

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R01120

November 11, 1996

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

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP) (5)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

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

Dear Mr. Silveira:

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

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

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

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

(R0504)

4. **1200 20th Ave., Oakland 94606, William Wurzbach Property, StID # 4968.** This site experienced a petroleum release from the two gasoline tanks removed from this site on January 19, 1994. Groundwater monitoring has been performed four times from February 1995 to February 1996. Epigene's February 29, 1996 monitoring report requested that our office consider this site for closure. At this time, our office requests that additional site characterization be performed south of the former tank area. Our office recommends the use of a rapid site assessment tool such as the Geoprobe, Hydropunch et al. to obtain soil and groundwater data to fully characterize the site. Groundwater monitoring should also be performed as soon as possible to verify consistency of existing groundwater data. Please also verify that the piping run to the former tanks has been properly closed and sampled. Your work plan for additional site assessment and a schedule for its implementation is due by 12/16/96. Based upon the results of the additional site assessment and groundwater monitoring results, our office will reconsider this site for closure as a "Low Risk Groundwater Case".

(R0387)

5. **2301 E 12th St., Oakland 94601, Former Mel Senna Auto, StID # 71.** This site was previously the focus of an August 31, 1993 Pre-enforcement Hearing. A request for technical reports letter was sent to you under the Water Board letterhead. Due to the significant fuel and solvent release, supplemental work plans have been submitted to further characterize and initiate remediation at this site. Our office reviewed and approved the June 9, 1995 Remedial Action Plan provided by your consultant, Epigene International. This work plan called for the installation of three additional wells (one upgradient and two downgradient) and the installation of a groundwater extraction system. To our knowledge, this work has yet to be performed nearly 17 months after County approval, even though the February 29, 1996, first quarter 1996 monitoring

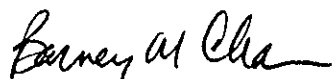
Mr. J. W. Silveria
Status of Sites
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Page 3.

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

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

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

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

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO# 1120
RAFAT A. SHAHID, DIRECTOR

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

March 26, 1996
StID # 3668

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

RE: Acker and Guerrero Roofing, 923 87th Ave., Oakland, 94621

Dear Mr. Silveria:

This letter confirms the receipt of the March 15, 1996 monitoring well destruction report for the three (3) wells located at the above referenced site. You have previously received your Remedial Action Completion Certificate for this site. This letter should be attached to the closure letter to verify the decommissioning of the wells installed for the site investigation.

Please contact Barney Chan at (510) 567-6765 if you have any questions regarding this matter.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: G. Coleman, Acting Chief, Hazardous Materials Division-files
Mr. J. Alt, Epigene International, 38750 Paseo Padre Parkway,
Suite A-11, Fremont, CA 94536

MWCL923

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#1120

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

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

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

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

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

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

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ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



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

September 3, 1993

Roll 20?

Acker & Guerrero Roof Comp.

923 84th Ave. Oakland

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

RE: **Legal Request for Submittal of a Technical Report Resulting from the Alameda County Department of Environmental Health's Enforcement Panel Meeting of August 31, 1993.**

Dear Sir:

It has been brought to my attention by Regional Board staff that a condition of soil and ground water pollution exists on your property from an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23, Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

A Pre-Enforcement Review Panel was held at the ACHD Offices on August 31, 1993, attended by Mr. Rich Hiatt, of my staff. Pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code, you are hereby required to submit a technical report to address soil and ground water pollution by September 30, 1993. This technical report should specifically address the following numbered items:

- 1) A complete tank closure report detailing the tank closure activities, a description of sampling methods, description of any remedial measures conducted at the time of the tank removals, to-scale drawings of the excavation and locations of the samples taken, chain of custody records, verification of the proper closure of all piping associated with the tanks, analytical results and a tabulation of the volume and final destination of all non-manifested contaminated soil hauled offsite. This report is due by **September 15, 1993** ;
- 2) A proposal which includes a timetable for the implementation of each task proposed in your July 15, 1993 work plan. It should also include a method to determine the extent of soil contamination including characterizing the contaminated soils reused to backfill the former diesel tank pit;

Pre-Enforcement Hearing
September 3, 1993
2301 E. 12th St.
StID # 71
Page 2 of 2

- 3) All quarterly reports are due within 45 days of the monitoring well sampling event. They should include an update of each of the proposed task and a describe the activities scheduled for the next quarter.

All proposed work should adhere to the requirements articulated in The Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites - 8/10/90 and Article 11 of Title 23, Waters, California Code of Regulations.

I am hereby transmitting this request for a technical report to ACHD for service and continued case handling. You should be aware that failure on your part to submit the requested technical report, or a submittal received after the date specified in this request may result in fines up to \$1,000 per day of delinquency. Your response to this technical report request should be sent to Mr. Barney Chan, at ACHD. Please inform Mr. Chan or in his absence an individual from the Local Oversight Program (LOP) at ACHD at least three working days in advance of all field activities.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the Alameda County Department of Environmental Health, Hazardous Materials Division.

If you have any questions regarding the contents of this letter, please contact Barney Chan, of ACHD, at (510) 271-4530.

Sincerely,

Steven R. Ritchie
Executive Officer

cc: Gil Jensen, Alameda County District Attorney's Office,
Consumer & Environmental Protection Division.
Barney Chan, Hazardous Materials Specialist, ACHD.
Robert Shapiro, 1999 Harrison St., Suite 1600, Oakland,
CA, 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



9/13/91

R01120

Mr. 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: Workplan for 923-87th Ave., Oakland CA 94603 dba
Acker and Guerrero Roof Co.

Dear Mr. Silveira:

Alameda County Environmental Health, Hazardous Materials Division has received and reviewed the workplan for the above referenced location as prepared for you by Mr. Ernie Bernabe of Bernabe and Brinker Inc.. In general, the workplan is acceptable and work may proceed as soon as the following items have been adressed:

1. I assume that there was a typographic error in stating that the slit width for the slotted PVC piping will be 2 inch. I assume this should have read 0.02 inch. Please confirm this in writing.
2. In regards to the health and safety plan, you are required to provide some type of air monitoring instrument eg Photovac Hnu, OVA or combustible gas meter.
3. Please provide the sampling methodology and the equipment to be used.
4. You are required to supply air respirators with appropriate organic cartridges. Please describe when these will be required.
5. Please verify that all workers at the site have received the appropriate training as required by 40CFR 1910.120.

Please be aware that you should also be copying Mr. Eddie So of the RWQCB with all workplans, reports etc.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

WP923-87th

cc: G. Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
E. Bernabe, Bernabe and Brinker Inc.
E. So, RWQCB

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Roll 20

Certified Mailer # P367 604 429

June 18, 1991

Mr. 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: Unauthorized Fuel Release from Underground Tank Removals at
923-87th Ave, Oakland 94621 dba Acker and Guerrero Roof

Dear Mr. Silveira:

Alameda County Environmental Health, Hazardous Materials Division has received and reviewed analytical data from soil and water samples taken subsequent to underground tank removals from the above referenced site. These results were given to our office by Mr. Ernie Bernabe of Bernabe and Brinker. WS-1 and WS-2 were water samples taken from the excavation pits of tank 1 and tank 2. Tank 1 was the one closest to 87th Avenue. Results of their analysis found 8.8 ppm (parts per million) high boiling hydrocarbons and 29 ppm low boiling hydrocarbons in water sample, WS-1 and 8.3 ppm high boiling hydrocarbons and 5.3 low boiling hydrocarbons in water sample, WS-2. In addition xylene was found in WS-1 at a level of 2300 ppb (parts per billion). This level exceeds the MCL (maximum contaminant limit) for primary drinking water standards established by the Department of Health Services and published in Title 22 of the California Code of Regulations.

The Tri-Regional Board Guidelines for the Preliminary Evaluation of Underground Tank Sites states that a Soil/ Groundwater investigation is required when detectable levels of any petroleum hydrocarbons are found in water samples from the pit. Because this was the case, you are requested to complete an Underground Storage Tank Unauthorized Release (Leak)/ Contamination Site Report (enclosed). You are also 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" work plan.

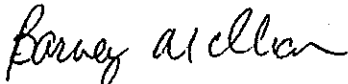
All proposals, reports and analytical results pertaining to this investigation and remediation must be sent to our office and the Regional Water Quality Control Board (RWQCB) to the attention of Mr. Lester Feldman. Their address is : 2101 Webster St., 4th Floor, Oakland, CA 94612. Please be aware that 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
June 18, 1991
923-87th Ave.
Page 2.

confirmed in writing by either this Division or the RWQCB.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosures: Underground Tank Unauthorized Release (Leak) Form and
Typical Workplan

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Lester Feldman, RWQCB
H. Hatayama, DOHS
E. Bernabe, Bernabe and Brinker, 1281-30th St., Oakland CA 94608

923-87th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

.DAVID J. KEARS, Agency Director



R01120

Certified Mailer: P 062 127 968

February 21, 1991

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

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

Re: 923 87th Ave., Oakland CA 94621

NOTICE OF VIOLATION

Dear Mr. Silveria:

An inspection was recently conducted of 923 87th Ave. by Barney Chan of our office. This location is doing business as Skyline Roofing and Oakland Ornamental Iron. It was determined from this inspection that an underground storage tank exists at this site which has not been registered with the state and our agency.

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. You must therefore either register and permit or remove the underground tank unless you provide evidence that proper closure has already occurred.

Enclosed please find the appropriate forms to either register or remove the underground tanks. Please contact this office within ten (10) days and notify us of you intentions to correct this violation.

You may contact me at 271-4320 should you have any questions.

Sincerely,

Barney M. Chan

Barney M. Chan,
Hazardous Materials Specialist

enclosures

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

DB