5/1/97

con't

cannot assess price of cleanup if we don't have any Mws. There isn't any easy answer. Wayne Hooper works as volunteer deputy DA for MUNI now. He suggests I go w/the EAR Fund. Told him I'm afraid State will sit on this for a year or more. Send him RP's full name and DOB, site address, and he will have Eric check out if RP owns any other property in County. He doesn't think there wd be a problem w/a DA lawsuit and applying for EAR Fund at same time. <u>Phoned Eric Nunneman:</u> lm w/the details. 3/28/97 <u>spoke w/Tom:</u> Why did we write our ltr to the RWQCB? I thought the State was handling the EAR Fund. State requires that the Regional Boards consolidate the EAR requests. Who at RWQCB is supposed to submit the EAR request list to the State?

Phoned Diana Romero w/State EAR Fund. 916-227-4419 left message. She's out until 3/31.

4/15/97 phoned D. Romero: Since she is not involved w/the EAR fund, she referred my call to Jennifer White. <u>Spoke</u> w/Jennifer White: 916-227-0744. Yes, she is the EAR Fund contact at the State. She referred me to the RWQCB. Who is the RWQCB contact? Loretta Barsamian at 286-0516. State's deadline is May 1st. What about the Meader's Cleaners that I submitted last year? She doesn't have any sites from AlCo on their list. But she took over program fm Diane Edward just 3 mos ago. She will ask Diane if she ever heard of Meader's Cleaners, and will call me "right back." Do I want to phone Loretta, or should she? She spoke w/Diane, who said the RWQCB did not submit any sites last year.

> Lm for Tom: said the RWQCB did not submit any sites last year (1996) for the EAR funds. Do you want to phone Loretta, or should I, or should the State? The deadline for new submissions of EAR sites is 5/1. I have another site. Should I even try to get it on the list, considering the lack of response?

Michael Katy of Blymyer is coming to do file search on 4/17.

<u>Phoned C. Gordon:</u> she just sent a ltr to RP last week. "No response to reimbursement request" ltr.

4/17/97 WROTE REQUEST FOR EAR FUNDS

phoned ACC to find out if they were paid. If they were not pd by RP, then maybe that is why he has not submitted his reimbursement request to Cleanup Fund. Lm for Susan Churchill, spoke w/Misty: she said to contact Jeremy.

Im for Jeremy: accountant; RP paid in full.

5/1/97 <u>phoned DA and spoke w/bob Chambers:</u> if he is hiding \$\$, and just doesnt want to spend it, we may be able to get him to spend it. If he doesnt have any \$\$, we cannot. They can see if he owns other prop in County. He owns THIS property. What is the prop worth? Look on Assessors role, subtract price of cleanup. But we

- 12/27/96 spoke w/CG: RP got 2 bids, and was having problems w/getting the 3rd. But Fund accepted one of them as being in the right price range (or whatever). Their LOC letter, dated 11/25/96, states the RP must "proceed w/due diligence w/yr cleanup effort" within 90 days (by 2/25/97) or else they "will take steps to withdraw this This statement is vague and can be interpreted in LOC.' different ways. Ie, what does "due diligence" mean? Cheryl agrees. So, who is his consultant? She will call me back. Its easier for me to deal w/the consultant than slick Willy. He should have selected the low bidder: All Cal Property Services Env. Investigations and Home Inspections, address 27973 High Country Dr., Hayward CA (581-2320), John Mrakovich. Patrick Wheeler (916-227-0743) (engineer) of her office said "low estimate looks ok." She doesnt know if he called RP. She will ask him. <u>Phoned Patrick Wheeler</u> and left message: did he contact Mr. Everidge? What was their conversation? CLAIM # 010532
- 12/30/96 mess fm Pat Wheeler fm Fund: he does not remember Willy Everidge.
- 12/31/96 lm John Mrakovich w/All Cal (581-2320)
- 1/2/97 <u>spoke w/JM:</u> he gave Willy bid on 9/17. It included wp to install 3 Mws, install, sample and survey, and report. JM asked for about 60% downpayment (\$3,000) for contractors work. Total job is \$5,293.

phoned C. Gordon: told her the status. He needs to submit a reimbursment request, so that he can get something back that can help him proceed. He claims he spent in excess of his deductible (\$5,000; the lowest). She wants to make sure that he is at an advantage at this point w/the LOC. We can give him 90 days (2/25/97), and then if he does not respond, Fund gives him another 30 days via "Letter of No Response." **She** will contact him. Assessors records list the site address, not his home address.

3/10/97 mess fm CG: she spoke w/Willy, and agrees that he probably will not do any more work. He told her he did not install Mws bec consultant wants \$\$ up front. She told him he could get started by submitting a reimbursement request, but he hasnt yet. Told him he is approaching the 120-day deadline. Then State will take steps to withdraw the LOC. Told him County is thinking of "doing something that wont be too favorable" for him.

- 8/13/96 <u>Spoke w/Cheryl:</u> She spoke w/Mr. Everidge. He said he already spent \$5,000 on Geoprobe invest. She will call him again and tell him that before she issues the LOC, we need a signed contract w/a consultant for Mws. Sounds like the right amt of push. <u>Spoke w/Cheryl:</u> spoke w/him again. He seemed ok w/her contingency. Told him to send my 2/96 letter to bidders. She'll put it in writing, as in send him a letter re their agreement, and cc me.
- 8/16/96 Received 8/14 letter from Cheryl Gordon to RP.
- 9/12/96 John Mrakovich phoned: AllCal Property Services Inc. 581-2320. Has his own company now; for about 1 year; used to be w/TPE. He is a RG. He has been to the site; reviewed the ACC report (SB and grab gw report), but doesn't have a copy. Faxed him my 2/7/96 letter, and C. Gordon's last 2 letters. But my letter does not specify that I want interim FP remediation. Can we do 1" wells? Cheaper to install, develop and sample. Reduces purge water. OK in LA County and in Watsonville. Precision Drilling has installed hundreds of them. Probably not good in FP area. It costs \$3500 to 5500 to purchase a FP skimmer system. Will the Fund pay consultant directly? He is thinking of installing the 1" Mws next to ACC borings, and that way would not have to do soil sampling. Select one hot one between USTs and island, then west of there (DG), and then one in a triangle (southerly?). BC says NO on the 1" wells; not endorsed by our RWOCB. Told him NO. He proposed doing Mws outside of FP, and just let FP degrade. NO.
- 10/3/96 Martha of ACC phoned: is doing a bid for RP. Misty is out for a while; was in a car accident, but not injured severely. Recuperating at home. Faxed her my 2/7/96 letter, and last 2 state letters. Willie is dragging his feet again. State did not specify what they wanted done in 30 days (8/14/96 letter). Great.

<u>Phoned C. Gordon:</u> left message: pointed this out to her. And 30 days from 8/14 was 9/14. Asked her what her letter meant, in terms of END dates. Any ideas now? Seems like RP is controlling us.

10/4/96 <u>mess fm CG</u>: she will call RP in a few wks. She asked him (in the letter) to send her copy of bid proposal. 2/7/96 <u>Hooper phoned</u>: Did Willie call me? No. Told him we need to install wells. He will call Jenner, tell him that we need to put in wells, and see if ACC can get them a bid, then ask State Fund if they would reimburse that bid. If State says they need 2 more bids, then maybe ACC can get the other bids.

Wrote letter requesting MWs.

Reviewed 324 Union St. file (Condor Freight)--just the 11/22/95 QR by Blymer. These wells are S of 5th St. between Union and Magnolia. Some are close to 5th St. Very low concs of TPHg (away from 5th St.) And TPHd is very low; BTEX is ND. So I don't think Everidge is impacting this site. That's good. We already thought he did not impact the adjacent All Mercedes Dismantlers site. OK. But we'll need 3 Mws anyway. GW flowed W on 11/2/95, but SH says it moves around; maybe due to dewatering for Cypress St. freeway.

923

- 4/8/96 <u>phoned C. Gordon:</u> re status: still hasn't received tax forms. Still in Cat. D.
- 4/15/96 phoned Willie Everidge: told him I got Wayne Hooper's letter. He said he sent the tax forms twice, and gave them to ACC. State said his number is 5,948 or 5,498 in Category D, and he will get \$7,000. Paid ACC \$225 to fill out the cleanup fund forms. Told him his options: stay in Cat D, try to get in Cat B, or do nothing and force me to use EAR funds. He said he wd call C. Gordon tomorrow and see which forms she needs. I suggested he keep his OWN copies at his home.
- 4/19 CG did not get a call from RP
- 4/30 lm Willie and CG
- 5/17 phoned RP; he gave me another song and dance
- 8/13/96 <u>spoke w/Cheryl Gordon:</u> Everidge is at poverty level. She's willing to write him a Ltr of Commitment for work already done, but she thinks it won't be enough. . .She doesn't know if he's even spent \$5,000. He's now in Category B bec he submitted his tax returns in June. Based on this, she reviewed our file last week. His app says n/a for amount spent! She will call Mr. Everidge and see whether he's willing to spend more \$\$ to do more work in order to keep the whole thing going.

2/1/96 <u>phoned Misty of ACC</u>: they did his app for cleanup fund, gave it to him to fill in and send to state.

> <u>Phoned Cheryl Gordon</u> to see if this RP has applied to Fund. LOC? Left message.

Don't forget that the soil in pit has max hits of 4,380 ppm TPHg, 365 ppm total lead, and 2.0 ppm benzene. Sampled 9/23/93 by Precision Analytical lab. . . . Soils sampled below the USTs during TR on 10/20/92 had max concs of 20,000 ppm TPHg, 18 ppm benzene, and 1400 ppm total lead. Waste oil tank had 62 ppm Cr and 190 ppm Pb. Also, FP was observed beneath the center 4,000gal UST. This still needs to be addressed. . . Next step would be to install some Mws, and see if we have FP. Technically, the RWQCB order dated 8/5/93, required them to submit a proposal to "remove polluted soils from the former UST area." The hotspots in the UST pit have NOT been removed.

<u>Phoned Wayne Hooper:</u> Did Willie receive a LOC? He doesn't know. I didn't tell him about the EAR.

<u>Spoke w/C. Gordon:</u> she just recently received his claim. No LOC yet. He's in category D because he did not submit income tax forms. She wrote him a ltr dated 11/21/95. If he submits verification that he employs <500 people, he could be in Category C. If he submits income tax forms, he could be Cat B. But she's received no response. She will fax her ltr to me. Hooper may like to see it, too.

2/2/96 received fax from C. Gordon: 11/21/95 letter she wrote to RP. It's a notice of claim acceptance and priority class change. <u>Lm for W. Hooper:</u> does he know about this letter? I also should tell him about the EAR fund, and how it would make RP ineligible for Cleanup Fund reimbursements. Which way does he want it to go?

> Spoke w/W. Hooper: He will call Willie; he thought Willie had received verification ltr from State in 11/95, saying they had received his tax forms. He will also call ACC, bec he thought ACC may have copies of his tax forms. Willie only made \$12K in 1993, \$12K in 94, and \$3K in 95. Poverty level. He only goes to the station to protect it from vandalism.

2/2/96 <u>mess fm Hooper</u>

2/6/96 <u>lm for Hooper</u>

- 6/20/95 Reviewed "Subsurface Site Invest." report by ACC, dated March 1995. Soil had 2 main hits at 11.5'bgs in B4 and B6. Up to 7,000 ppm TPHg and 37 ppm benzene (B4). Water had ND or trace concs in B1, B5 and B6. Low conc in B3. <u>Main hit in B2 (37,000 ppb TPHg and 7,100 ppb benzene)</u>, which is approx 10' S of former fuel USTs. They got .25" FP in gw in B4, which is approx 10' NW of USTs. They conclude that the DG extent of gw plume has not been determined. We need to clarify gw flow direction (see pg 3 and 7).
- spoke w/Misty: Hazel Everidge DID pay her share. Ι 6/21/95 noted that Aratex at 330 Chestnut St. has had consistent S to SW gradient. She got the "W to SW" gradient from a Phase I they did for a nearby site (old gas station at 14th and Adeline). Pit has been backfilled Did Everidge apply to Fund? We wonder if contam has gone as far S as the next property (All Mercedes Dismantlers at 1225-7th St). AMD is pretty clean. Highest hits during TR were 98 TPHg and 0.220 benzene. Further sampling revealed max hits of 160 TPHg and 0.086 benzene. Final overex results were completely ND. Left mess C. Gordon: has RP applied to Fund? NO. Can they give \$\$ to AlCo so we can go in and do work? (thats what Gil thought; see 5/12/95 notes) Phoned W. Hooper: Willy applied to Fund 6 months to 1 year ago. Under his name only. ACC helped him with application. He wrote ACC, saying he wants to meet w/ACC and County and Everidge(s?), to discuss technical aspects of what next?

<u>Discussed w/Tom:</u> its the EAR acct. RWQCB gets \$\$ fm Fund. We did one case. RP gets excluded fm Fund if we use \$\$ for "recalcitrant" situation. Ill ask Cheryl Gordon if theyve ever given \$\$ for recalcitrant Rps. Is Willie registered as a company? Get DA to check.

- 6/26/95 <u>spoke w/Eric Nunneman:</u> hell check if Willie is registered as a company. <u>Left mess Cheryl Gordon.</u>
- 6/27/95 Cheryl said to contact Diane Edwards; she works w/the EAR Fund. Her # is 916-227-4383
- 7/7/95 phoned Diane Edwards: We just missed the annual deadline for nominating cases to the EAR Fund list. She notified Ed Howell of this. I told her the best contact here for site mitigation is Tom Peacock, that Ed was gone, and has not been replaced. 3 types of requests. Another classification is the "prompt action" sites, where there is NO annual deadline, but is rather ongoing. All costs are recoverable, thru the DAs office. She has never had Alameda County sites up for nomination. Shell send me info on how this process works.



- 1/20/95 Received faxed lab report for the resample using deionized water for lead: ND. OK to backfill SP. Spoke w/Misty K. She wants this in writing. Wrote letter to RPs:
- 5/10/95 <u>spoke w/Misty:</u> Report is finished but she's holding off sending it to me because ACC hasn't been paid yet by both parties. Willy paid but Hazel has not. Their lawyers are talking. SP was backfilled. <u>Left mess W.</u> <u>Hooper. Mess fm W. Hooper:</u> Hazel won't authorize her lawyer to meet with me. She won't pay her share of the payment due to ACC. He'll call Mr. Jenner, Hazel's attorney, to let him know that I called. <u>Phoned Gil</u> Jensen: left mess.
- 5/12/95 <u>spoke w/W. Hooper:</u> ACC is planning to take Hazel to small claims court. Wayne will talk to Ken Jenner. <u>Spoke w/Gil:</u> I should write a letter to Hazel (cc Gil), stating the reason I'm not getting the report is her failure to pay ACC. Tell her I'm referring this matter to the DA for prosecution, unless she takes action to secure the release of the report. Relay the history of enforcement actions: PERP, the RWQCB order, we gave you eons of time, etc. If all else fails, the Fund can get \$\$ to AlCo so WE can do the work.
- 5/15/95 Wrote letter to Hazel Everidge
- 5/17/95 <u>mess fm H. Everidge</u>: she got the letter, doesn't care, is sick w/breast cancer and has to get surgery, has no \$\$, already gave \$2,000 to ACC, she was only called in to this thing when Willie needed her \$\$, she's not working and doesn't know when or if she'll ever work again. OK to call her: 568-3115
- 6/6/95 <u>spoke w/Misty K:</u> she sent report to both lawyers. I have not received it yet. She'll phone the lawyers.
- 6/15/95 <u>spoke w/Gil:</u> he said I should get tough w/ACC; they still have an obligation to get us the report, even if they haven't been fully paid. <u>Left mess for Misty.</u>
- 6/19/95 Received report

2

Site Summary STID 923 Everidge Service Station 1211-7th St. Oak 607

con't

- 12/9/94 spoke w/Misty K. Can she just write a report re ACC's activities (the borings)? She's been waiting for Willy to get the contractor to remove the piping, but it has not yet been done. That's what has been holding up the process. ACC was supposed to sample beneath the piping. Willy and the contractor are in disagreement: Willy said he paid for piping removal, but contractor (AES) said they didn't get paid. Ancient battle; Willy can't let go of this; he doesn't want to pay twice for piping removal. Misty said there was some FP in one boring. She's sending the report. Then should I call the DA?
- 12/19/94 Spoke w/Steve Southern of ACC. He's putting together a Fund application for RP. He needs Sweeps #s and tank #s. He faxed a request to Exxon in Houston TX. RP told him tanks were replaced by Exxon in the 60s. Spoke w/Misty: she spoke w/Wayne Hooper months ago; he's going after AES legally. Hooper wrote a ltr to AES in early Dec., urging them to finish the work. She's not done w/the report yet.
- 1/5/95 Misty K Phoned. She was just informed that the contractor is removing the piping today. She will sample today at 11 am. Phoned Willy Everidge: said the contractors are here. Spoke w/Bob Lippman w/AES; they're removing the piping and dispensers. Ready at 11:15 am.

Onsite for piping removal. See field report.

1/12/95 Reviewed fax from ACC w/lab report for the stockpile. Analyzed WET (STLC) lead. Five discrete samples: 5, 3, 5, 13, and 3 mg/L. The STLC is 5 mg/L. <u>Piping results:</u> P1 had 630 ppm TPHg, ND benzene, hits of TEX; P2 had 2100 ppm TPHg, ND benzene, hits of TEX; P3 had ND TPHg, ND BTEX, and 5.4 mg/kg lead. <u>Can we backfill at least</u> <u>some of the SP?</u> What were the original results? <u>11/15/93 TOTAL lead results:</u> 5.6, 84, 63.5, 47, and 57.5 (sampled <u>by</u> Precision Analytical Lab). Let's rerun SP-4 using modified WET procedure (hope for <5 ppm).</pre>

• 923 92 49 amended 8-31-94 Sp w/Misty. Will drill on Everidge on 9-7. The piping will be removed at the same time. I 8 am 9-2 mess fin Ken Jenner: WH dropped off Dome bids for piping removal. WH gone til 9-15 or 9-20. It He assumes WE I select cheapest bid. KJ l pend the to me See report. 9-6 Drilling borings onsite. Encountered refusal. 9-29 Spoke W/Misty. They put in 6 borings & got gw samples. This was their 2nd. attempt onsite. got F.P 12-1 Teri W/TPE phoned. 429-8088 12-5 JE phoned Teri She wants to know if case went to litigation? lim Misty re report

923

8-1-94 Phoned Misty K. KP has to hire a Contractor to remove piping 1st. She'll Eall RP. 8-8 Spir) Misty. She wants to de start work which 8-29, bec. she's going on vacation, Piping is still in ground. RP must get a(different) contractor to remore it. She's helping RY get bids 8-9 lm Ken Jenner 8-10 mess. Am KJ 8-15 lm K. Tenner, W. Horper restatus of piping removal 451 451 4191 8-17 mess fm K. Jenner. He + Hospen out of How til 8-22 8-22 mess for Hooper. Can they use 2 fiff. contractors (removal of piping us borner?? boungs)? 8-23 mess fon Hoopen. Pipes to be removed on 8-29. At least that's what I think he said. Sp w/WH. the estimates are 1100 2160

Kuang-Beddig site 923 5-M-94 mitz w/ Willie, W. Hooper, K. Jenner, Gil + JZ -5-18 Drafted the to RP. Foxed to Gil 5-20 Mass. fm.K. genner: Hazel signed the contract 6-6 finally spir/Bil. A's ok. Sent the. 7-6 Reviewed 7-1 lite Jun Ken Jennen. Im for K. Jenner Sp w/C. Miller. They are under contract. Misty is developing up. She sent it to RG, Bd & back 7-7, then to me. " Y 7-15 Rovid + reviewed June 94 Wp by ACC. 7-18 Sp W/Misty. Not doing HP. It's a perforated A rod & (steel) which acts as a casing, then put in bailer. The will dtime * 22.50 pulls 2 go * 22.50 pulls sample - add Pb in thench sample * 25.50 pulls sample - add Pb to get to 2 SBS. # 2 boring * What to RF - What to RF Why the month of the the stand El 2455

423 59-94 Revy 5-6 Iti An Hooper. What's the "latest development?" April Hoopen. Willy said the doesn't have title to the property. Prior to 1954, a gas co. owned site Sold to Mr. Randle in '54. Died + left it to 2 daughters. Willy prot. leased for them. Gil- good days to meet it + 18th or 13th 16 19 april 2 pm or pm 16 19 april 2 pm Hoopen doesn't see the need for Everidges to be at mtg. Ask Bil - any need? 5-11 Mess. Jun W! Hoopen 17th is best 6-11 The 5-10 - 12 2:30 5-12 mess fm Sil 5-17 ok 2:30 5-17 Phoned C. Miller. Hoopen asked AC to hold off until the fitle is cleared up. They to have a signed contract w/ B Mr.E. Fiche says Willie Evenidge (12-31-74)

2-24-94 Sp v/Lee Huckins, Wants to know if they need a mp? faxed him RWQCB fax 429-8089 3-7 Willy E. phoned. They got 2 proposals, + will decide who to pick this wk (for soil removal). 3-17 Gilmtz: be'll write the to RPs / lawyers asking f clarfkj of divorce settlemt "order to show cause" yhreaten them w/on 3-29 Mess for W. Hoopen Says ACC will do Phase 2 report 4-8 Phoned C. Miller W/ Acc (522-8188). He does not yet have a signed contract. Hooper wants signatures fin both Everidges - Misty K, will be project mar. Atty for Hazel has had contract for 71 wh now. 4-14 (\$ W. Hooper phoned. At Hazel fired N. Hausman (atty). Willy E. signed the contracted but Hazel didn't. So Willy will go ahead w/the ACC work, & probably end up suing Hazel E. ACC will write the wp.

1-20 - 94 Roviewed 1-14 the fm N. Hausman. left. mess NH. (att. not enclosed) 1-31-94 Spw/n. Hausman. will pend her 1-6 the to Hooper. Sent per list of consultants. 2-3-94 mess. fm W. Hooper: Willie's "been trying to contact 3 of those consultants..." (Dialing is difficult, eh?) 2-15-94 Hooper phoned. He's been out to the site be's been once a week for last several mos. Contracted chucke Miller ACC is writing a report 522-8188 Minker or Rinker? Hés upset the about Hausman's 2-11-94 letter. Connie agreed to help him fill out claim for UST funds. Reviewed 2-11-94 lt fm Hausman. Sp w/C. Miller. They're not under contract. All will write a proposal for Phase II, Copied tank removal report + sent him. 2-22 April K of ACC. She's working on

12-15 cont

divorce? Yes call Mrs. E. lawyer? prop. settlement still pending * Nicole Hausmann 11-26 mailed g smithing to court haven't heard of m court that doc. proposes they both own it. gave action #. to Gil. 1-3-94 pp w/W. Hooper. He called Gil Jensen & This am - tients Should they have an environmental attorney? No! they need an " consultant. Each party was awarded 50% of property, in the judgment (Dec 20th filed + signed by judge He'll send me a copy of judgmt. He'll about Willy to select a consultant + get 3 bids 1-12-94 Reviewed the Court Judgement, endorsed + filed 12-20-93. Copy to Gil. 1-13 left, mess. Micole Hausman

• 923,

91-064A.PAR

423 11-4-93 Jpw/W. For Everidge. Jold (* 880) He confirmed the samples were taken in tank pit. He doesn't know what to do. guist; the St. tanks still in ground since 50's. Bank owns prop. Vacant lot. Parked cars. '45-Standard Oil operated site "#5"73. He has children. Don't want prop. Ap w/Don Hwang ... was RP in compliance non tanks were removed? -UST permit issued 6-1-88 (for 6 mos) 1-23-91 Its fm Allo said he's not in comp. for 5-gr. permit. Did land a - Did he apply for \$ UST Cleanup Fund? - how bont EAR funds ? - financial disclosure - DA?

923

10-21-93 April. Don't give another Mait for lab results, then call bit. 10-25 Revol Tab results for 6 unidentified soil samples: Hits in all 6. They didn't inform me of field work, as per RB letter. Call lab. Sp w/ Mante Sidhu for Precision Analy. Lab. Samples for tank pit, met i Will fax the map 10-28 Dp w/ Wayne Hooper. Dp w/ Jaime Chow-man of lab. Need ok fm p.o. in order to send map. 11-i Sp w/W. Hoopen. He'll'ask Willie to phone lab re map. Glisfer not it top 11-3 GWW lth to E. Superior Ct. RP, telling samples redundant & don't comply: cc superior ct. if a dont comply 30 days, refer this for enforcent. Apr/W. Hooper. Said this is - next step.