

Alameda County District Attorney Environmental Case Status Report

7/6/92

4:24:29 PM

responsible **EBMUD / East Bay Municipal Utilities District Water Treatment Division / Willow Park Golf Course**

case# 91FE092
status closed action other agency
assigned Thomson prior assigned Blazer
complainant Alco Hazmat
violations UST
open date 2/10/91 x closed closure date 7/6/92
last trans date 7/6/92 prior action date 12/16/91
docket #

TRANSACTION LOG

Tanks part of real property EBMUD owner get site assessment from these environmentally sensitive people
12/16/91 compliance achieved Britt to forward file for closure
5/92 New activity and resistance by golf course
6/26/92 New letter from atty for Golf Course. This should be on LOP and MT needs to get involved. To MT to talk to Seery and move on.
7/6/92 MT I closed this case per Seery, Ed Howell sent the whole thing to the RWQCB (see ltr) looks like he continues to run scared when anything looks like a confrontation. Please forward the file for closing

92 JUL -1 11:02:53

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

June 29, 1992

Mr. Lester Feldman
Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, 4th. Floor
Oakland, CA. 94612

Dear Lester:

As we agreed on Friday Alameda County Environmental Health Department, Hazardous Materials Division will discontinue the lead on the underground tank remediation at 17007 Redwood Road, Castro Valley. We appreciate your cooperation in this removal and subsequent actions taken to date.

By copy of this letter we are notifying Mr. R. S. Viviani that the Regional Water Quality Control Board is now the lead and all correspondence should be made to you or Richard Hiatt.

If we can be of any assistance to you please let us know.

Sincerely:

Edgar B. Howell III, Chief
Hazardous Materials Division

cc Rafat A. Shahid, Ass't Agency Dir.
Richard Hiatt RWQCB
Scott Seery, Sen. Haz. Mat. Spec.
Bernard F. Rose, esq
R. S. Viviani, Willow Park
files

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 1771

OAKLAND, CALIFORNIA 94612

TELEPHONE
(510) 836-3555TELECOPIER
(510) 834-4748ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
SUSAN M. TEEL
ROBERT W. DRANE
BERNARD F. ROSE, PH.D.
REBECCA T. DIXON
JULIE M. ROSE
WILLIAM J. TRINKLE

June 22, 1992

Mr. Richard Hiatt
Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, 4th Floor
Oakland, CA 94612

Re: UST Removal
Location: Willow Park Golf Course, 17007 Redwood Road
Castro Valley, California

Dear Mr. Hiatt:

I have been requested by my client, Willow Park Golf Course, to respond to Mr. Scott Seery's June 3, 1992, letter to you. Although I believe that my May 18, 1992, letter to Mr. Seery, which letter Mr. Seery included with his communication to you, accurately states Willow Park's position and the reasons therefore, a few additional comments seem to be warranted. The following is therefore offered for your consideration:

1. The tank closure report by KTW & Associates reported that only some of the tank wrap appeared to be deteriorated. Mr. Seery's own account of the tank pull states that the tank was in excellent shape and that the wrap at the fill end of the tank was "partially dissolved". Under the circumstances it is quite likely that this partial deterioration of the tank wrap was probably due to some fuel running down the side of tank as the result of inadvertent spillage and/or overflow. However, the critical point is that the very fact that the tank wrap was only partially affected substantiates Willow Park's assertion that any such spillage and/or overflow could not have been either frequent or in consequential quantities, otherwise one would expect much greater, if not complete, deterioration of the tank wrap which, is fundamentally "tar paper" and is highly susceptible to hydrocarbon solvent degradation. This, then, is additional evidence that any "release" that might have occurred was absolutely minimal and could not constitute any threat whatsoever to the watershed.

Note that any deterioration of tank wrap on fill end of tank indicates repeated overflowing of tank (i.e., unauthorized release). Suggesting that such a release is "minimal" and "could not constitute any threat whatsoever" is conjecture.

2. At the meeting with Lester Feldman, et al., it was agreed that only one groundwater monitoring well would be installed and that it would be installed in the presumed direction of ground water flow. It was understood and agreed by all parties that, under the circumstances, i.e., the observed condition of the disinterred UST and the excavation pit and the low level of hydrocarbons initially encountered, it would not be necessary to perform the full panoply of investigative work to determine actual direction of ground water flow, and so forth. Hageman-Aguiar, Inc. was retained to perform the well installation and testing. During telephone conversations with Mr. Seery, Mr. Aguiar was told by Mr. Seery to place the well "away from the tank area in order to avoid the bedrock". This was done and the well was initially sited approximately 100' from the former tank location. Mr. Gary Aguiar asked Mr. Seery to accompany him to the site to examine the local geography and geology and to discuss the well placement before work commenced. Mr. Seery said he would try but that he couldn't promise that he would be at the work site. The day before the well was installed, Mr. Aguiar called Mr. Seery's office and left a message again requesting Mr. Seery's presence at the job site. Mr. Seery did not appear even though his agency was sent a check in advance for \$432.00 to cover the cost of such project oversight.

If true, this statement was taken out of context. "Away from the tank area" could be as little as 20' away.

I was already scheduled for other work.

project oversight does not mean being present at the site

3. On May 16, 1991, Mr. Aguiar showed Rene Viviani, Jr. the proposed situs for the monitoring well which turned out to be in the middle of a fairway. Mr. Viviani told Mr. Aguiar that Mr. Feldman had agreed that the well should be optimally placed taking in to consideration both avoidance of bedrock and interference with the operation of the public golf course. Mr. Aguiar thereupon sited the well approximately 70' farther from the tank's prior location. It is extremely unlikely that the extra distance; i.e., 170' rather than 100' from the tank's former location, made any difference in the results and Mr. Seery had himself authorized the 100'-out placement.

What happened to the need for relevant data collection?

incorrect - Mr. Seery never indicated

Mr. Hiatt, no one argues what protocol could have been required at this site; the real issue is what rationally and realistically should be required and all the evidence points to the conclusion that what was done is all that needs to have been done.

100' was "OK". The work plan indicated the wells location at ~100' from the UST pit, but that was very "tentative" according to the consultant during our discussion prior to plan approval.

The simple fact of the matter is that absolutely every piece of evidence generated during the tank extraction and general site evaluation supports the conclusion that there is virtually no reasonable cause for concern that actionable hydrocarbon contamination exists at the Willow Park Golf Course. Everyone at the meeting at the RWQCB office recognized this, with the

Why then has WPGC not done the work appropriate to verifying that no impact has occurred?

exception of Mr. Seery. The abbreviated site assessment protocol presented in Hageman-Aguiar's proposal was thereupon devised more as an accommodation to Mr. Seery than any perceived real need for it. ~~The agreed-on protocol has now been met and this site is ready for immediate closure or, as already assented to by Willow Park, one more quarter of monitoring after which, if the results are again negative, closure at that time.~~

opinion, not fact

If you have any questions regarding Willow Park's position in this matter or if you would simply like to discuss the matter further before deciding on a course of action, please feel free to contact me at your convenience.

It is unfortunate that I must end on this note; however, I cannot ignore Mr. Seery's scurrilous ad hominem attack on me in his June 3, 1992, letter. I feel compelled to note here for the record that any such conduct in the future, be it written or oral, will not be overlooked and Mr. Seery, personally, and his employers, respondeat superior, will be held to answer for Mr. Seery's actions.

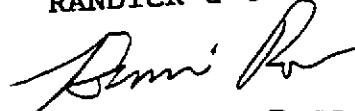
interesting comment

One only needs to read Mr. Rose's

5/18/92 letter to realize just who began battling this case on a personal level.

Very truly yours,

RANDICK & O'DEA


Bernard F. Rose

BFR:co'b

→ Incorrect. The protocol was not followed. As indicated in the 6/3/92 correspondence, EBHUD was to provide electric and gamma-ray well logs so that the consultant could best judge the depth to bedrock. These logs were provided to WP&C attached to EBHUD correspondence dated 2/22/91, a copy of which is in the case file. Whether Mr. Viviani provided this information to the consultant is unknown. Curious is the fact that neither the consultant's report nor any correspondence from WP&C or council has mentioned use of these logs as agreed to at the 2/20/91 meeting. No mention of any other means to determine depth to bedrock has been discussed. WP&C and council seem not to understand the reason for this well in the first place.



June 3, 1992

Mr. Richard Hiett
Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, 4th Floor
Oakland, CA 94612

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

RE: WILLOW PARK GOLF COURSE, 17007 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Hiett:

As a means to provide background to the discussions to follow, please find enclosed copies of the following documents:

- o January 21, 1991 correspondence from Mr. Rene S. Viviani, Superintendent of Willow Park Golf Course
- o January 24/25, 1991 internal ACDEH memo to Willow Park Golf Course file
- o February 22, 1991 correspondence from Mr. Bernard F. Rose, Esq., of Randick & O'Dea, the law firm representing Willow Park Golf Course
- o October 10, 1991 correspondence from Mr. Gary Aguiar of Hageman-Aguiar, Inc., the environmental consulting firm conducting the investigation at Willow Park Golf Course
- o May 18, 1991 correspondence from Mr. Bernard F. Rose, Esq., of Randick & O'Dea

On August 28, 1990, a single 1000 gallon underground storage tank (UST) was closed at the referenced site. The UST was located within an apparent cut slope along the eastern margin of the course's 18th hole fairway. The former UST site is within the watershed of San Leandro Creek and very approximately 2500 feet east of Lake Chabot. The property is owned by the East Bay Municipal Utilities District (EBMUD). However, the golf course facility is owned and operated by Mr. Rene Viviani.

The subject tank had been used for the storage of unleaded gasoline. Observations of the tank and its excavation following closure indicate a strong likelihood of historical overfilling of the tank, as evidenced by the dissolved tar coating at the fill end of the UST and stained material at the base of the excavation. Fuel vapors were also noted coming from the tank pit.

Mr. Richard Hiett
RE: Willow Park Golf Course, 17007 Redwood Rd.
June 3, 1992
Page 2 of 5

Soil samples were difficult to collect because of shallow fractured bedrock within approximately 6-10 inches below the tank. That sample collected from below the fill end of the UST (TX1-S2) was most difficult to collect, as a brass sampling tube could not be driven into native material. After some discussion between myself and the geologist collecting samples that day, Mr. David Glick of David C. Glick and Associates, we decided that all that could be done was to collect bedrock fragments and "soil" to the degree possible, much of which was forced into the sampling tube by hand.

Analyses of sample TX1-S2, collected from the fill end of the tank, identified the presence of detectable concentrations (35 ppm) of total petroleum hydrocarbons as gasoline (TPH-G), in spite of the manner in which the sample was collected. Minor concentrations of ethylbenzene and total xylenes were also found. Following the RWQCB requirement that further investigation be pursued whenever detectable concentrations of contaminants are discovered in highly permeable material (e.g., fractured bedrock), this agency requested the submittal of a preliminary site assessment (PSA) work plan from the owner of the facility in December 1990.

The request for a PSA work plan was met with staunch opposition by the facility owner (See: Jan. 21, 1991 correspondence). As a result, a meeting was held February 20, 1991 in the offices of the San Francisco Bay Regional Water Quality Control Board (RWQCB) to discuss the nature and extent of future environmental investigations at the referenced site. Present were representatives of Willow Park Golf Course (including council), East Bay Regional Park District, EBMUD, RWQCB and this author. The enclosed February 22, 1991 correspondence from Mr. Bernard F. Rose, council to Willow Park Golf Course, summarizes Mr. Rose's recollection of the agreements reached during the cited meeting.

A PSA work plan, dated April 12, 1991, was submitted by Hageman-Aguiar, Inc. (HAI). The noted work plan was approved by this office on April 25, 1991 with some conditions. Such approval was based on the technical merit of the submitted work plan, telephone conversations I shared with with Mr. Gary Aguiar of HAI regarding well placement strategies, and discussions at the February 20 meeting which, in part, also involved such well placement strategies.

According to a June 21, 1991 HAI report documenting the results of the PSA, one ground water monitoring well, designated MW-1, was installed on May 16, 1991. The well was developed May 20, and then purged and initially sampled on May 22, 1991. Ground water was initially reached at a depth of approximately 13-feet below grade (BG), stabilizing at approximately 8-feet BG. Soil and ground water samples were analyzed for gasoline compounds. All samples analyzed were found to be below laboratory detection limits, or "nondetectable" (ND).

Mr. Richard Hiett

RE: Willow Park Golf Course, 17007 Redwood Rd.

June 3, 1992

Page 3 of 5

Figure 3 of the cited report indicates that this well is located approximately 200-feet in a direction west-by-southwest from the subject UST. From my conversations with HAI's Mr. Aguiar, well MW-1 is not installed where originally planned. The well location was extended further west from the UST at the direction of Mr. Rene S. Viviani, Superintendent of Willow Park Golf Course. Such modification to the original work plan was without consultation with or approval from this office.

A subsequent HAI report issued September 26, 1991 presents the results of ground water sampling from MW-1 occurring August 21, 1991. Samples were analyzed for gasoline compounds, and again found to be ND. As a result of these findings, HAI informed this office in correspondence dated October 10, 1991 (enclosed) that well MW-1 would be destroyed in accordance with decisions made during the February 20, 1991 meeting.

Following review of the June 21 and September 26, 1991 HAI reports, I spoke at some length with Mr. Lester Feldman of the RWQCB. Mr. Feldman was present at the February 20, 1991 meeting during which a compromise was reached with regard to the scope of the requisite environmental investigation. I conveyed a concern that, because well MW-1 was installed approximately 200-feet from the UST site, relevant data could not be generated, particularly when the precise downgradient direction from the tank was unknown. Further, the eventual location of the well was not based upon a depth-to-bedrock projection, as agreed to during the February 20 meeting, but rather at the insistence of Rene S. Viviani that the well be placed in an area more convenient to course activities*. Mr. Feldman and I discussed means by which this case could eventually be closed, including the advancement of additional borings in very close proximity to the former UST pit and analysis of soil samples with ND results.

*Please note that during the February 20 meeting, Mr. Viviani expressed that he preferred the well not be advanced so close to the tank as to encounter bedrock before reaching ground water. He wanted to be sure that ground water was reached in the first boring advanced as to minimize costs for the project. It was agreed that effort would be expended in studying electric and gamma-ray logs generated by EBMUD during an irrigation feasibility study conducted by EBMUD for the golf course in July 1989, among other relevant data. As Mr. Rose states in his February 22 letter, the goal was to place the well "...where it's installation will be the least impeded by the bedrock formations underlying the area." However, what Mr. Rose fails to state is that the well must also be placed as proximal to the UST site as possible for relevant data to be generated. The purpose of a well is to determine whether there has been an impact to ground water - the further away from the UST the well is, the more questions could be raised regarding it's location and capacity to intercept contaminants originating from the tank site, particularly when ground water flow directions have never been determined absolutely.

Mr. Richard Hiett
RE: Willow Park Golf Course, 17007 Redwood Rd.
June 3, 1992
Page 4 of 5

A subsequent letter (enclosed) dated May 18, 1992 authored by Mr. Bernard F. Rose of the law firm Randick & O'Dea, council to Willow Park Golf Course, presents Mr. Rose's account of events surrounding the removal of the subject UST and subsequent investigation. Unfortunately, this letter includes a number of factual errors, illustrating Mr. Rose's apparent limited understanding of the events occurring at the time of UST closure, the type of release this site is suspected to have experienced, the technical requirements of a site investigation, and the merit and relevance of data generated as a result of work performed to date.

The cited letter also indicates that "...Willow Park is not prepared to do any more investigative work entailing further invasion of the site." The letter further states "...in the utmost spirit of cooperation and good faith, in spite of the fact that there is absolutely no valid justification for the effort," Willow Park is willing to sample the well for one or two more quarters. Willow Park shall choose to do this only if the well may be destroyed and the site closed should the results of the analyses be ND.

This office does not concur with Willow Park's proposal for the following reasons:

- 1) The UST site is located on the eastern-most margin of a segment of a narrow valley comprising this portion of the San Leandro Creek watershed, east of Lake Chabot and west of Redwood Road. San Leandro Creek cuts through Cretaceous marine deposits of the San Leandro Hills, forming this relatively steep-sided valley. Ground water flow directions are assumed to be towards the creek, approximately 500-600 feet away. However, in the region of the valley most proximal to the UST site, the present creek bed makes a large bend from its course to the northwest, to a course towards the north. The presence of subsurface preferential pathways is unknown.

Well MW-1 is located approximately 200-feet west-by-southwest of the former UST site. Given the hydrologic environment, it is difficult to substantiate whether the well is downgradient of the UST site.

- 2) Well MW-1 was to have been placed as close to the former UST site as possible, but not so close as to be impeded by bedrock during boring advancement. Depth to bedrock was to be determined through study of electric and gamma-ray logs from a previous boring elsewhere on-site. Subsurface bedrock projections below the valley floor, based upon the angle of repose of the hillside to the east of the UST site, could then be used to collaborate log data, and determine a suitable drilling site.

Mr. Richard Hiett

RE: Willow Park Golf Course, 17007 Redwood Rd.

June 3, 1992

Page 5 of 5

The eventual well location was directed by Mr. Viviani based not where it would produce relevant data, but rather where it would least impact course activities. Based on the initial depth to ground water of 13-feet BG, it appears unlikely that bedrock would have been encountered if MW-1 had been installed closer to the UST site.

- 3) Hence, well MW-1 is too remote to and in a location not proven to be downgradient of the former UST site. It is unlikely that well MW-1 will allow the collection of relevant and reliable data for the purpose of establishing whether or not a release from the subject UST has impacted ground water beneath the site. As a result of these facts, no purpose would be served by continued sampling of this well.

By way of this letter, this office is referring this case to the RWQCB for review and consideration of Willow Park's proposal. Please advise this office accordingly. I may be contacted at 510/271-4320.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

enclosures

cc: w/o enclosures

Rafat A. Shahid, Assistant Agency Director, Environmental Health
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DTSC
Bob Bohman, Castro Valley Fire Department
Steve Abhors, EBMUD
Jerry Kent, EBRPD
Bernard F. Rose, Randick & O'Dea
files

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 1771
OAKLAND, CALIFORNIA 94612

ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
SUSAN M. TEEL
ROBERT W. DRANE
BERNARD F. ROSE, PH.D.
REBECCA T. DIXON
JULIE M. ROSE
WILLIAM J. TRINKLE

TELEPHONE
(510) 836-3555

TELECOPIER
(510) 834-4748

May 18, 1992

Mr. Scott O. Seery
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621

92 MAY 19 10:11:25

Re: Willow Park Golf Course,
17007 Redwood Road, Castro Valley

Dear Mr. Seery:

I have been asked by my client, the Willow Park Golf Course, to inquire into why you have been so adamantly reluctant to recommend closure for this site subsequent to the August 28, 1990 removal of a 1000 gallon underground fuel storage tank from the premises. I can find no valid reasons; my analysis follows:

When the tank was removed you were on site and observed that the tank, the product lines, the riser assembly, in short, the entire UST system appeared sound and properly installed. The consultant at the site stated in his report that gasoline odor in the excavation was "very slight" and the overburden was not discolored. You agreed as to odor, having written in your report that "a slight odor of gasoline" was evident in the excavation but you differed as to the appearance of the overburden, calling it "discolored". In any event, the overburden was removed and hauled away - as Non-Hazardous Special Waste - which moots this point. *incorrect - I commented that material below the UST was discolored;*

Although some difficulty was encountered taking soil samples because of the high shale content of the native soils, the sampling procedure was clearly within acceptable protocol under the circumstances. Again, you must have agreed at the time since you witnessed the entire procedure as it was carried out and made no comment. Sample test results revealed a low level of contamination at the fill end of the tank; i.e., 35 ppm, and ND, Not Detected, at the opposite end. Benzene and toluene were ND in both samples. *I never inspected the overburden*

It is a virtual certain that the very low level of contamination that was detected was caused by historic spillage

*Treatment
Field report
discuss
difficulty in
sampling as
discuss
to file in 10/1
1/24-25/91
discuss this
point.*

Mr. Scott O. Seery
May 18, 1992
Page 2

and overflow. While it is not impossible, generally speaking, for such to result in substantial contamination, it is normally the case only in high throughput operations; namely, the service station-type venue where the tanks have been filled anywhere from 3 to 7 times a week for decades. The system in question was never filled more than once a month and actually much less in the earlier days of operation. At its peak, the system delivered no more than 7,000 gallons of fuel annually. Clearly this is not an UST system that one would expect to be susceptible to major contamination from accumulated minor spillages and overfills. On the other hand, if a major spill or overflow had occurred, one would expect to see some surface evidence; i.e., discoloration, etc. of the asphalt over the tank. No such sign of a major problem was observed.

Surface of asphalt
is not the issue
i.e. the issue
is more available
to glass etc.
to see the
contaminant

This should have ended the inquiry at this site. You, however, decided to turn the matter into a cause celebre and issued a demand for a full site investigation. Willow Park quite naturally opposed your position and, on February 20, 1991, a meeting was held with Lester Feldman of the Bay Area RWQCB to address the matter. At that meeting you, on behalf of Alameda County, and I, on behalf of Willow Park, presented our arguments; I for no further work, you for a full investigation. Mr. Feldman, who apparently was more in accord with Willow Park's stance in the matter, nevertheless stated that he "needed something to hang his hat on" if he was to recommend closure. On further discussion, it was agreed that one (1), and only one, ground water monitoring well would be installed in the suspected down-gradient direction, tested for two quarters and then, if the tests afforded no indication of contamination, the site would be closed. I memorialized this agreement in a letter, a copy of which you have. It was also agreed between Mr. Feldman and Willow Park, that the well could be installed where it would be as unobtrusive as possible to the regular operation of the golf course.

The meeting
A meeting was
held on 2/20/91
with Lester
Feldman of
RWQCB to
discuss the
matter.
I presented
arguments
for no further
work and
you presented
arguments
for a full
investigation.
Mr. Feldman
was more
in accord
with Willow
Park's
stance.

Based on the above, Willow Park engaged Hageman-Aguiar, Inc. to install the well and sample it. On May 16, 1991, the well was installed. You were apprised of the time and invited to be present at the installation on several occasions prior to the commencement of the work. You declined.

I declined
because my
agenda was
not aligned
with the
agenda of
the County
and I was
not
available.

The initial site for the well would have placed it directly in the middle of a fairway. It was thus decided to move it out; i.e., further away from the previous tank location, to the other side of the fairway. It was not possible to come closer to the tank because of the subsurface lithology. The well was re-positioning by Hageman-Aguiar with full technical consideration of the impact of the relocation and was so sited as to still, in

This was
never determined
in any work
or calculation
brought to my
attention.

Mr. Scott O. Seery
May 18, 1992
Page 3

the professional opinion of Hageman-Aguiar, afford all the information being sought.

The well was drilled, during which operation soil samples were taken, the well was developed and then tested. No contamination of any sort was discovered in the soil borings or the ground water. In September, 1991, the ground water was re-tested and, again, came out pristine.

You were supplied with a copy of all reports and, on October 10, 1991, a letter from Hageman-Aguiar indicating that the second testing of the well was ND for all constituents and that, therefore, under the terms of the agreement struck on February 20th, no further testing was to be done and the well would be closed. You, however, reneged on the agreement, stating that it was your opinion that the data produced was "useless" and then proceeded to demand, once again, a full site investigation.

*No directive
ever issued -
only discussions
w/consultant
and RWQCB*

Based on the preceding analysis, at this time, Willow Park is not prepared to do any more investigative work entailing further invasion of the site. Based on the agreement between Willow Park and the RWQCB, which agreement is memorialized in my above-mentioned letter, it is Willow Park's position that closure of the site is now reasonable and proper. However, in the utmost spirit of cooperation and good faith, despite the fact that there is absolutely no valid justification for the effort, Willow Park is willing to do the following:

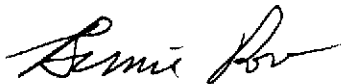
Test the existing well for one or, possibly, at the extreme, two more quarters. If no indication of contamination is discovered in those tests, then it must be agreed, without reservation, that the well can be destroyed and the site closed.

Please let me know at your convenience whether or not your department is amenable to this disposition of the matter; on receipt of your response, I will advise Willow Park accordingly.

Your prompt attention to this matter is appreciated.

Very truly yours,

RANDICK & O'DEA



Bernard F. Rose

BFR:dcw

HAGEMAN-AGUIAR, INC.

*Underground Contamination Investigations
Groundwater Consultants, Environmental Engineering*

3732 Mt. Diablo Blvd. Suite 372
Lafayette, California 94549
(510) 284-1661
FAX (510) 284-1664

91 OCT 15 11:32

October 10, 1991

**Scott Seery
Alameda County Health Agency
Department of Environmental Health
80 Swan Way
Room 200
Oakland, CA 94621**

**RE: Monitoring Well Destruction, Willow Park Golf Course,
17007 Redwood Road, Castro Valley, CA.**

Dear Mr. Seery:

Please find enclosed a copy of the most recent quarterly report for the above-referenced site, dated September 26, 1991.

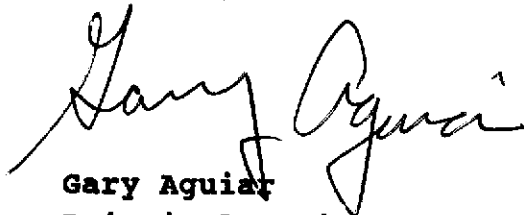
This round of sampling is a follow-up to the initial groundwater sampling conducted on May 20, 1991. The results of the two shallow groundwater sampling events clearly indicate that no detectable concentrations of any petroleum hydrocarbons are present in the shallow groundwater beneath the site. In accordance with the agreed-upon plan, as outlined in the attached quarterly report, no further work is required and the monitoring well MW-1 will be destroyed in the prescribed manner.

The well destruction will commence after thirty (30) days from the date of this letter. The well destruction procedure will be carried out in accordance with Zone-7, Alameda County Flood Control and Water Conservation District guidelines.

The planned procedure is to remove the well box, cut off the PVC well casing at the depth of the bottom of the well box, then pressure-grout the entire length of the well with neat cement. The procedure has received preliminary approval per telephone conversation with Craig Mayfield of Zone-7 on October 10, 1991. Issuance of a well destruction permit by Zone-7 will constitute final approval.

If you have any questions, please call me at (415)284-1661.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Aguiar". The signature is written in black ink and is positioned above the printed name and title.

Gary Aguiar
Principal Engineer

cc: Lester Feldman, RWQCB
Rene Viviani, Willow Park Golf Course

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

April 25, 1991

Mr. Gary Aguiar
Hageman-Aguiar, Inc.
3732 Mt. Diablo Boulevard, Ste. 372
Lafayette, CA 94549

RE: WILLOW PARK GOLF COURSE, 17007 REDWOOD ROAD, CASTRO VALLEY;
PRELIMINARY SITE ASSESSMENT PROPOSAL

Dear Mr. Aguiar:

Thank you for your recent submittal of the April 12, 1991 Hageman-Aguiar, Inc. work plan proposal entitled, Proposal for Subsurface Investigation, Willow Park Golf Course, 17007 Redwood Road, Castro Valley, CA, and the project oversight deposit totalling \$432.00.

The noted work plan, outlining proposed actions to assess the extent of potential subsurface contamination in the area perceived as downgradient of the former site of an underground storage tank, has been approved for implementation with the following conditions:

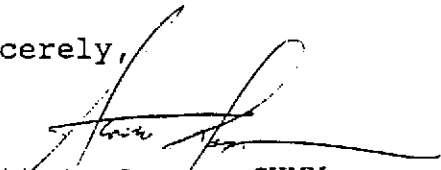
- 1) Please be certain that a minimum period of 24 hours passes between well development and sampling to allow time for the well to properly stabilize and to reduce the potential loss of volatiles compounds. Allowing a period of 72 hours to pass is preferable;
- 2) A sampling quality assurance/quality control (QA/QC) plan must be in effect. Please reference Appendix D (pgs. A30-A35) of the State Water Resources Control Board LUFT Field Manual, as revised October 1989, for the required elements. It is recommended that the QA/QC sampling protocol include such elements as duplicate samples, and trip and equipment blanks. The analyses results of QA/QC samples are to appear on the laboratory report sheets;
- 3) The completed well must be surveyed to an established benchmark to the accuracy of 0.01 foot, relative to MSL. All subsequent water level measurements are to be referenced to MSL;
- 4) Please be certain that the Site Safety Plan adheres to guidelines specified under Part 1910.120(i)(2) of 29CFR.

Mr. Gary Aguiar
RE: Willow Park Golf Course, 17007 Redwood Road
April 25, 1991
Page 2 of 2

This Department will expect to receive a report documenting the results of the initial field and sampling activities within 45 days of the completion of these activities. This report is to present, among other elements, a summary of field activities, the results of all laboratory analyses (including copies of the original lab reports and chain-of-custody forms), well boring logs, etc. Recommendations for additional work are to be included.

Please call me at 415/271-4320 when you have scheduled your drilling date or if you should have any questions.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Jerry Kent, EBRPD
Steve Abhors, EDMUD
Bernard F. Rose, Randick & O'Dea
Rene Viviani
files

REF./
A/C NO. MED

COUNTY OF ALAMEDA
OFFICE OF THE AUDITOR-CONTROLLER

DATE: 4 16 1971

MISCELLANEOUS RECEIPT

№ 592398 SS

\$ 432.00
DOLLARS

RECEIVED FROM: HAGEMAN-SHANK, INC. STE. 210 SAN RAMON, CA 94583
2723 CROW CANYON RD.

FOR: WILLOW PARK GOLF COURSE
17007 REDWOOD RD. CASTRO VALLEY 94646

RECEIVED BY: [Signature] DEPT. NO.: 430-453

CASH PERSONAL/CASHIER'S CHECK/M. O. # 2829 OTHER: _____

110-1 (Rev 10/85) [0134E (08)] 3-Part Distribution: White - Payor Yellow & Pink - Depart.

February 22, 1991

91 FEB 26 AM 10:41

Mr. Rene Viviani, Manager
Willow Park Golf Course
17007 Redwood Road
Castro Valley, CA 94546

Dear Mr. Viviani:

Re: Well Engineering Surveys Performed at Willow Creek Golf Course
17007 Redwood Road, Castro Valley

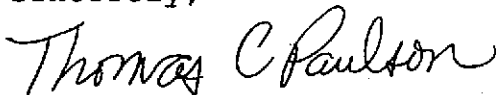
In a February 20, 1991 meeting attended by personnel from various public agencies, Randick & O'Dea, and Willow Park Golf Course, you requested information from East Bay Municipal Utility District (EBMUD). The meeting was called so that those in attendance could discuss the Alameda County Health Care Services Agency request for a Preliminary Site Assessment (PSA) at Willow Creek Golf Course as a result of removal of the 1,000 gallon underground diesel tank.

District well engineering surveys performed during EBMUD irrigation feasibility studies for the Willow Creek Golf Course in July, 1989 included an Electric Log and a Gamma-ray Log. These logs are enclosed for your information. Presumably, the logs are taken from the well described in Water Well Drillers Report No. 181392, a copy of which I received from you during the meeting.

I have reviewed the EBMUD files for the irrigation feasibility study and can find no other hydrogeological data relevant to the Willow Park Golf Course site that you do not already have. I hope the logs will be of use in completing your PSA.

If you have any questions please contact me at (415) 465-3700, extension 121.

Sincerely,



THOMAS C. PAULSON
Wastewater Control Representative
Source Control Division

TCP:tcp

Enclosures

cc: Scott Seery, Alameda County Health Care Services Agency
Lester Feldman, Regional Water Quality Control Board

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 1771
OAKLAND, CALIFORNIA 94612

ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
SUSAN M. TEEL
ROBERT W. DRANE
BERNARD F. ROSE, Ph.D.
REBECCA T. DIXON
JULIE M. ROSE
WILLIAM J. TRINKLE

TELEPHONE
(415) 836-3555

TELECOPIER
(415) 834-4748

91 FEB 25 AM 11:26
February 22, 1991

Mr. Scott Seery
ALAMEDA COUNTY HEALTH AGENCY
Division of Hazardous Materials
Department of Environmental
Health
80 Swan Way, Rm. 200
Oakland, CA 94621

Mr. Steven Abbors
EAST BAY MUNICIPALITY UTILITY
DISTRICT
P.O. Box 24055
Oakland, CA 94623

Mr. Ted Krebs
EAST BAY REGIONAL PARKS
DISTRICT
11500 Skyline Boulevard
Oakland, CA 94619

Mr. Lester Feldman
REGIONAL WATER QUALITY CONTROL
BOARD
San Francisco Bay Region
1800 Harrison, Ste. 700
Oakland, CA 94612

Mr. Joe Damas
EAST BAY MUNICIPALITY UTILITY
DISTRICT
P.O. Box 24055
Oakland, CA 94623

Mr. Thomas Paulson
EAST BAY MUNICIPALITY UTILITY
DISTRICT
P.O. Box 24055
Oakland, CA 94623

Re: Site Investigation Plan For Willow Park Golf
Course
Location: 17007 Redwood Road, Castro Valley, California

Gentlemen:

On behalf of my clients, Willow Park Golf Course, Rene Viviani Sr. and Rene Viviani, Jr., I thank you for your attendance at the February 20, 1991, meeting at the offices of Mr. Feldman where we discussed the future site assessment requirements at the golf course in light of discovery of low level petroleum hydrocarbon contamination subsequent to the removal of an underground storage tank. I believe that the rapid evolvement of a reasonable site investigation plan at the meeting was possible only because of the understanding and commitment of all concerned.

February 22, 1991

Page 2

In order to be absolutely sure that we all are in agreement as to what is to be done, I offer the following synopsis of what we agreed on for your consideration and comment:

Willow Park's management will engage the services of an environmental consulting firm which will determine the optimal location for the installation of a one (1) groundwater monitoring well in the assumed (although quite accurately, I believe) down gradient direction from the removed underground storage tank. The well will be sited where it's installation will be the least impeded by the bedrock formations that underlay the area. The well will be drilled to whatever depth is necessary to reach ground water or to a maximum of fifty (50) feet if no ground water is encountered. Soil samples will be taken every five (5) feet, if possible. If ground water is not encountered and the soil samples are either totally devoid of petroleum hydrocarbons or contain such low levels as to make migration to ground water implausible, it will be assumed that, due to the low level of source contamination initially discovered and the fact that the alleged source has been removed, ground water contamination is extremely unlikely and no further work will be required at the site by Alameda County or the Board.

If ground water is encountered within fifty (50) feet of ground surface, the well will be developed and sampled. Regardless of the result of the initial analysis, the well will be retested in ninety (90) days.

The well siting and testing protocol will be submitted to Alameda County and the Board for approval before work commences. It was agreed that there was no need for a formal target date for the submission of the work plan, but the Vivianis offered their projection that it should not take more than ninety (90) days from the date of the meeting.

If the results of the two ground water analyses reveal no actionable levels of petroleum hydrocarbon and no potential source of later contamination is suggested by the soil samples taken during the well installation, no further work will be required and the well will be destroyed in the prescribed manner.

If actionable hydrocarbon contamination is found in the ground water or petroleum hydrocarbons are found in the soil above ground water level at concentrations suggesting possible later ground water involvement, the Vivianis will meet and confer with the county and the Board to evaluate the results of the study and determine how best to proceed.

February 22, 1991
Page 3

If any of the above does not comport with your understanding of the outcome of the meeting, please contact me at your earliest convenience with your thoughts and comments so that we might embark on this project with a crystal clear and uniform perception of what is to be done.

The patience, courtesy and cooperation of each of you is greatly appreciated.

Yours truly,

RANDICK & O'DEA

Bernard F. Rose by P.A.

Bernard F. Rose
by P.A. Karella, Secretary

BFR/pak
Dictated but not read.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 062 127 961

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

February 14, 1991

Mr. Rene Viviani
Willow Park Golf Course
17007 Redwood Road
Castro Valley, CA 94546

RE: REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) MEETING

Dear Mr. Viviani:

Your attendance is requested at a meeting between representatives of the East Bay Municipal Utilities District (EBMUD), East Bay Regional Park District (EBRPD), RWQCB, and this Department to discuss the issues surrounding the continued environmental investigation associated with the former underground storage tank at your site. This meeting is scheduled for 1:00 PM on Wednesday, February 20, at the RWQCB offices, 1800 Harrison Street, Room 700, Oakland, adjacent to Lake Merritt. The meeting is scheduled to convene promptly.

Please be advised that all other expected participants at this meeting are being advised of the meeting date by way of copy of this letter.

Please call me at 415/271-4320 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott O. Seery', written over a horizontal line.

Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Jerry Kent, EBRPD
Steve Abbors, EBMUD
Rene S. Viviani, Willow Park Golf Course
files

91 FEB 13 AM 10:59

February 11, 1991

Mr. Scott Seery
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, CA 94621

Re: Willow Park Golf Course, 17007 Redwood Road, Castro Valley

Dear Mr. Seery:

Thank you for your letter of January 30 to Mr. Karl Stinson. Until the receipt of your letter and attachments, the District was unaware of the tank removal at the Willow Park Golf Course and your agency's laboratory results.

Willow Park Golf Course leases the property from the East Bay Regional Park District (EBRPD), which in turn has a master lease agreement with the District, the property owner. It is the District's understanding that Willow Park Golf Course was the owner and operator of the removed underground gasoline storage tank.

District representatives are willing to meet with you to discuss this matter; however, the District does question its responsibility to conduct a Preliminary Site Assessment (PSA) since we were not the owner or operator of the tank in question.

Per the master lease agreement, the District is in the process of formally notifying EBRPD of its obligation to oversee that its tenant (Willow Park Golf Course) abide by the health, water pollution and water contamination laws of the State of California, and the permits, rules, regulations, and ordinances of the State Department of Public Health, of the State and Local Water Pollution Control Boards, and of all other public agencies having jurisdiction relative to the sanitary condition of Lake Chabot Reservoir and its tributaries within the leased premises.

Mr. Scott Seery
February 11, 1991
Page 2

It is the District's hope that this matter can be resolved to the mutual satisfaction of all concerned. The District contact person is Steve Abbors, Superintendent of Watershed, who can be reached at 287-0459.

Sincerely,



GREGORY L. FORD
Manager of Administration

GLF:SEA:cd

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 062 127 957

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

January 30, 1991

Mr. Karl Stinson
Water Treatment Division
EBMUD
P.O. Box 24055
Oakland, CA 94623

RE: WILLOW PARK GOLF COURSE; 17007 REDWOOD ROAD, CASTRO VALLEY,
ALAMEDA COUNTY

Dear Mr. Stinson:

On August 28, 1990, one 1000 gallon underground storage tank (UST) was removed from the referenced site. Observations made in the field at the time of closure, as well as the results of laboratory analyses, confirmed that a release of product had occurred, likely as a result of historic overfilling.

A letter dated December 26, 1990 was sent from this Department to the operator of the referenced facility, Mr. Rene Viviani, identifying the need to perform a Preliminary Site Assessment (PSA) in order to identify the extent such a confirmed release may have had upon soils and ground water at this site. Mr. Viviani was directed to have a qualified and registered environmental consultant submit a PSA proposal for review by January 24, 1991. Instead of a PSA proposal, Mr. Viviani's son, Rene S. Viviani, authored a letter dated January 21, 1991 identifying several "facts" which he felt should negate the need to conduct the requisite site assessment. He closes the letter by informing this Department that it (the letter) should be considered as an "appeal" to the PSA requirement. A copy of the noted letter is attached for your review, as is a copy of the December 26, 1990 correspondence from this office. Copies of other records for this facility will be made available to you upon request.

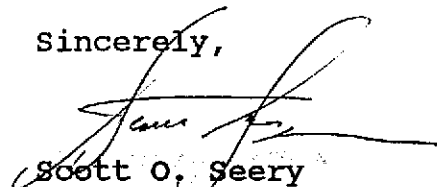
This Department has only recently become aware that EBMUD is the owner of the property where Willow Park Golf Course is located. We did know, however, that Willow Park leased property from the East Bay Regional Park District (EBRPD), who in turn, as we now understand, leases the property from EBMUD. As owner of the subject property, please be advised that it is EBMUD who ultimately bears the responsibility for the assessment of potential environmental impacts from a confirmed release should the facility operators fail to do so.

Mr. Karl Stinson
RE: Willow Park Golf Course, 17007 Redwood Road
January 30, 1991
Page 2 of 2

For your information, the Porter-Cologne Water Quality Control Act (Water Code), the state law granting authority to the Regional Water Quality Control Board (RWQCB) for the protection of water resources within their specific regions, does not provide for an "appeal" process. However, following consultation with Mr. Lester Feldman of the San Francisco Bay RWQCB, this Department would care to meet with yourself and all concerned parties in the RWQCB offices, 1800 Harrison Street, Suite 700, Oakland, to discuss this case before initiation of an enforcement action. A specific meeting date will be arranged within the next two weeks. All known concerned parties are being informed of this meeting by way of copy of this letter.

Please contact this Department at your earliest convenience to determine an acceptable date for this meeting, or to answer any questions you may have regarding the content of this letter. The Department phone number is 415/271-4320.

Sincerely,



Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Jerry Kent, EBRPD
Steve Abbors, EBMUD
Kevin Krause, KTW & Associates



91 JAN 24 AM 10:38

17007 REDWOOD ROAD
P.O. BOX 2407
CASTRO VALLEY, CA 94546
PHONE: (415) 537-4733

January 21, 1991

Mr. Scott O. Seery
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621

RE: Request For Preliminary Site Assessment Proposal

Dear Mr. Seery:

WPGC is surprised to receive a Request For Preliminary Site Assessment (PSA) via certified mailer # P 062 128 114 on December 27, 1990. Careful evaluation of the enclosed document is very unsettling. It is my opinion that there is definitely a failure to communicate and, or, error beyond the boundaries of WPGC.

KTW and Associates gave this establishment assurance of good fortune upon closure, all phases of the remedial procedure and evaluation were satisfactory. I was personally on site during the entire procedure of excavation, removal, export, backfill and concrete capping involved in this project. At no time in my presence did you offer or demonstrate any negative input as to existing conditions or actions of the geologist or licensed contractor employed. Samples were taken in the manner necessary to obtain them and analytical evaluation showed the sampling tubes to possess properties suitable for accurate reporting. *not true*

The PSA request document does not compare in descriptive terminology to the on site Hazardous Materials Inspection Form of August 28, 1990 or verbal dialogue of that day. It should further be noted that the tank was of 1000 gal. capacity and not 500 gal. as referred to in both the closure report and your recent communication. *not true*

not true WPGC ^{under great pressure from this government} *KTW* voluntarily undertook the removal of a structurally sound underground fuel tank. We devised and made available a Hazardous Materials Business Plan as per request and constructed an above ground bulletproof fueling system. These things were done in an effort to avoid future environmental mishap. Our record of agricultural chemical usage and facility improvement support our safe business practice where environmental issues are concerned. The term "Historic Overfilling" would question this practice. We receive approximately 12 deliveries of fuel annually and use less than 7000 gal. in such a period. *not true*

At this time I feel any further invitation to expend the resources of this establishment is unwarranted. This decision is based on my underground contracting skills, restricted materials handling background and outside professional consultation. A gradient for monitoring purposes cannot be established when dealing with extremely



91 JAN 24 AM 10:38

17007 REDWOOD ROAD
P.O. BOX 2407
CASTRO VALLEY, CA 94546
PHONE: (415) 537-4733

p. 2

small quantities of a non moving product. The asphalt surface above the tank showed no sign of large quantity loss or fuel contamination associated with spillage. There are drainage points for surface and sub surface accumulation in close proximity to the removal site that show no sterility or burden to vegetation. Skepticism of further action is also solidified with periodic reservoir water testing by EBMUD which has shown no presence of gasoline or constituents thereof.

Consider this an appeal, review the supporting material and closure report to understand my position of non compliance. Surely, 20 plus years of ill practice should offer more than a mere suggestion of historic overfilling. Evidence does not support this opinion. I look forward to further communication should that be necessary in the hope of mutual understanding.

Sincerely;

Rene S. Viviani
Rene S. Viviani
Supt., WPGC

cc: Rafat A. Shahid, Assistant Agency Director, Enviromental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Tom Lindenmeyer, EBRPD
Kevin Krause, KTW and Associates

FILE OR ENVELOPE
 PER NO. No. of

PLAN REVIEW		By	Date
\$ 432.00	Rec'd.	ECO	4/16/91
No. 592398	Plans Rec'd.	ECO	4/16/91
Plans Approved			
Layout Made			
Rejected			
Applicant Notified			
Plans Returned			
Permit Issued			
CONSTRUCTION PROGRESS ACCEPTANCE			
Pre-Plaster/drywall			
Pre-Final			
Final			

	By	Date	By	Date
POOL Pre-Concrete/Gunite				
POOL Pre-Plaster				
POOL Final				
EXCAVATION Septic Tank				
EXCAVATION Absorption Field				
EXCAVATION Absorption Bed				
EXCAVATION House Sewer				
FINAL Septic Tank				
FINAL Absorption Field				
FINAL Absorption Bed				
OTHER				

OWNER WILLOW PARK GOLF COURSE
 Address 17007 REDWOOD RD.
CASTRO VALLEY, CA Phone 94646
 Contractor HAGEMAN-SCHANK, INC.
 Address 2723 CROW CANYON #210
SAN RAMON, CA Phone 94583
 OTHER (Specify)
 Address
 Phone
 CONTACT FOR INVESTIGATION

UST removal/
 investigation -
 worked as SLIC
 transferred to
 RWQCB 6/92

REMARKS		Date	By
4-24-91	initial review		SOS
4-25	plan approved / letter		"
6-3-92	ACDEH request RWQCB assistance in evaluating case. RP permits closure. Data are lacking merit and relevance because sit well placement ~200' from UST pit.		"
6-24	refer case completely to RWQCB		"

LOCATION

Vicinity Map

592398

432.00

4/16/91