

SCHOON CORPORATION

Fax No. 916-644-7934

April 8, 1994 FAX TRANSMITTAL

TO: Juliet Shin,

FROM: Robert Schoon, Schoon Corp

Attached is a 5 page letter I sent to the City of Alameda complaining about their gassing me and my people.

I would like to know if they have a permit. If so I would like a copy of it. I also would like to know if you have anyone that can test the material to see what it actually is. He did not smell like gasoline to me. That is what they are saying it is.

Do you know any doctors that would be familiar with problems caused by a high overexposure to these substances. I am still having headaches and problems concentrating.

You can reach me at phone number 916-644-1028.

I have been contacting all kinds of agencies but nobody seems to care about this.

Thanks,

Bob

Robert F. Schoon

Bob

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March 5, 1994

Bill Norton
City Manager
2263 Santa Clara Ave.
Alameda, CA 94501

Dear Bill:

I am going to tell you how enraged, outraged and utterly disappointed I am with your Alameda Housing Authority operation for putting myself and my employees at risk in your method of removal of contaminated dirt from an old leaking **LEADED** Gasoline underground tank at 1916 Webster St., Alameda.

WHO ARE WE? We have rented space at 1916 Webster St. from the Alameda Housing Authority for 10 years. The majority of that time and currently we have rented space right next to the site of the leaking **LEADED** Gasoline underground tank.

WHAT HAPPENED? On Wednesday March 2, 1994 I went to our space in Alameda to work. I arrived very early in the morning about 6:30 AM and found everything to be normal. Then I read a letter from Eileen Duffy that said that the removal of the contaminated dirt would start on that day and last for 2 months. She very kindly arranged for a method so that our normal business would occur while this was being done. Then the workers arrived. The contractor with the backhoe for digging and a person who appeared to be the project leader. My employees started arriving at about 7:45 AM. Business was being conducted as usual and the backhoe was working outside. As soon as the backhoe got down to removing the contaminated dirt the smell inside our warehouse and offices became unbearable. I immediately called Eileen Duffy and complained as it was smelling so bad and was giving me and some of my employees a headache. Eileen suggested We roll down the door that separates the warehouse space from the outside which we did I said the door was not air tight, had holes in it and would still allow the fumes in the warehouse. She said she would send someone over to plug the holes and it was just going to be a few days and the worst of it would be over.

I am sure this proved to be the worst advice we could have received. As this allowed Fumes in and did not allow an air flow. The smell became worse and was making me Nauseous along with a headache (I never get headaches and have never been to a doctor with a headache). I called Eileen again and got the story that there wasn't anything that could be done and she suggested that I close all the doors. I said that

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would not allow any air in and would effectively close not only the doors but would close our business down. She said there was nothing they could do and we would just have to endure it for a few days.

We decided to open the door to the outside as the air was so bad no one could stand it. Fortunately the wind came up and started blowing through the warehouse to give us some air movement and gradually the smell became less obnoxious, until we could breathe again but still with the smell coming in, but it was better than before.

Then the "scientist" on the job decided to move some of the contaminated dirt over to a position near the door right in the line of the air flow that was coming in. Again the smell went way up and by then I had enough of the runaround I was getting and decided we needed immediate relief. So I went directly to the backhoe operator and said I did not want him moving anymore dirt over to the space that allowed the air flow to blow the fumes directly into our space. He said that I needed to talk with the boss on the job. This guy was extremely unhelpful and said he had run out of space and needed to move the dirt over there. At this point I had no choice but to confront him and said that he could not move anymore dirt. It was making me and my employees sick and giving us a headache. I told him that if he moved any more dirt I would do whatever was necessary to shut him down and would call OSHA right away and all the environmental agencies. He said I needed to talk to the Housing Authority so I went in and contacted Eileen Duffy again and told her that if we did not get this stopped I would contact OSHA and other environmental agencies. She again reiterated that it would only be a few days and the worst of it would be over. I told her we could take no more and that the moving of contaminated dirt would have to cease or I would be calling the appropriate protective agencies.

Shortly after this Sasha George came over and another confrontation occurred as she and the job leader said that they needed to use this space for the dirt and it would only be for a little while. I said that this was impossible as it was making my people and me sick. Then she said that they had a "scientist" who was monitoring the fumes. This was the first time that I learned that there was any monitoring, let alone a live "scientist" on our job. He was monitoring where he and the backhoe operator was working in the wide open air where the fumes can be dissipated into the sky and into our warehouse and office spaces and it was only 2 parts per million. Sasha suggested it could be the tractor fumes that were the cause. Please give me a break. At this point it became evident to me that the closest thing to a "scientist" at this job site was me with my Electrical Engineering degree. So I quizzed the scientist about the monitor. I asked him what the allowable limits were? He said the maximum was 5 PPM for 5 minutes steady and he was only measuring 2 to 3 steady with occasional higher readings over 5. I said yes that was outside where you have the whole sky and air to dissipate the carbons. Not in our warehouse where the fumes had nowhere to go. He of course being a "scientist" said that was impossible and we were just being a pain in the neck or something to that effect. At this point I could see that reason would certainly not work with these people. So again I reiterated that if they moved

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any more dirt over to that spot I would call OSHA and any other agency that I could think of to shut this job down and would start working my way up their supervisory ladder until I found some one who gave a dam about our health.

At this point the "scientist" said that all he could do was cover the stinking pile with plastic. He refused to move the dirt.

They then covered the pile with plastic.

They continued to move other contaminated dirt but moved it to the other side of the building away from the door air flow. I asked that if they came tomorrow to at least bring fans to blow the fumes back away from us.

Then the "scientist" was leaving and shut the back outside door with out even consulting with us. Immediately the smell went from being able to smell the fumes to being disgusting immediately. I again confronted the "scientist" and told him that he should never do that again without consulting us.

The next morning I was there again early. They started working outside the warehouse and expanding the hole in front of the door. This time he had brought fans with him to try to blow air away from our space as I had suggested or demanded the day before. He had his meter right next to him under the overhang in front of the door and so I asked him what the reading was. He said it was about 7 and I said isn't that over the allowable limit. He said it was but it needed to read that for 5 minutes steady and it was floating between 3 and 7. I had been working in an office on the computer and could smell the fumes again but at a level that I would call the lowest level we smelled the previous day with the door open and the wind blowing before they moved the contaminated dirt over to the path of the air flow. He brought his meter in and immediately it started buzzing and the meter read from 6 to 7. I said isn't that over the allowable limit and he said yes but it needed to stay there for 5 minutes. He stayed and so did the meter. He moved one of the fans over to the door of the office and started sucking the contaminated air out. He then opted that it would be unhealthful for us if they continued working and shut down for the day. Later in the day I saw Sasha and she said it looks like I have a legitimate complaint (as though my previous complaints were illegitimate). They would work on Saturday removing dirt and would remove the offending pile over to the other side of warehouse. They left the fans for us to use as needed and kept two of the fans blowing on the dirt they had disturbed. I also insisted that someone be at the warehouse on Monday Morning March 7, 1994 to monitor our space to make sure the readings are accurate.

I thought to myself what utter insanity? You operated with utter disregard for the health of my employees and me. You had the meter protecting your worker's health but not ours. They could have simply walked into the warehouse on the day before and seen the readings would have gone off the scale. I know they would have gone

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off the scale as the meter reading from the morning when they were made was from a light smell not the extremely stinky smell we were getting the day before. Only after confrontations, anger and scientific probing was I able to find out the tolerances and the readings and that they had a meter that would measure that.

Thank God I was down there. My employees are so nice, passive and tolerant that they would have probably put up with it until they died. I work mostly in Camino which is a 3 hour drive from Alameda towards South Lake Tahoe and only come down about once a month for a day but decided to stay over past wednesday to thursday because of this trouble and sickness with headache that I felt. It's sort of ironic I moved up there to get away from the fumes and city traffic only to get gassed at your facility while trying to protect my employees.

We have women of child bearing age working in there and I hope to God none of them were pregnant while inhaling those gasoline lead filled fumes. I also wonder about the integrity of the scientist as he came into the office after the fan had been operating and said the readings were only 2 to 3 but the buzzer on the meter was going off and I only observed this phenomenon when the meter read higher than 5 PPM.

I left that morning to come back to Camino at about 10:00 AM with an extreme headache and nausea and was unable to think or work clearly until Saturday Morning when I wrote this letter. I was only able to work about 4 hours before I again developed an extreme headache. I have no idea what permanent damage my employees and I have suffered, but no doubt time will tell.

WHAT DO I WANT DONE? I want no work to be done while my employees are working or within 12 hours of when they will start working. I want our offices and warehouse monitored by an independent agency or environmental group after work has been done outside our warehouse.

I want to know the educational qualifications of anyone working on this job and other jobs they have worked on. The qualifications had better be accurate as I will certainly check them out.

WHAT WILL I DO IF YOU CONTINUE TO UTTERLY DISREGARD OUR EMPLOYEES HEALTH? I am a member of Sierra Club and will hire the best attorney the club has to litigate to the fullest extent of the law. I have been in court before. I fought the IRS for 5 years and went to court and won. I spent 2 weeks in federal court in San Francisco and won a racial discrimination case against a racist company I worked for at that time despite the fact that I am a White Anglo Saxon Protestant. I don't use the legal system very often but when I do, you can expect a fight to the death as I am sure the above people can attest.

So don't mess with my employees health anymore without proper safeguards.

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The title of "scientist" for the guy monitoring his own health reminds me of an old joke. There were 4 people taking a plane ride. There was Jimmy Carter, Henry Kissinger, A Presbyterian Minister and a Hippie.

The plane developed engine problems and was going to crash and there were only 4 parachutes for the five people. So the Pilot took one because it was his plane. Jimmy Carter took one and jumped because he was president and needed to save the world. Henry Kissinger took one and jumped because he was the smartest man in the world.

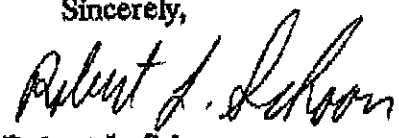
That left one parachute for the minister and the hippie. The minister told the hippie to go ahead and take it as he had led a full life and was ready to meet the Lord. The hippie said that's OK reverend there are still two parachutes the smartest man in the world just jumped out of the plane with my backpack.

It is not necessary to answer this letter. References and papers can be given to Cindy at the warehouse. So please don't have anyone reply to this letter unless it is you. As they say actions speak louder than words and I think I have clearly spelled out my reactions to any actions that would put us at risk.

Over the years we have always had a good relationship with the Housing Authority and have been good tenants. We hope to have many more as long as you own the building. Hopefully this was just a momentary aberration and one that did not hurt us too badly.

I did request a business card from the "scientist" whose name was Christopher H. Valcheff, Environmental Science and Engineering, Inc.

Sincerely,



Robert L. Schoon,
President