)  
)  
)

Notice of  
Pre-Enforcement  
Review Panel

I Shirley M. Simril, do hereby certify  
that I served Mr. J. W. Silveira  
with a copy of the attached Notice of Pre-Enforcement Review  
Panel on August 1, 1993 by certified  
mailer #P 418 724 559

Dated: August 2, 1993

Shirley M. Simril  
(signature)

**Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :       )       **Notice of  
Pre-Enforcement  
Review Panel**

Former Mel Senna Brake Service  
2301 E. 12th St., Oakland, CA 94601)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on August 31, 1993 at 10:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

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

Dated: July 28, 1993



(signature)

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

May 27, 1993  
StID # 71

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. Silveira  
499 Embarcadero  
Oakland CA, 94606

**Re: Status of Investigation at 2301 E. 12th St., Oakland CA,  
94601, formerly Mel Senna Brake Service**

Dear Mr. Silveira:

Our office has not received the information regarding the further investigation of the above site as was requested in my March 2, 1993 meeting with Mr. James Brinker and Mr. John Alt of Epigene. Recall, this meeting occurred after I issued a February 3, 1993, **Final Notice of Violation** to you.

Specifically, my March 2, 1993 letter requested that quarterly monitoring of the wells be instituted. Additional waste oil parameters were to be analyzed in monitoring well M-2, the well downgradient well to the former waste oil tanks. The last monitoring results received for this site were taken on 11-6-92, therefore an additional monitoring event should have occurred since then. In addition, Mr. Alt was going to remeasure the groundwater elevations of the wells, as he suspected they had been previously measured incorrectly. Our office has not received any additional groundwater monitoring data.

Point 2, in my March letter stated that by April 15, 1993, your consultant would submit a complete tank closure report and a work plan addendum for the determination of the lateral extent of soil contamination. Our office has not received these reports as yet.

Point 3 of my letter, stated that immediate free product removal should be implemented in MW-2. In Mr. John Alt's March 18, 1993 letter, he stated that during the March 2, 1993 purging of this well, 1/8 inch of floating product was observed and during the next weekly purge, a groundwater sample would be run for the waste oil parameters which I mentioned above. Thus there is evidence that a March 2, 1993 sampling event occurred which our office has yet to receive results for.

Because your consultant is considering instituting a groundwater treatment system, prior to this, you should perform an extraction test to verify the applicability of this technique. Assuming that conditions are favorable for this type of remediation, please provide a schematic map as to location of the piping, the

Mr. J. W. Silveira  
StID # 71  
2301 E. 12th St., Oakland 94601  
May 26, 1993  
Page 2.

location of the treatment system and the specification sheets for the actual equipment to be used. Please provide the status of all applications necessary for your treatment system, ie Air Board permit, effluent permit from either EBMUD or the Water Board and City of Oakland building permit for the construction of the system. If offsite access is required to capture the groundwater contaminant plume, you will need additional encroachment or excavation permits.

Because our office has not received the requested documents, our office will be contacting the District Attorney's Office and requesting an administrative hearing unless these documents are provided to our office **within 10 working days, or by June 11, 1993.**

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiatt, RWQCB  
J. Brinker, Bernabe and Brinker, 1281-30th St., Oakland 94608  
J. Alt, Epigene International, 38750 Paseo Padre Pkwy., Suite  
B-4, Fremont, CA 94536  
E. Howell, files

DA-2301

**ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY**

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0387

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

March 2, 1993  
StID # 71

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

**Re: Status of Subsurface Investigation at 2301 E. 12th St.,  
Oakland CA 94601 former Mel Senna Brake Service**

Dear Mr. Silveira:

This letter serves to summarize the meeting I had today with Mr. John Alt and Mr. James Brinker regarding the status of the investigation at the above site. I was given the results of the November 1992 groundwater sampling and a proposed work plan for initial groundwater remediation. Our office agrees conceptually with the stepwise approach to site investigation but I have the following comments and concerns which were discussed during this meeting:

1. Subsequent groundwater sampling should include the entire waste oil parameters: Total Petroleum Hydrocarbons as gasoline and as diesel, BTEX, chlorinated solvents, total oil and grease, the soluble metals: cadmium, chromium, lead, nickel and zinc and semi-volatiles per the Tri-Regional Board Guidelines. These parameters should be run minimally on the downgradient well to the former waste oil tanks.
2. By April 15, 1993 your consultant should submit a site history and complete tank closure report and a work plan addendum for the determination of the lateral extent of soil contamination.
3. Immediate free product removal should be implemented in monitoring well MW-2. The specific method should be detailed to our office within the next week.
4. Although not included in the November 1992 monitoring report, all future quarterly reports should include: a table of all previous analytical results, previous and current groundwater flow directions, a gradient contour map detailing groundwater elevation and gradient direction and a map showing iso-concentration lines for petroleum hydrocarbons in soil and groundwater.



Mr. J. W. Silveira  
StID# 71  
2301 E. 12th St.  
March 2, 1993  
Page 2.

5. The approach of a groundwater treatment system is acceptable. You will need to provide a schematic map detailing the exact location of the piping and treatment system and the specification sheets for the actual equipment proposed. Please provide an anticipated schedule for the application of the appropriate permits and give the status of obtaining the permits on all subsequent quarterly reports.

6. You should provide an accurate map indicating the location of all proposed additional wells. Again, you should provide a schedule for the application of off-site drilling permits and update the status in receiving drilling approval in all future reports.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiett, RWQCB  
J. Alt, Epigene International, 38750 Paseo Padre Pkwy., Suite  
B-4, Fremont, CA 94536  
J. Brinker, Bernabe and Brinker, 1281-30th St., Oakland 94608  
E. Howell, file

Mtg2301

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

February 3, 1993  
StID# 71

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

**FINAL NOTICE OF VIOLATION**

**Re: Request for Quarterly Monitoring Report and Work Plan  
Addendum for 2301 E. 12th St., Oakland CA formerly Mel  
Senna Brake Service**

Dear Mr. Silveira:

Thank you for the submission of the August 1992 monitoring well installation report prepared by Artesian Environmental Consultants. This report was received after my October 15, 1992 letter. Be advised that this report was only one of the items I requested in the October letter. Our office also requested a complete tank closure report, the initiation of quarterly monitoring of the three wells with the addition of a few parameters and a work plan addendum to determine the extent and remediate the soil and groundwater contamination. You were requested to supply this information to this office **within 45 days** of this letter or by December 1, 1992. To this date, our office has not received any of the requested items with the exception of the monitoring well installation report.

In the October 15, 1992 letter, you were also made aware of the potential civil liabilities for the failure to submit requested reports and the failure to properly investigate and remediate a underground tank site. Please provide the requested reports and work plan addendum to this office **within 30 days or by March 5, 1993**. Because of your previous failure to submit these documents, your case will be referred to the District Attorney Office in the event this request is not satisfied.

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

Sincerely,

Barney M. Chan, Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiatt, RWQCB  
J. Brinker, Bernabe and Brinker Inc., 1281-30th St., Oakland  
CA 94608  
E. Howell, files FNOV-2301

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0387

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

October 15, 1992  
STID # 71

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

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

Re: Request for Quarterly Monitoring Well Report and Site  
Update for 2301 E. 12th St., Oakland CA 94601 formerly  
Mel Senna Brake Service.

Dear Mr. Silveira:

Please be advised that the oversight of the remediation of the above sight has been transferred to the Local Oversight Program (LOP) section of the Alameda County Hazardous Materials Division. You have recently been notified of this through a "Notice of Requirement to Reimburse" letter sent to your attention from our office. The undersigned hazardous materials specialist is the assigned case worker.

You were first notified of the requirement for a subsurface investigation at this site in a letter from this office, dated March 14, 1991. As you may recall, considerable gasoline, diesel and waste oil contamination was found in soil samples taken after the removal of the four underground tanks at this site. A collection of material including hand drawn maps, receipts from the fire inspector, manifests for the tanks, analytical reports, copies of waste profiles and certificates of disposal were provided to our office from Mr. Ray Walker, the initial contractor who removed the tanks. Please be advised that this was not a proper tank closure report. Please submit a complete tank closure report which includes:

1. A general description of closure activities.
2. A description of any remedial activities performed at the time of the removals.
3. A to-scale figure showing the excavation size and depth, nearby buildings, sample locations and depths and piping locations.
4. A tabulation of the volume and final destination of all non-manifested contaminated soil hauled offsite .
5. Verification of the removal of all piping or the proper closure of any piping not removed.

It appears that overexcavation was not complete enough to remove all contaminated soils from the excavation areas. This should be addressed in an addendum to the initial workplan which called for the installation of three monitoring wells at this site.

Mr. J.W. Silveira  
Former Mel Senna Brake Service  
STID # 71  
October 15, 1992  
Page 2.

It was also noticed that Total Oil and Grease (TOG) and Method 8270 for semi-volatiles was not run on the soil samples taken from the waste oil pit. These parameters must be analyzed for, in addition to chlorinated solvents, Total Petroleum Hydrocarbons as gasoline and diesel (TPHg and TPHd) and selected heavy metals on all confirmation soil samples taken to show the extent of contamination around the former waste oil tanks. These parameters should also be run on the monitoring well(s) down-gradient to this area.

Our office is aware of the installation of three monitoring wells at this site, overseen by Mr. James Jacobs of Artesian Environmental Consultants. Please provide our office with a copy of the report detailing the installation of the wells and any subsequent quarterly monitoring reports. You are reminded to initiate quarterly groundwater sampling and elevations and to submit copies of these reports to our office and to that of the Regional Water Quality Control Board (RWQCB) to the attention of Mr. Rich Hiatt.

Please send your workplan addendum, a complete tank closure report and the report detailing the installation of monitoring wells to our office within 45 days of receipt of this letter.

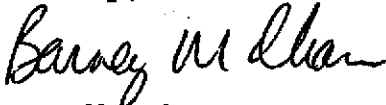
You should consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b). Be aware that failure to submit the requested documents may subject you to civil liabilities.

Our office has a Memorandum of Understanding (MOU) with the Department of Toxic Substances Control (DTSC). As such, we are empowered to enforce the regulations of the California Health and Safety Code (CH&SC), Division 20, Chapter 6.7. Section 25298 (c)4 of the CH&SC states that no person shall close an underground tank system unless the person demonstrates to the appropriate agency, which has jurisdiction over the site, that the site has been investigated to determine if there are any present, or were past, releases, and if so, that appropriate corrective or remedial actions have been taken. Section 25299 (5) allows for the civil penalty of not less than \$500 or more than \$5000 for each underground tank for each day which the operator or owner fails to properly close an underground tank as required by Section 25298. Thus failure to submit the requested documents may subject you to both civil liabilities as well as referral of the case to the District Attorney Office for enforcement.

Mr. J. W. Silveira  
Former Mel Senna Brake Service  
STID# 71  
October 15, 1992  
Page 3.

You may contact me at (510) 271-4350 should you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiett, RWQCB  
Mr. J. Jacobs, Artesian Environmental Consultants, 100  
Shoreline Highway, Suite 295 B, Mill Valley, CA 94941  
E. Howell, files

2301NOV

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0387

May 14, 1991

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 Removals at 2301 E. 12th St., Oakland CA 94601

Dear Mr. Silveira:

Alameda County Environmental Health, Hazardous Materials Division has received and reviewed the report on the removal of the underground tanks at the above referenced location. This report was issued by Mr. Ray Walker of Walker's Hydraulics. Upon review of this report it appears that several items are missing which were alluded to in the report. These items are: 1. It was stated that stockpiled soils were offhauled by Erickson Company to Gibson in Bakersfield. No weight tags or receipts for this soil were included in this report. 2. Clean fill was used to fill the pits. Please include receipts for the clean fill showing the amount used.

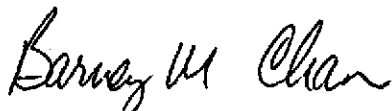
Our office would like to correct the statement offered by Mr. Walker which concludes his report saying, "As the owner has no intention of selling the properties, no further action is required at this time." Since this property has had a verifiable unauthorized release of petroleum hydrocarbon, as witnessed by analytical results from soil samples from both pits, a workplan which addresses the full extent of subsurface contamination is required. In fact, Mr. Walker filled out an Unauthorized Release (leak) form and submitted it to the County. Please note that a request for such a plan and the contents of a "typical" workplan were stated in a March 14, 1991 letter to you. In that letter you were requested to submit a workplan for our office's review and approval within thirty (30) days of receipt of that letter. Also note that all work and reports which require geologic or engineering evaluations and/or judgements must be performed under the direction of an appropriately registered or certified professional.

We assume that Mr. Walker's advice contributed to your non-submittal of a workplan. Please provide a workplan addressing the full extent of subsurface contamination within thirty (30) days of receipt of this letter. You should be aware that this is a formal request for technical reports pursuant to the California Water Code, Section 13267 (b) and any extensions of agreed upon deadlines must be confirmed in writing by either this Division or the RWQCB.

Mr. J. W. Silveira  
2301 E. 12th St., Oakland 94601  
May 14, 1991  
Page 2

Please contact me at 271-4320 should you have any questions regarding this letter.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Lester Feldman, RWQCB  
H. Hatayama, DOHS  
E. Howell, Chief, Hazardous Materials Division  
Ray Walker, Walker's Hydraulics, 250 Keats Circle, Pleasant Hill,  
CA 94523  
L. Charronat, P.O. Box 3960, Berkeley, CA 94703

2301e12

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0387

Certified Mail # P 062 127 976  
March 14, 1991

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

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

Subject: Unauthorized Release from Underground Tank Removals  
Senna Automotive  
2301 E. 12th. St.  
Oakland Ca 94601

Dear Mr. Silveira:

Alameda County Environmental Health, Hazardous Materials Division was initially informed of soil results from the removal of two underground tanks at the above referenced site by Mr. Ray Walker of Walker's Hydraulics on December 21, 1990. Considerable contamination was discovered at both ends of the 1000 gallon tank and at the east side of the 6000 gallon tank. Our agency also witnessed the underground tank removals of the other two waste oil tanks on February 11, 1991. At that time it was observed that there had been some release of the tanks' contents in the water which was vacuumed from this pit. Because of these results your site is considered to have experienced a confirmed unauthorized release of petroleum hydrocarbons which has impacted the subsurface soil and groundwater, the extent of which must be assessed and remediated.

In my January 8, 1991 letter I stated that it might be wise to wait for results from the second tank removals prior to submitting a work plan for this site so as to determine the extent of subsurface contamination. Although to this date, no analytical results have been transmitted to our office from this later tank removals, the observation of floating hydrocarbon material on the water from the excavation pit warrants a groundwater investigation. Therefore, you are requested to submit a work plan within thirty (30) days which addresses the full extent of subsurface contamination. Attached is a guidance document describing the contents of a "typical" workplan.

All proposals, reports and analytical results pertaining to this investigation and remediation must be sent to our office and the Regional Water Quality Control Board (RWQCB) to the attention of Mr. Lester Feldman. Their address is : 22101 Webster St. 4th Floor, Oakland, CA 94612. Please be aware that this is a formal request for technical reports pursuant to the California Water Code, Section 13267 (b). Any extensions of agreed upon time deadlines must be

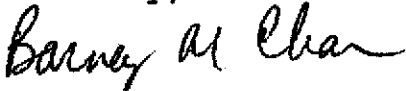


Mr. J. W. Silveira  
March 14, 1991  
Page 2.

confirmed in writing by either this Division or the RWQCB.

Please contact me at 271-4320 should you have any questions regarding this letter.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

enclosure: typical work plan

cc: Gil Jensen, Alameda County District Attorney , Consumer and  
Environmental Protection Division  
Lester Feldman, RWQCB  
H. Hatayama, DOHS  
Edgar Howell, Chief, Hazardous Material Division  
Ray Walker, Walker's Hydraulics, 250 Keats Circle, Pleasant Hill,  
CA 94523

2301-2E12

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0387

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

January 8, 1991

Mr. Ray Walker, Walker Hydraulics  
250 Keats Circle  
Pleasant Hill, CA 94523

Re: Underground Tank Removals at 2301 E. 12th St., Oakland

Dear Mr. Walker:

This letter recounts our conversation concerning the underground tank removals at 2301 E. 12th St., Oakland dba Mel Senna Brake Service. Alameda County Environmental Health, Hazardous Materials Division has received soil and groundwater sample results from the removal of two of the four underground tanks at the above referenced location. We have also received the unauthorized release form filled out by yourself. Two soil areas were identified as significantly impacted by Total Petroleum Hydrocarbons as gasoline and diesel. These areas were further excavated vertically and apparently have reached levels of contamination which are no longer considered hazardous. Because of the extent of contamination found at this site a workplan will be requested which minimally defines the vertical and lateral extent of the contamination and offers a plan to assess and remediate it. At this time it would be prudent to wait for the results of samples taken after the removal of the remaining two underground tanks. Any work plan at that time may be able to incorporate this area and the additional information from this location.

While the pits are open, it would be wise to take sidewall samples from both the 1000 and 6000 gallon tanks at the tank pit bottom to determine the lateral extent of contamination since it is desirable to know if contamination exists under the building or under the sidewalk. Any offsite contamination will complicate the work plan proposal. Additionally it was noticed that the confirming soil samples from both pit overexcavations was analyzed for Total Petroleum Hydrocarbons as gasoline only. Although, one expects a correlation to exist with TPH as gasoline and TPH as diesel concentrations after overexcavation, at least one confirming sample from each pit must be analyzed for both parameters to verify this correlation. To this end, additional sidewall samples should be taken from both pit floors at locations adjacent to the building and the sidewalk and at least one from each pit must be analyzed for both TPH as gasoline and TPH as diesel.

Mr. Ray Walker  
2301 E. 12th St.  
January 8, 1991  
Page 2.

You may contact the undersigned at 217-4320 should you have any questions regarding this letter.

Sincerely,

*Barney M Chan*

Barney M. Chan  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division

Lester Feldman, RWQCB

H. Hatayama, DOHS

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

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0387

November 16, 1990

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

Mr. J. W. Silviera  
499 Embarcadero  
Oakland Ca 94606

Re: Underground Tank Closure/Modification Fees for Underground  
Tanks at 2301 E. 12th Street, Oakland 94606

Dear Mr. Silviera:

Due to a misunderstanding with Mr. Charonnat as to the number of underground tanks at the above referenced site, I informed you incorrectly as to the County's fees for the oversight of the planned underground tank removals. We are in receipt of the check for \$558.00, the fee for the removal of two (2) tanks as was my understanding as to the number of tanks. The fee for the removal of four (4) tanks is \$933.00 therefore we request that you send a check for \$375.00, the difference between fees for (4) and (2) tank removals. Please reference the above address on this check. I apologize for any inconvenience this may have caused you.

Please contact the undersigned at 271-4320 should you have any questions.

Sincerely,

Barney M. Chan,  
Hazardous Materials Specialist

cc: Mr. Leal Charonnat, P.O. 3960, Berkeley, CA 94703  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0387 (2301 E.  
12th.)

November 8, 1990

*RESENT w/  
corrected address  
11/20/90*

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

Mr. J.W. Silveira  
499 Embarcadero  
Berkeley CA 94703  
*Oakland*

Re: Tank Closures at 1231-16th Avenue and 2301 E. 12th St  
Oakland CA 94606

Dear Mr. Silveira:

Alameda County Environmental Health Hazardous Materials Division has received the FAX memos sent to our office by your architect, Mr. Leal Charonnat, regarding the underground "pits" and tanks at the above mentioned properties doing business as Excelsweld and Mel Senna Brake Service. This letter serves to clarify our position on these cases. The pits at 1231-16th Avenue should be sampled according to Mr. Charonnat's letter, i.e. samples should be analyzed for Heavy Metals-17 CAM Metals total and soluble, Total Oil and Grease- Method 503 D&E, BTEX (Benzene, Toluene, Ethylbenzene and Xylenes) and Total Petroleum Hydrocarbons as gasoline and diesel. You should contact me as soon as possible to set up at sampling date and time agreeable for the sampler, myself and any other concerned parties.

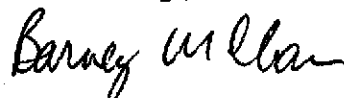
The underground tanks at 2301 E. 12th St., since they at one time contained gasoline, must be permitted or removed under the guidelines recommended by the Tri-Regional Water Boards and will require the completion of an Underground Tank Closure/Modification Plan along with the submission of a check for \$558.00, the County's fee for our oversight of the removal of two underground tanks. If the tanks' historical contents can be verified to have been only gasoline the required analyses would be Total Petroleum Hydrocarbons as gasoline, BTEX (Benzene, Toluene, Ethylbenzene and Xylenes) and TEL (Tetraethyl lead).

To avoid any civil penalties associated with the improper closure of an underground tank or containers which at any time held hazardous materials, you must respond in writing with your intentions within ten (10) days of receipt of this letter.

J.W. Silveria  
Page 2.

Please contact the undersigned at 271-4320 should you have any questions regarding this letter.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: Gil Jensen, District Attorney Office, Consumer and Environmental  
Protection Division.  
Edgar B. Howell, Chief Hazardous Materials Division  
Mr. Leal Charonnat, P.O. Box 3960 Berkeley, CA 94703

DB

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0387

October 26, 1990

J.W. Silveira  
499 Embarcadero  
Oakland, CA 94606

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

Re: 2301 E. 12th St., Oakland, 94606

**FINAL NOTICE OF VIOLATION**

Dear Mr. Silveira:

Our records indicate that there are underground tank(s) at your site at the above facility. You were notified of this situation months ago and have not taken the appropriate action as described below.


In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670, forms available from this office, or
2. Apply for a permit as required by Article 10, 2710. Permit applications Part A and B are available from this office.

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.

If you have any questions concerning this matter, please contact this office at 271-4320.

Sincerely,

  
Thomas F. Peacock, Senior HMS  
Hazardous Materials Division

TFP:tfp

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
Lester Feldman, RWQCB