

5/14/97
con't

I'd like to see the 1st QR 97 first, then write a letter requesting DG invest.

5/15/97 Alex Perez phoned: Scott told him that the ORC went in in 3 wells. Does not know if QR was sent to me yet.

5/20/97 phoned Cambria, lm for Paul Waite re QR. spoke w/Khaled. He will check on status. I need the QR so I can write a ltr to Shell. Spoke w/Paul: QR is in the mail. They faxed me the map and data. Does he think they can get a HP rig in behind the bldgs now? Received fax. **GW sampled on 3/25/97 flowed East at 0.03 ft/ft. Change in direction. MW1 is most DG well. MW1 has 12,000 benzene and 730 MTBE.** Map lists benz/MTBE concs. VW/MW2 had big decrease in concs, but big increase in GWE.

5/21/97 **DRAFTED LETTER, requesting DG SWI.**

5/29/97 Received (on 5/27) and reviewed 5/15 "First Quarter 97 Mon Rpt" by Cambria. **GW sampled on 3/25/97 flowed East at 0.03 ft/ft.** Map shows straight potentiometric lines, but the GWEs are really inconsistent, if you look at all of them. Strange signif decrease in concs in VW/MW2. Page 1 says the Oxygen-Releasing Compounds (ORCs) will **be introduced** into MW1, VW/MW2, and VW/MW4 (under "anticipated 2nd Q activities"). But Alex told me they already were introduced.

I decided not to ask for more SWI. Because the 7/23/96 rpt included SBE (to the N) and SBJ (to the S) of MW1. They were low to ND conc for benz in gw, and ND in soil (although soil samples were below gw).

1/21/97 MTG W/SHELL (JEFF GRANBERRY) AND CAMBRIA (SCOTT MCLEOD). Scott said max soil conc (residual) was 5600 ppm TPHg. We agreed to put ORC in MW1, VW/MW2 and VW/MW4. Measure DO prior to installing ORC to get a baseline reading, then watch the DO increase as ORC takes effect. When DO starts to decrease, and gets back to baseline conc, we will know the ORC is spent. THEN we will sample the Mws again. Start w/1st Q 97 sampling. They said that San Mateo County does not require purging anymore. Cited WSPA study re well purging. Jeff is leaving for Houston office in about 2 wks. Call Michelle Tobie at 675-6167; she knows sites but is not an engineer.

2/7/97 WROTE LETTER TO RPS, documenting 1/21 mtg w/Shell where we agreed to install ORC, measure DO, sample Mws 1st Q 97, etc.

4/18/97 Reviewed 3/24/97 "Fourth Q 96 Mon Rpt" by Cambria. GW sampled on 12/19/96 flowed NW at 0.01 ft/ft. Max concs were 75,000 TPHg, 9,000 ppb TRPH, 15,000 ppb benzene and <1,250 ppb MTBE in VW/MW4, and 830 MTBE in MW1. Note the GWES also increased. **THEY PROBABLY NEED A MW DG OF VW/MW2.**

Phoned Shell: Jeff Granberrys old # 675-6168: its for Alex Perez (who was on cc list on the QR): left detailed message. He must be my new Shell contact.

Talk to him about how to measure DO. Use notes fm Chevrons nat atten class: use 1) DO meter; downhole, ex situ of flow-cell: measure down-hole or collect 300 mL of water in bottles w/a pump or bailer and analyze immediately, or 2) Winkler method: collect 100 mL of water w/pump or bailer and analyze immediately.

4/23/97 mess fm Alex Perez: We can talk about installing a DG MW. Can meet, maybe next wk. Out rest of this wk.

phoned Cambria: lm Scott: Im playing phone tag w/Alex Perez. He seemed amenable to a DG MW (for VW/MW2). We might even need a 2nd DG MW (for MW1)(but where? Behind the bldg?) Can we meet next wk?

lm Alex: next wk possible dates: 4/29, 4/30 am, 5/1 pm, or 5/2. **I have a concern for DG res property.**

5/14/97 spoke w/Alex Perez: told him my concern for DG res property. Discussed using Geoprobe for grab gw samples. Then decide on permanent Mws. I asked him about the discrepancy between benzene concs for MW1 in 12/96. Noted high ratio of benzene to TPH concs. Have they added the ORC yet? He is not aware of it.

- 9/30/96 spoke w/Scott MacLeod: RP hasn't come to them asking for remediation. So, in the absence of any County directive, why don't we wait until Sept QM is done, then evaluate need for remediation. He will phone me on 11/8. OK
- 11/1/96 mess fm Charles Janney from Redwood City Planning Dept 415-780-7239 Any violations at Sabek? He is the Planning Director. Lm for him: Yes, I wrote a NOV on 6/10/94. And then wrote a ltr re conditional repeal of the NOV. Difficult site, complicated by many Rps and their legal agreements to get the invest underway. (Our DA worked on this case.)
- 11/25/96 mess fm S. Macleod: They have high concs near the dispensers. Let's wait til Jan 97, when the State Board decides on policy. Then decide re RBCA and/or CAP.
- 11/26/96 phoned Scott M: what are the results from 3rd Q? And which policy is it? He heard Giannopoulos wants to make new benzene MCL of 1 ppm (1,000 ppb). Right. QRS go right to me, not thru client. He will track down QR and fax to me. Received fax w/9/96 results. No potentiometric lines drawn in. GWES are all crazy; complex flow regime. I wonder if the VW/AS wells are making the flow regime "crazy." They were constructed differently than the rest. By the way, why didnt they note first encountered gw in the bore logs? He said they may have a differential screening interval on AS wells that may cause some changes. He will check into it. Mws are fairly consistent. **What does he mean? Consistent re to what? Their GWES have changed from Q to Q.** He will make conclusion re flow regime. Wants a mtg in mid Jan re all their Shell sites.

WE ARE MTG ON 1/21, AS PER JEFF GRANBERRYS SCHEDULE.

- 12/30/96 Reviewed 12/5/96 "Third Q 96" rpt by Cambria. **GW sampled on 9/26/96 flowed in very strange ways.** Max benzene is 13,000 ppb in VW/MW-4.

FOR DISCUSSION: 1) Note the typo on Table 1: MW1 should have 3,800 ppb POG, not 380 ppb. 2) I dont think we can say it flowed in any one direction. We must discuss this issue. How about just plotting out the MW GWES? 3) Why is MW2 ND for benzene if it is only 20' away from VW/MW4?

8/16/96 Reviewed THE 7/23/96 "SUBSURFACE INVEST REPORT" BY CAMBRIA. Field work was done in early March. They drilled 11 borings. They grouted 3 Sbs, completed 4 as Mws, 2 as vapor/air sparge wells, and 2 as vapor/mon wells. **GW is 8 to 9' bgs deep, and flows NW.** Soils are moderate to high permeability silty sands and sands. How do you do both VW and gw sampling from same well? The combined VW/MWs (#2 and #4) were screened from 5' to 20' bgs (gw at 8' bgs) and 6 to 22' (gw at 9'). ~~The combined VW/AS wells have two casings w/2 different screenings: upper (for VW) and lower (for AS).~~ But the upper screen is in both vadose and gw. Soil results: there is benzene around the fuel tank pit, and next to waste oil tank pit. Max benzene is 2.6 ppm at 20.5' bgs (below gw) in SBF. GW results: benzene DG of fuel tank pit, near pump island and waste oil tank pit. Max benzene is 7400 ppb in MW1. . . Max soil and gw hits in same area (between UST pits and bldg). **Subsurface below bldg may be impacted.**

ISSUES:

- 1) There is no attachment E (soil disposal form) **he will pass this info on (Paul Waite).**
- 2) why did they screen MW2 only .5' above the gw? They had enough room to go higher. **he will ask Paul Waite.**
- 3) Table 3 needs to be revised; just typos.
- 4) do they have a contract to do QM? **Yes, for a year.**
- 5) well construction on the dual wells? **Yes, you may entrain gw if you have a high enough vacuum. But if theres enough screen above gw, you wont get gw entrained. Can just lower the vacuum. The VW/AS wells may have been screened incorrectly (below water table). But the DTW has dropped since March.**

Phoned David Elias: See answers above in bold. Paul Waite is now the PM.

Reviewed 7/11/96 QR by Cambria. GW sampled on 6/21/96 flowed basically north, but see Fig 1 for the complex flow regime. GWs decreased this Q. Concs increased in MW1 and VW/MW4. Why? Max concs were 110,000 ppb TPHg and 14,000 ppb benzene (VW/MW4) by pump island.

9/24/96 phoned Paul Waite to find out when they will be starting remediation. He will find out and call me 9/25. They have taken over all the Shell sites that Weiss were working on. (So theyve been busy)

- 3/5/96 con't. . . Wants to avoid 4 wells; maybe more than they need. But the risk they take in missing the flow direction (let's say it turns out to be SW after all) is > the risk/expense of doing 4 wells. It's probably a flat gradient, which means it could be any direction.
- Received fax. They'll survey to arbitray benchmark. They have their own level. OK
- 3/11/96 spoke w/D. Elias: they drilled last week, Wed to Fri. Contam is NOT extensive! **Got NW gradient, like I thought.** Put in 4 Mws. Results forthcoming.
- 3/19/96 spoke w/DE: He wants to know if I would consider if they defined the vertical extent of contam at 20'bgs: 5.9 ppm TPHg and 0.89 ppm benzene. Or should he analyze the lower sample? **DTW was approx 8'bgs.** So why would you use soil concs at 20'bgs? No water results yet. He wants to be assured that the benzene conc will not haunt us. Most people don't take soil samples in the saturated zone. No clay layer; probably not confined.
- 4/25/96 Reviewed 4/22 and 4/25 faxes fm Cambria: they are tabulated results and site map fm recent site invest. Eleven borings were installed. Max soil hits: 2.6 ppm benzene (SB-F/VW/AS-1-20.5) (bet bldg and former USTs). 80 ppm TPHg (SB-I/VW/MW-4-8.5). 200 ppm petroleum O&G (SB-E-16). Max gw hits: 7,400 ppb benzene (SB-A/MW1); 83,000 ppb TPHg (SB-I/VW/MW4).
- Phoned Phil Gittens: whose project is this anyway? It's Dave Elias, but he's on vacation til 4/26. **Do they have a contract to do QS?** He thinks BTS is getting a contract. Lm for David.
- 7/15/96 Reviewed 7/9/96 letter from Cambria. phoned Phil Gittens: BTS is doing sampling, and got it done late for some reason. But he did receive the report last week, so it will not be late. **I told him I haven't even received the investigation report!!!** Scott MacLeod hasn't returned it back to Phil with his comments yet. They have been swamped. Lm for Jeff Granberry: he's out til 7/16.
- 7/25/96 RECEIVED THE 7/23/96 "SUBSURFACE INVEST REPORT" BY CAMBRIA.

- 1/24/96 mess for D. Elias: he's out til 1/26 mess fm DE: he sent it out.
- 1/26/96 mess to DE: When did he send it? I have not received it. Plese send another copy; please fax it if it is not too long, then phone me.
- 1/29/96 spoke w/DE: he was incorrect. They did NOT yet send wp to me. It is being reviewed by Shell. He will call Jeff Granberry of Shell. Wp to me soon.
- 1/30/96 lm Jeff Granberry: told him I am awaiting the wp.
Received faxed wp by Cambria
- 2/1/96 Reviewed 1/30/96 "Investigation Workplan" by Cambria. Fig 2 shows "possible" wells locations, a mixture of Mws, SVE and air sparging (AS) wells. I would like to see a well in the N corner of the site. They assume gradient is SW, but it is consistently N-NW at Carnation (1310-14th St.) I looked at the closed Nabisco Site (1267-14th St.), and found West gradient in 2/91, but a NW gradient at 0.03 ft/ft in 11/90. The consultant was Versar, and their reports are pretty bad; no site maps with all the Mws, etc. So I don't think Cambria should assume gw flow direction is SW. If anything, assume NW. How many Mws are shown on Fig 2? My copy is not totally legible. How will they determine where to install SVE and AS wells? In the most contaminated boreholes?

Phoned David Elias: they can construct AS and SVE casing in with the geoprobe. In the most contaminated boreholes. He has a call in to Paradiso to see when they will be backfilling. Told him I want to investigate the N and NW areas of the site, bec gw is assume to flow NW, not SW.

Wrote letter conditionally approving wp.
- 2/26/96 spoke w/D. Elias: Backfilling is almost done, if not done. Should do drilling wk of March 3rd.
- 3/1/96 mess fm DE: backfilling is done. Drilling on 3/6/96.
- 3/5/96 spoke w/D. Elias: We'll put a boring between bldg and pump island, and a MW bet bldg and Union St. He wants to move the MW proposed at corner of 14th and Union to bet bldg and Union St. Canopy is staying up during this drilling. He's afraid I'll say let's put in another MW w/in 10' of former UST pit. Top of screen is 10' below water table in a sparge point. Asked him to fax me a map showing the boring/well locations. Drilling on 3/6.

- 8/7/95 John Werfel of enviros phoned: (707-935-4850) they're sampling SP on Tuesday 8/8.
- 8/8/95 spoke w/D. Lundquist of enviros. She'll be onsite today.
- 8/10/95 Tim Utterbach of Weiss phoned: will we need a wp for Phase II (overex and sampling)? No. He mentioned the need for piping sampling. I said it was not necessary bec the dispensers were within 20' of the tank pit, and subsequent contaminant delineation would ensue. They're bidding on the Phase II and III (workplan). He may incorporate Tier 2 of ASTM's RBCA in the Phase III. OK, some people do it that way.
- 11/17/95 Reviewed 10/26 letter from Shell to various contractors. These are requests for bids to do piping removal and excavation sampling. **Bids are due to Lyn Walker by 11/3.**
- Lm Lyn Walker for an update.
- 11/27/95 Site visit for sampling. See field report
- 12/4/95 Reviewed 11/2/95 Soil Disposal Summary by enviros. They ID'd the Sps: size and origin. Took samples on 8/8/95. They took 4-pt comp samples for gasoline SP, and one 6-pt comp sample from waste oil SP. Got pretty low or ND concs. **510 tons of gasoline SP was offhauled to BFI in Livermore on 9/29, and 48 tons of waste oil SP was offhauled to Laidlaw in Buttonwillow on 9/29.** Yahoo! They included the lab reports.
- 1/4/96 Reviewed 12/27/95 "Piping Removal Sampling and Tankpit Re-Sampling" report by Cambria. **Up to 5600 ppm TPHg and up to 72 ppm benzene in S4.** Lm Jeff Granberry at Shell (Lyn's replacement): what is our next step?
- 1/5/96 mess fm Jeff Granberry: waiting on real estate dept to decide if they are keeping improvements or destroying them. If destroy, then remove canopy and dig more soil. Scott MacLeod thinks we can remove the contam this way. If keep them, then they will install wells. He will call when he hears something.
- 1/8/96 tc w/JG: he decided to leave the canopy up, since he has not heard back from his lawyer, Paul Caleo, or real estate dept. He gave Cambria (Dave Elias) the go ahead to write a wp for geoprobe/SVE wells. Shell was supposed to set up a tele number for general public questions, as well as to send a mailing to neighbors w/in $\frac{1}{2}$ mile. We do not know if this happened. Doubt it

7/12/95 spoke w/Mark Zomorodi: told him the judgment was finalized, and what it requires. He thinks my Shell contact will be Lynn Walker. Paul Caleo: Shell engineer will be Lynn Walker (675-6169). Phoned Lynn Walker: lm mess fm Lynn Walker: plans to have bids out by end Aug. First wants to finish overex of pits, offhaul soil, and backfill. Then do SI w/Geoprobe. Then do Mws. He knows PEG submitted wp, but thinks we should do a NEW wp. He's sending a ltr to Neighborhood Assoc. In next few days, and will cc me.

7/14/95 Received and reviewed the Final Stipulated Judgement (from MO). Phoned LW: lm. The Judgement specifies certain deadlines: 30 days to select contractor (by 7/22/95), 60 days to begin field work (by 8/22).

Spoke w/Lynn Walker: he said that even tho the judgmt says 30 and 60 days, the lawyers had agreed to 60 and 90 days. He asked Paul Caleo to ask Mike O to phone me and tell me so. Lynn was only given this project on 7/10. So Shell lost 2-3 weeks already! He wants to approach project in phases, with separate bids: ~~First bid will be to sample and remove existing Sps. Second bid will be~~ to finish overex, dispose of Sps, and backfill. ~~Third bid will be to do a Site Investigation (ie Sbs). Fourth bid will be Mws.~~ He did a site visit today, but couldn't gain site access bec he does not yet have the key. I asked if there was gw in the pits. He'll be in mtgs next week, but will get bids (or first bid out) next week

7/25/95 Received copies of bid requests sent by Shell to 4 contractors, dated 7/21. So Shell didn't send out their bid requests until 7/21. The Phase 1 proposals are due back to Shell by 7/27. The Phase 2 and 3 proposals are due back to Shell by 8/16. They do not define the phases of work. **I never got the letter Shell sent to the Neighborhood Assoc (as per 7/12 tel con).**

Wrong. I got it on 7/21. Reviewed it today. It's dated 7/20/95, to Ellen Wyrick-Parkinson.

8/4/95 Diane Lundquist phoned: she's from enviros. 707-935-4852 Shell is asking them for a bid. They want to resample the pits before overexing. Do we need a wp for that? No. But the work seems superfluous.

Phoned Lyn Walker: lm re status of bids.

6/13/95 mess fm Mike O: Will file judgement on 6/16. Later message: judgement filing time was put off til 6/22.

6/22/95 mess fm Mike O: the final stipulated judgement has been filed! He'll be on vacation all next wk. He plans to attend the next neighborhood mtg on 7/3 Mon at 7:30 pm in the West Oakland Branch of the Public Library. Will I attend? I may be out of town. He'll call Cheryl Gordon. He thinks they're in compliance now. He'll send me and Cheryl copies of the judgement. What's my QIC? 30440

Spoke w/MO: It's a court order. It specifies that they have to do xyz: 3 phases: maintaining premises (G&G), keep public informed (Shell), cleanup (technically Saberi, but Shell will actually do it). **Overex both pits if directed by LOP, dispose of SP, 30 days fm today to select contractor, and 60 days fm today to begin work (meaning implement wp and wp addendum). And any additional work req'd by LOP until closure.** Shell may want an extension. But they'd be requesting it of me. Mike thinks 90 days to start work would be enough time. Any longer than that, contact Mike. Cheryl Gordon says no problem naming Shell as co-payee. Check will be made payable to Saberi and Shell. Both must sign, but one can cash it. If I'm having problems with them, tell whichever party it is. Then call MO. We've agreed not to take them out of compliance (I shouldn't notify Fund of non-compliance) until I call MO, take to court if necessary, judge tells Shell to shape up, maybe fines them, THEN notify Fund.

7/7/95 mess fm Marc Zomorodi: what's the status? He knows there's been "a lot of activity on this case lately."

Lm Mike Oconnor.

7/11/95 mess fm Mike OConnor: he knows he hasnt sent me a copy of the judgment yet.

Lm Mike O

7/12/95 spoke w/Mike O: He sent copy of judgment to Cheryl Gordon. He spoke w/her supervisor (shes out this wk). He thinks theyll be able to issue LOC next week, and list Shell as co-payee. I should speak w/Shell. Whos my Shell contact? I can find out from the lawyer. Paul Caleo is Shells lawyer (w/Larson and Burnham) at 510-444-6800. Theyre gonna repair the fencing. G&G should be in there by end of wk.

Phoned Paul Caleo: lm

- 3/28/95 Cheryl Gordon phoned: her concern is whether RP will change categories, bec. Shell is D category. I'm assuming the RP/claimant will still remain Andy Saberi. But her regs say the claimant is whoever is incurring the cost. If Shell loans \$ to Saberi, Shell may be considered a copayee, which has been a problem in the past: a way for major oil companies to get funded sooner, by getting out of the D category. This may not be the case w/Sabek. Referred her to Mike O'Connor: 268-7579.
- spoke w/Mike O: he has yet to write agreement; should be finished by end of week; and signed "shortly thereafter."
- 3/30/95 mess fm and to MO. Spoke w/him. He'll call Cheryl Gordon.
- 4/27/95 phoned MO: status?
- 5/1/95 spoke w/MO: agreement has NOT been signed. He is frustrated. He sent it several weeks ago for signature. Shell signed it, but Paynter (for Andy Saberi) has not. G&G are also supposed to sign it. (Sabek Inc. has been cut out of the picture.) He just spoke w/Paynter, and is angry with his lack of cooperation. Thinks Paynter is playing games. Maybe we should sue them. But MO has no time in his new position, even tho he says he's dedicated to resolving this case. Bob Chambers replaced him in Env.& Consumer Protection.
- 5/2/95 phoned Bob Chambers (DA's Office; MO's replacement): left message.
- 5/15/95 B. Chambers phoned: MO will know this week if the contract will be signed. Probably by Wed.
- 5/19/95 mess fm BC: Saberi has signed the judgment. All signatures by next Fri. MO still has the file.
- 5/26/95 left mess BC re status.
- 5/31/95 spoke w/Mike O'Connor: Paynter didn't sign yet. We're filing a judgment vs the parties. Shell is prepared to take over and do the work. Saberi is primary RP. G&G responsible for keeping site in good appearance. Shell will notify community of site activities, update them, answer telephone calls. He doesn't have Shell's phone # yet. Next community mtg is 7/3 Monday at 7:30 pm. But maybe it'll be postponed due to the holiday weekend. He can't attend that night bec. It's his Bday. So maybe I can attend.

1/30/95 Chris Ashman phoned of Pacific Refining Co. in Long Beach (310-499-4482). She's a lawyer. They're a creditor of Sabek's. They're thinking of taking title to some of Sabek's sites in lieu of payment. She knows of 4 stations under his name, and others in his son's name. There's a hot site in Redwood City also. They sold gasoline to Sabek. They're the major creditor. She wanted to know the extent of the contam.

spoke w/MO: he spoke w/Cheryl, who wants to be sure bankruptcy claim is valid. Shell lawyer has not returned his call. Told him about Pacific Refining lawyer. IRS is also owed money (a creditor), as per Bill Paynter.

1/31/95 mess fm C. Gordon. spoke w/her: She noted that the claimant is the individual: Andy Saberi. And that the bankruptcy claim is for the corp: Sabek Inc. She'll phone Andy Saberi, to see who is actually incurring the cost. Am I willing to give them a chance to come back into compliance? YES

Drafted ltr to RPs

2/2/95 spoke w/MO: **Wrote Conditional Repeal of NOV to RPs.**

2/9/95 spoke w/MO: Shell has agreed, so project should move forward soon. But they don't want to be the only one to advance \$\$.

2/24/95 spoke w/MO: He's mtg w/Shell on 2/27; should get the agreement signed then. x27575 is his new tie-line (Juvenile West); he starts there 2/27. He's keeping this case, even though he's leaving Consumer and Env. Protection. This is the only case he's keeping w/this office.

2/28/95 Mark Zomorodi phoned; wants to know what status is w/CleanUp Fund. Told him I thought we were waiting on the big mtg 2/27 w/Shell and the RPs. Suggested he contact their lawyer Bill Paynter.

3/17/95 mess fm Mike O (tie line x27579): Shell agreed to deal.

3/22/95 mess to Mike O: thanks for keeping me in the loop. What is your outside phone #?

94). DTW at Nabisco (now closed) at 1267-14th St. was 12 to almost 14' bgs in 1991; cannot determine from file exactly where the MWS were in relation to cross streets. GWEs were reported in negative feet msl; case is closed.

Mike: 2 steps: 1) complete ex as appropriate; sample/dispose SPs, and 2) complete gw/soil invest. as per 4/15/94 wp.

12/8/94 Received fax fm Mike: researched files (including those of nearby sites) to determine DTW in this area. See notes for 12/6. His fax is basically fine; just a few minor suggestions. Phoned Mike. Politicians have agreed to sign letters; he's drafting the letters himself. He's setting up a mtg w/RPs to discuss this judgement.

1/9/95 Spoke w/MO: RPs received his proposal well. Met just before Xmas. Waiting for Shell's approval. Shell may be willing to loan \$\$ to Sabek/Saberi, if they think they'll get reimbursed. Could get agreement by end of month, then present to bankruptcy court. Shell agreed to handle PR; may set up a phone # for questions. Shell lawyer is Burnham and Larson. Gupta and Garg paying to maintain site.

1/24/95 spoke w/MO: his office sent ltr to Fund requesting \$\$ be made available for this site. Also got mess fm Cheryl Gordon. She probably wants to know if RP is "in compliance." That's a good sign. Things are rolling. Spoke w/MO: he wants to get Shell's "handshake" that they'll pay for the next phases of work (contingent on getting reimbursed). If so, then I'll say they're "in compliance" so we can get the wp implemented finally!

[Ask Cheryl if lab analyses for original tank pull samples are covered by the Fund.]

mess fm Mike: Shell is reviewing the agreement and will get back to him 1/25.

spoke w/Cheryl Gordon: she didn't know about the 1/19/95 letter fm DA. She just wants to know the compliance status. Their claim was for expenses anticipated and also incurred. Their claim is for \$4,555 incurred to date as of 1/16/92. Anticipated expenses are \$200,000, but are not reimbursed. But tanks were removed in 8/93, so they've incurred expenses since the initial \$4,555 claim.

11/16/94 Community is concerned re health and safety re this
con't site. New food Co. is moving into Nabisco site (1267-
14th St.), and the new owner was at the mtg, and was
concerned about this site. What do I want them to do?
Implement the 5/6/94 WP Addendum by PEG, via the
schedule outlined in my 5/10/94 acceptance letter. Are
there any health and safety concerns? Direct contact is
a concern; but site is fenced. Still, children are
getting in. Well, that is a problem then. Keep them
out! Mike said that we may need to establish a H&S
contact for questions from the neighborhood.

4:40pm Mike O phoned back: Mtg went well. He told them
that he proposes that they enter into a consent decree.
We don't have the terms in place. It would provide for
them to come up w/a compliance schedule. Then it's
possible that AlCo Haz Mat takes them out of violation
status. Shell lawyer was there: Mr. Caleo. Shell
agreed to meet w/community and bring an IH to discuss
H&S questions. Might be good to have me there also bec
I'm AlCo. Any problem w/me doing this? No. The HP was
done in response to court order from San Mateo County. WP?
Saberis did not pay for it; thinks Shell paid. It was
part of the Discovery process. Shell told Mike they
paid for wp. One attorney told him it was just
dissolved plume, not FP. The lawyers will get back to
Mike re FP. I'm willing to go along w/this. Mike will
call CleanUp Fund to see about funds left for Class C.

12/2/94 Messages fm and to Mike O'Connor. He's drafting a
settlement and needs my input. The community mtg
w/Shell industrial hygienist is scheduled for Mon Jan
9th at 7pm. in West Oakland Library.

12/6/94 spoke w/Mike O. He spoke w/State Fund (can't remember
who). They're willing to entertain a petition from us,
supported by letters from the neighborhood, to free up
some \$\$, esp since it's in a residential neighborhood.
Mike spoke w/the Bd of Sups, Assemblywoman Barbara Lee,
Congressman Ron Dellums and DA John Meehan, who may also
write letter. Faxed him the 5/6/94 WP addendum by PEG.
There are 5 items in wp addendum. Are they to be done
consecutively? Tasks 1&2 could be done simultaneously.
Tasks 3&4&5 are really one task, which gets done after
1&2. The big fuel tank pit also needs to be overexed
vertically to a clean depth or gw depth, unless it
already is at "gw." This may be the case due to all the
recent rains. In this case, we need to determine if it
is gw. If not, then vac it out and do overex. Depth of
fuel tank excavation was bet. 11 and 14'bgs (based on
sample depths). DTW at Carnation at 1310-14th St.
(cross Sts Cypress and Poplar) is only 8-10'bgs (June

- 8/17/94 Phoned Mike O'Connor. He'll be on vacation from 8/22 to 9/6. During that time, it wouldn't hurt to get the state's financial reviewer (Jesus Genera) to review these tax documents and tell us what he thinks. Mike may have to file a proof of claim (?) to let Sabek know we may be suing him. Phoned Tom Saberi, lawyer. left mess, asking for tax documents for 1993.
- 9/8/94 Reviewed 8/30 letter fm Sabek
- 9/13/94 mess. fm mark Z. Wants update. Phoned Mike O'Connor. I can tell Sabek that the DA is reviewing the case. (He hopes to draw up the lawsuit papers in 2-4 wks.) Check w/the State to see if there's any funding. Can they submit claims for anticipated expenditures? Tell RP the \$ in Class C ran out. left mess. D. turcotte.
- 9/14/94 Phoned Mark Z. and explained all this. Wrote letter to RP.
- 10/4/94 Ellen Parkinson phoned re getting an agency rep. to their next mtg. Phoned Mike O and left mess.
- 10/26/94 mess. fm Rodney Brooks of Supervisor Keith Carson's office (372-6618). What's going on? Spoke w/Mike O. The community mtg is 11/7 in the pm; he wants to find out what's going on. Maybe get a **preliminary injunction to implement wp**. Spoke w/Rodney Brooks. He's already spoken w/Tom Saberi (lawyer for Andy Saberi), who doesn't understand why I wrote the NOV, thus putting them out of compliance w/state cleanup fund. I explained the whole sordid saga to Mr. Brooks, and referred him to Mike O'Connor. Mr. Brooks appeared to be siding w/Sabek.
- 11/7/94 spoke w/ Mike O: mtg is tonight. Update? Nothing. He already spoke w/R. Brooks.
- 11/8/94 spoke w/Mike O: mtg was ok. Fence is not intact; kids are getting inside. He promised R. Brooks to meet w/Sabek RPs before he sues them. He'll call both Sabek lawyers: Paynter and Tom Saberi, to set up a mtg.
- 11/16/94 Mike O'Connor phoned. He's mtg w/lawyers today: 2 fm Burnham and Lawson, 2 from Swope's office, and Mr. Paynter. He may get a consent decree; it's enforceable by a judge; they could make a new compliance schedule with firm commitments; but he has to offer them a carrot, like putting them back into compliance. He's not gonna make any promises other than his willingness to resolve this without an agreed upon (?) lawsuit. If they settle without attorneys/trial, they save \$\$. . .

7/28/94 piping was not; it was apparently not flushed. **By the way, the piping is still in place, although it is a short distance from the fuel tank pit.** 4) what about Jameson? Jameson bought the property and USTs from Shell in Nov 83, and he sold the property to Andy Saberi in March 84.

8/2/94 spoke w/M. O'Connor. He's still reviewing file. Meet Fri or Mon to discuss?

8/5/94 2:10 met w/MO. He wants to sue them in civil court, and ask for an injunction. Violations: 1) ULR filed 6/15/92 for results fm borings on 2/21/91; 2) failure to cleanup under H&SC Chapter 6.7 or 6.75. 6.7 is better, but is limited to owners or operators at the time of leak. 6.75 is corrective action regs; 3) Sabek's 1/12/94 report: Attachment 8A "broken fill cap on regular UST," and Att 8B "defective drop tubes fm 2 USTs."

We can a) declare the site a nuisance (as criminal violation). MO will phone E. Parkinson, and meet w/her and I onsite; or b) bring a lawsuit--serve all the RPs, even Shell. 3:30 end

8/8/94 Site visit w/Mike O'Connell. Met Ellen Parkinson finally, onsite. See field report. The fence was upgraded, and stockpiles are covered w/new visqueen.

8/10/94 Received package from Thomas Saberi for Andy Saberi.

8/15/94 Reviewed this package. It contains: a) letter from Thomas Saberi dated 8/9/94, b) one-page entitled "NOTES," dated 7/26/94, c) laboratory reports for soil samples associated with the 3 borings in 2/91, d) laboratory reports for soil samples during tank removal, e) invoice for workplan by PEG, f) invoice for AlCo oversight costs, g) Chapter 11 document, and h) tax documents for Andy Saberi for 1990, 1991, and 1992 (**note they did not include 1993 as requested**). . .It is still not apparent that any overexcavation of soils occurred after the tank removal. Normally, samples would be taken both before and after overex. What we have is only one set of lab results. Normally, a soil stockpile would be generated fm overex activities. There is no clear evidence of such. I am of the understanding that all the stockpiles onsite were from the original tank removals.

7/19/94 Received pkg fm Ropers

7/20/94 Reviewed the pkg: bankruptcy petition, etc. Need Gil to interpret. Phoned Bill Paynter. They'll provide the documents asap.

7/27/94 spoke w/D. Turcotte. Budget was passed. She sent copies of the LOCs to Ed about one week ago. Bad news: No money left for category C. They had 17.2 million, and spent 14.9 million. The remainder is set aside for claim amendments. (They spent a total of 14.9 million last fiscal year on Cs). The fund was never meant to handle the amount of claims they get (8-9,000 claims/yr). Andy Saberi filed the claim. D is the largest category. They only knew this was happening (running out of \$\$) on 7/22. May be able to free up \$\$ in April or May 95. Otherwise, Sabek will have to wait until July 95 to get any \$\$.

She did not receive the pkg fm RP.

4:00 pm met w/Larry Blazer. He read the bankruptcy documents. Check this out: Santa Clara DA's Office is on the list of creditors for \$15,000. Who owns the property? Andy Saberi. We think that Saberi "controls" Sabek Inc. (He's the President of Sabek Inc). We need 1040s for both the corp. and Saberi. Questions: Did the lawyer(s) say that the bankruptcy would hold up the cleanup? What is the lawsuit(s) about (Garg/gupta vs Sabek; Shell vs anyone)? Did Sabek Inc. or Saberi operate tanks?

Assessor's records: Home address for Saberi (Andrew and Zaida) is 2240 Skyfarm Dr., Hillsborough CA 94010. They also own properties at 635 and 641 MacArthur Blvd, Oakland (maybe rental units). Larry wants to sue Saberi; he's the p.o. The bankruptcy is for Sabek Inc., and has nothing to do with assets that Saberi may have.

7/28/94 JE spoke w/Mike O'Connor (DA's office). He wants to sue everyone. Permitting violations are easier to prove. Questions: 1) were the USTs permitted? 2) under whose name? 3) were they empty between 90 and 93? 4) other PRPs? Answers: 1) an interim permit (good for 6 mos.) was issued in Feb 88, for 4 USTs (note they had 5 USTs). AlCo was backlogged re permitting until 92, but at that time, these USTs were on their way out. 2) the interim permit was issued to Sabek Inc. dba Sabek Inc. 3) the Tank Closure Report indicates "All tanks were empty of liquids with the exception of the waste oil tank. Sabek arranged for about 300 gal of waste oil and water to be removed from the tank and transported off site on 8/24/93 by Evergreen. . ." I wonder about this statement; during tank removal on 8/24/93, I observed that gasoline was leaking from the piping on the W side of the fuel tank pit. If the tanks were empty, the

- 6/24/94 left mess. B. Paynter re our conditions for consideration of retracting the NOV.
- 6/28/94 Phoned Mark Z. He's mailing me a letter. He's spoken w/Bill Paynter already, who got my message from 6/24. Paynter wants me to put in writing what forms I want. Paynter says Sabek's current finances will not be portrayed in the past tax forms. 707-938-8668 fax to Paynter.
- 6/29/94 spoke w/Donna Turcotte. Claim #742, Category C. Their financial review analyst is Jesus Genera (916) 227-4514: left message.
- 7/1/94 mess. from Mike Ropers (415) 780-1657.
- 7/5/94 Left mess. Jesus Genera. Spoke w/Mike ropers: Paynter is off on vacation. The person that Zomorodi spoke w/at the CleanUp Fund is Francine Aguirre (916) 227-4427. She said their status is in jeopardy/limbo, due to the NOV. Mike Ropers will phone Zomorodi and Paynter, and send me Chapter 11 info.
- left messages for F. Aguirre, J. Genera, and D. Turcotte.
- spoke w/Gil. He does not think it's inappropriate for me to request doc (invoices, etc) on overex. cc the State Board.
- Drafted letter to RP requesting invoices for remediation work performed, remediation report, sampling results, doc. of Ch 11 filing.
- 7/6/94 spoke w/Donna T. To consider RP for "special bankruptcy" status, RP must submit complete federal 1040 forms for the years 1990 to 1993, as well as 1065 forms (don't need 1120 forms). Revised letter to RP; faxed to Donna for review; then faxed to A. Saberi.
- 7/8/94 message fm M. Ropers: went to bankruptcy court; can't get the papers til Mon.
- 7/12/94 left mess M.Ropers: It's confusing to deal w/2 lawyers for same RP. I sent/faxed letter to RP and to Paynter on 7/6. He should speak with them.
- left mess. Bill Paynter: did he get my fax?
- 7/14/94 M. ropers phoned. Will mail bankruptcy documents (petition) today. I faxed him my 7/6 letter.

6/20/94 mess fm Ray Swope. . ."we had no idea that we had to contact you re HP. . .Who said we had to? He'll inform me of future work. Wants a mtg."

6/21/94 spoke w/Gil. Get assurance fm Blessy that the NOV will not be considered against them. Tell Swope to call Gil for a mtg. Discussed w/Tom. Borsuk case was similar. Even tho he wrote a NOV, Blessy's office went ahead and issued the LOC. . .maybe because Borsuk and Mom went to the State's office and pleaded with them.

Discussed w/Tom. Tom sez don't back off on the NOV. If the State sez their funding is jeopardized, then tell them to phone us. People can be brought in and out of compliance.

spoke w/Ray Swope. Wants me to "revisit the NOV." Sabek is getting bids. They are scrambling to implement wp. No HP results yet. No FP. Got gw sample.

6/23/94 spoke w/Mark Z. Update? mess fm Bill Paynter (707) 996-5605.

6/24/94 Phoned Bill Paynter. Do I need any additional doc. fm anyone? He'd be happy to disclose Sabek's finances w/me, under oath. The state can make their check out to two parties (contractor and Sabek). **How can AlCo get on creditor's list? Ask Gil.** Shell lawyer Michelle de Jardin, or maybe it was Mike Ropers, who told him they spoke w/someone at the State, who told them their funding would be jeopardized by a NOV. He doesn't know WHO they spoke w/at the State. Ch 11 was filed due to a tax dispute. He'll mail Ch. 11 doc.

spoke w/Donna Turcotte fm UST Clean Up Fund. Sabek also owns two sites in San Mateo, which he has done nothing re cleanup. I could tell them I'd consider retracting the NOV if they submit the following documents both to Donna and myself: a) 3 yrs of 1040 taxes, complete including all schedules, and statements and K-1s; b) if Sabek is a corporate officer in Sabek Inc or any other corp, we need 3 yrs of 1120 or 1120S; c) if Sabek is a general partner of any partnership, we want 3 yrs of

1065 forms (partnership federal tax returns). Donna also said that they have used EAR funds. . .in Region 1. . .the state cleans up the site, but RP is not eligible for fund. The State goes after any and all assets to pay for the cleanup. Donna's address is: State of CA, SWRCB, UST Cleanup Fund, 2014 T St., 2nd Floor, Sacramento 95814.

said they do have a permit for this, 2-3 hydropunches, max. depth 20'bgs. MC took out permit on 5/17.

(Mittlehouser Corp).

Site visit. See field report. Moira McQuaid and Mark Zomorodi were onsite. Moira said that Ropers & Majeski is the law firm for the insurance company for Gupta and Garg. Apparently, the insurance co. is paying for this. **Since AlCo did not request this work, we cannot make decisions based on the data hereby derived. Not only that, but these costs are not reimbursable by the CleanUp Fund.**

6/10/94 JE long tel con w/Blessy Torres. ~~Sabek is in Class C)~~ therefore they do not have to disclose their finances to CleanUp Fund people. Sabek claims they already spent \$\$ on overex and soil remediation. However, AlCo has not received any such documentation (reports). Blessy will phone Sabek (Mark Z) and ask for invoices. The other game that Sabek is playing is that they gave Blessy the impression that they'd go ahead with the wp, and then Blessy would check up on them on 7/1 to see that the wp is underway. In the meantime, Sabek writes to me and requests another extension to implement wp. Sabek wants to wait til they get the LOC, then show it to their contractor, and get their contractor to do the work in lieu of future payment from the State. That way, Sabek doesn't have to shell out the \$\$\$. However, the earliest that the LOCs will be mailed out is 3rd wk in July. If Governor does not sign the budget, (last yr he didn't sign it til fall), then State will have to wait to send the LOCs out. It may be as late as fall 94! Discussed w/TP.

For all these reasons, I wrote a NOV letter to RPs stating they are in violation of the Water Board order.

6/16/94 Mark Z phoned. Had conference call w/Mark and Tom Saberi, lawyer for Sabek. ~~Sabek filed for bankruptcy (Chapter 11) on 5/12/94.~~ The NOV puts them out of compliance vis a vis the UST Clean Up Fund. They want me to re-evaluate the situation, and give them a time extension, and/or retract the NOV. ~~The 6/9 sampling was for a court case between Gupta and Sabek.~~

6/17/94 spoke w/Blessy. Any work done prior to a cleanup request fm AlCo is not necessarily eligible. Andy Saberi (not Sabek Inc) is the claimant. Blessy asked Mark Z. to submit doc. on overex to me. But she did not ask for invoices. Will the NOV jeopardize funding? Only if it's not implemented.

him

- 5/4/94 Reviewed 4/29 letter fm M. mcQuaid. CC'd Gil. Messages to and fm Mike Hurd of PEG. The RPs are mtg today at 3 pm. Spoke w/M. Hurd. He recommends overex w.o. pit, resample SPs, dispose SPs, backfill w/clean fill, and do SVE test. Can they backfill fuel pit w/fuel SP? Can they backfill w/clean fill before doing vapor ext. test? Yes, but it seems that the SPs must be disposed first. He'll relay this info to Mike Johnson (Shell lawyer).
- 5/9/94 Received and reviewed the 5/6/94 Work Plan Addendum fm PEG. Drafted letter to RPs.
- 5/10/94 spoke w/M. Hurd. He does not think it's possible to install MWs while aerating soil, mostly bec. the excavations would be open. Access would be hampered. Revised letter and sent to RPs.
- 5/17/94 mess. fm M. Hurd. Did they miss 5/15 deadline? No, but I want an update. blessy lm. Wants me to sign something saying they're in compliance. Don't they have to do field work to be "in compliance?"
- 5/19/94 Spoke w/Mark Johnson. Saberi is putting together a bid pkg, to comply w/SB 2004. Mark Z is concerned about deadlines. He expects Saberi will fund the next phase of work. Phoned mark Z. He just received my letter about 2 days ago. They're getting bids. They "overexed" before taking samples and therefore have satisfied the \$10K deductible. Their problem is they need money; LOC can't be issued before 7/1/94. Priority Class C. When did they file claim? Don't know; a long time ago. He asked for another time extension. I said to write me a letter request, and I'll take it under consideration.
- 6/1/94 received 5/20 letter fm Mark Z. He wants "a time extension of minimum days from the issuance date of the LOC" from the state. What does this mean in terms of dates?
- 6/8/94 Phoned mark Z. Task 1 would begin on 7/20. Phoned Blessy re reality of a LOC on 7/1/94.
- 6/9/94 mess. fm Roger Papler of Mittlehauser Corp. (416-2931 or 928-3691). There's a drill crew out right now at 1230-14th St., doing a HP invest. Driller says that well-hydrated bentonite is ok to use as backfill. What say I? His client is Ropers and Majeski (lawyers). Spoke w/Steve Pierce fm MC. Said they want to do a fuel fingerprint. Phoned Zone 7 and spoke w/Wyman Hong, who said it's preferable to use cement slurry, but well hydrated bentonite is ok to backfill boreholes. Zone 7

↓
 That means there's free product.

- 4/5/94 Blessy Torres from SWRCB phoned. She spoke w/Mark Z., who claims they're in compliance bec. I gave them an extension. She's trying to decide if they're in compliance. Sabek wants a LOC even tho they haven't begun corrective action.
- 4/12/94 Carol Motosicky from PEG phoned. (408-441-7790). She's writing a wp. Her client is Shell. Wants MW info. She got the case on 4/7. Thinks gw is 10-20'bgs; her proposal has 4 MWs and 2 SBs. Ran MapInfo. Reviewed files of nearby sites. Faxed her a map w/nearby sites and gw flow directions.
- 4/18/94 Reviewed the 4/15/94 Work Plan letter report by PEG. They propose 3 SBs, 4 MWs, and one soil vapor extraction (SVE) well. Phoned PEG and spoke w/Mike Hurd (the RG who signed the wp). Discussed specifics: 1) he was not informed that the site has open pits and huge stockpiles of soil. I mentioned this because I thought MW1 should be moved to be NW of the waste oil pit, and I was wondering if they could get a drill rig past the open pit. 2) How can they determine in the field where DG is? If there's no gw odor in MW4 or B1, then that's not the DG direction. Then they'd install the well at B-3. What if all the SBs/MWs have odor? Then he'll put the well at MW4, as proposed. 3) He agreed to analyze at least one sample per boring, specifically the cap. fringe sample.
- Drafted letter to RPs accepting wp conditionally.
- 4/19/94 Spoke w/Gil. He said to accept wp on the condition that they'll submit an addendum which addresses the existing site conditions. Revised letter to incorporate this. Faxed to Gil for comments. He said OK to send.
- 4/27/94 Message fm Moira McQuaid (415-579-2911). She represents Gupta and Garg. Ray Swope is from their (G&G's) insurance agency. She has not been receiving my letters, probably bec. I've been using Ray Swope's name on the attn: line. So I faxed her my 4/19/94 and 3/21/94 letters. Moira wants a one-week extension for the amended wp submittal because Saberi's lawyer is in trial this week and probably part of next week. She'll write me a letter confirming my ok of the one week extension, and she'll give me Ray Swope's correct address. We should just cc him at end of letters.

- 2/14/94 received letter from Parkinson to Shell
- 2-15-94 RB kh
2/18/94 Received copy of 2/15 RWQCB letter to the RPs. They used my first draft to Rich, not the second, final draft!!! That means they addressed Michael Johnson of Shell, not Shell Legal Organization! Other changes of mine were not incorporated into the letter. Left mess. Rich Hiatt.
- 2/22 Wrote and mailed out certified Notices of Official Action to 5 RPs. cc'd to Parkinson.
- 3/1 received letter fm Shell to Parkinson. Faxed it to Gil.
- 3/2 mess. from and to Gil
- 3/3 Mike Johnson, lawyer for Shell, phoned me. Wanted to know if Shell was responsible for providing a wp to me. Told him I can't answer that, but can answer the question "what needs to be done?" Asked why Jameson wasn't listed as RP. Referred that (legal) question to Gil. l.m. Gil again.
- 3/7 Mark Z. phoned; wants to know if they should send a tank closure report, as per 2/15 RWQCB letter.
- 3/8 left mess Mark Z. saying that he does not need to send tank closure report.
- 3/15 Mark Z. phoned. They are working on details with Gupta to submit a workplan. Wants a 30-day extension to wp.. Asked him to put it in writing.
- 3/16 Reviewed 3/15 fax from Mark Z. Wrote letter to RPs, conditionally accepting 30-day extension. Mike Johnson phoned; he is working w/Sabek and Gupta; they will be mtg soon. Wants 30-day extension also. Moira McQuaid phoned re same.
- 3/21 Received letters from these 3 parties; revised letter to RPs. . . . Jennifer Freitas from Keith Carson's office phoned. (272-6686) (QIC 20101). Natalie Bayton called her; she's an Oakland City Councilwoman. Wanted status. J Bd of Sup's
- 4/4/94 Andrew C-Clough phoned from City of Oak. mayor wants to be briefed on site status, bec. he's mtg w/neighborhood soon (238-6361) (.4 hr)

- 1/13/94 Mark Z. phoned. He'll submit NOV's from AQMD to Gupta, copy of lease, etc.
- 1/14/94 Received the following documents: A) 12/29/93 "Tank Closure Report" by TPE; B) 1/13/94 letter from Robert Nebrig w/Carr et.al. (lawyer for Jameson); C) 1/12/94 letter report from Sabek, Inc.; D) 1/14/94 letter report from Michael Johnson (lawyer for Shell); and E) 1/14/94 letter report from Ropers et.al. (lawyers for Gupta).
- 1/18/94 Reviewed the 12/29/93 "Tank Closure Report" by TPE; 1/13/94 letter from Robert Nebrig w/Carr et.al. (lawyer for Jameson); 1/12/94 letter report from Sabek, Inc.; and 1/14/94 letter report from Michael Johnson (lawyer for Shell).
- 1/20/94 Reviewed 1/14/94 letter report from Ropers et.al. (lawyers for Gupta).
- 1/21/94 Read 1/20 fax from RB (his draft 13267 letter). Discussed w/R. Hiatt. He wants to know if we'll be adding Shell. Spoke w/Mark Z. re receipt of documents. Also, he said that tanks were empty when Gupta left site (1990). The 3 SBs were drilled near the USTs, not below them. Saberi can't afford to clean up, but Shell could. Gupta has 2 lawyers, one of which is insurance co. (Mark Z. said all this).
- 1/27/94 Mark Z. phoned. He read Shell's letter, and says there are many falsehoods. He'll fax a written response. . . . Met w/Gil Jensen, and brainstormed over the chain of events re ownership and operation of this site. Included Susan, Tom, and Scott in this discussion.
- 1/28/94 Received fax from Mark Z. Typed up our comments (Gil and I) into the draft 13267 letter. Sent to Gil.
- 1/31/94 Spoke w/Gil Jensen. . .he gave comments to my draft letter. . .Mark Z. phoned again; he wants me to notify Gil Jensen of the SBs done in 1991. He wants us to include Shell. Revised the 13267 letter. Sent to Gil. Sent to RB.
- 2/4/94 Spoke w/Gil. . .revised 13267 letter. . .sent final draft copy to R. Hiatt.
- 2/8/94 mess. fm Ellen Parkinson. Wants an address for Shell (.1 hr).
- 2/9/94 spoke w/Ellen P. Gave her 2 Shell addresses (.2 hr). spke w/Rich Hiatt.

12/15/93 Pre-Enforcement Panel Review. There were 5 lawyers other than Gil. No environmental people/consultants. McQuaid: Mr. Garg and Mr. Gupta were partners. Swope: Garg and Gupta were not notified of tank removal until day after. They operated site 85 to 90. All tanks installed in 1958, except an 8000-gal tank installed in 1970. USTs were stick tested. Small player. Feb 91 filed 2nd suit against Saberi. Paynter: is lawyer for Sabek. 1958 Shell bought property. 11/1/83 Jameson bought property. 3/31/84 Sabek bought property. 8/18/85 to 8/18/90 occupied by Gupta and Garg. County ordered them to remove USTs. Sabek only operated site for about 1.5 yr. They've been a dealer for Shell for past 25 yrs. Jameson: never operated site. He was an independent dealer. Paynter: Saberi is also a wholesale distributor of petroleum products. Tom Saberi: is lawyer for Jameson. Jameson was a temporary occupant, who brokered property to Saberi. M. Johnson: lawyer for Shell. In 83, tanks tested tight. This is when Shell sold property. Inventory records are not available to him from Gupta and Garg. Eberle: Fence is in disrepair; people are gaining access to site; garbage is being deposited onsite; people may be living in the building. It is a liability issue as well. Zomorodi: People tear down the fence as soon as it is repaired. Gil: Requested they fix the fence.

12/17/93 spoke w/Gil. We should consider Andrew Saberi and Sabek Inc. as two separate entities. We should add Pawan Garg to list of RPs, and consider him separately from Som Gupta.

1/7/94 spoke w/Mark Z. Tank report is ready. Should be to me next week. They will also send a letter to me. Any UST integrity tests? Don't know. Why don't you check w/the tank tester? "The lawyers are handling it." Ja. spoke w/Gil. says the burden is on the lawyers to show that Shell should be included.

1/10/94 spoke w/Ellen Parkinson. Gave her an update.

1/11/94 phone call from Mike Philips, assistant to City Councilmember Natalie Bayton (238-3266). Gil referred him to me. Wants update: when will site be cleaned up? Who is paying? Faxed him my letters dated 10/5 and 11/19/93. (fax is 238-6129) (.6 hr)

Revised NOR, adding Mr. Gupta.

11/19/93 Spoke w/E. Swope. This has been a lawsuit between Saberi and Gupta. They are each suing each other. Mr. Saberi appears to have refused to clean up, and may be playing this game so that Gupta will be forced to pay for cleanup. Saberi buys abandoned tank sites all over the place, and remediates them. The reason he's taken an exception here is due to a personal vendetta against Gupta. Swope's client is Gupta. He's acting as co-counsel, as is Norma McGuaid and Judy Johnson. Saberi's lawyer is Mr. Painter. Swope is filing a cross-complaint to bring in Shell. Also filing a TRO and a mandatory injunction to Saberi to clean up site. Since they passed their deadlines in my 10/5 letter, I'll write another letter.

Station is 35 years old. USTs probably began leaking 15-20 years after installation. Therefore, Gupta was not tank operator at that time. History: 1958 Shell bought property and built station. 1958-1983 Shell owned property. 1983-1984 (5-month period) different property owner. 1984-1993 Saberi owned property.

Saberi owned property both before and after renting it to Gupta. Gupta operated site 1985-1990. Saberi operated it 84-85(?)

Wrote NOV (deadline is 12/6/93) and 12-19

11/29/93 Spoke w/Mark Z. They are trying to get other RP involved in cleanup. Mr. Painter (Saberi lawyer) contacted lawyers for Gupta. Some of Saberi's other sites are also operated by him. . .these have been cleaned up. He never received my 10/5 letter by mail. That's why Mark asked me to fax it on 10/29. Mr. Gupta's insurance co. has been stalling this job. Gupta filed a claim w/insurance co., who is apparently cooperating with/defending Gupta. Mark thinks insur. co. will pay for cleanup.

12/1/93 Discussed w/TP. He advised a Review Panel since we have mostly been hearing from lawyers instead of consultants. . .it would be beneficial to get everyone in one room so we can discuss the situation and aim towards site cleanup. Wrote "Notice of Pre-Enforcement Review Panel."

12/3/93 spoke w/Ellen Parkinson. Trash is accumulating on the site. People are getting onto the site. What are we doing? Sent her my two letters to RP, dated 10/5 and 11/19. She's with the Oak Center Neighborhood Association, 1420 Magnolia St., Oakland 94607.

FILE OR PER NO. Removal	ENVELOPE No. _____ of _____	PLAN REF W \$ 1,431⁰⁰	by B	Date 6/22/93	Pre-Construction/Guest	By	Date	By	Date
<input type="checkbox"/> OWNER Sabek, Inc	Address 1230-14th St	No. _____	Plans Rec'd.		Final				
<input type="checkbox"/> Contractor Jank Project	Address 2821 Whipple Rd	Plans Approved			Pre-Plaster				
<input type="checkbox"/> OTHER (Specify)	Address Maira McQuaid	Layout Made			Excavation				
	Phone 415-579-2911	Rejected			Absorption Field				
		Applicant Notified			Absorption Bed				
		Plans Returned			House Sewer				
		Permit Issued			Final				
		CONSTRUCTION PROGRESS ACCEPTANCE			Septic Tank				
		Pre-Plaster/drywall			Absorption Field				
		Pre-Final			Absorption Bed				
		Final			OTHER				

LOP 295 A →

CONTACT FOR INVESTIGATION
 XR **415-588-3088**
Sabek (Mark 2.)

Date	By	REMARKS
6-28-93	JE	Plan Review - 5 USTs Spoke w/M. Zomorodif TPI is supposed to get remaining deposit.
		Need A+B Forms
		Spoke w/Andy Saberi of Sabek Inc. They did Sbs + found contam. It was an independent gas station. It's ok for TPI to get refund.

Date	By	REMARKS
		Sabek leased site for 5 years to Mr. Mr. Gupta. lease expired Aug 92. It was AMI Service Station. No bid of Equalization #
7-2	JE	Approved plan
7-15	JE	Al Nasso of Summit Engineering has been asking questions about this site (531-6655). Today I rec'd the ULR + lab results for Sbs drilled on 2-21-93 showing 1600 ppb TPHg. Therefore, I

LOCATION

Vicinity Map

DepRef **STID 295**

Project # **704449**

Fee Paid **\$1,431⁰⁰**

Date **6/22/93**

transferred site to LO

1230 14th St
 Oakland CA 94607
 VACANT LOT / SABEK, INC.

