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# Facsimile Cover Sheet

**To: Chris Jones**  
**Company: Alameda County Health Agency**  
**Phone: 510-337-9231**  
**Fax: 510-337-9335**

**From: Robert L. Schoon**  
**Company: Schoon Corp**  
**Phone: 916-644-1028**  
**Fax: 916-644-7934**

**Date: 07/15/94**

**Pages Including this**

I am attaching two letters I have written to the housing authority. One should give you background on history and the second on my concerns for the present project.

I talked with a Simon Winer at Bay area pollution and he actually took an interest after I explained the health problems I have been having and contacted you on my behalf as he said the health problems are not in his area.

You can reach me at 916-644-1028 or if busy 916-644-4094.

If you cannot do will you have someone you could recommend to do the job.

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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 sight 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 damn 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 nauseousness 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

## SCHOON CORPORATION

Fax No. 916-644-7934

July 15, 1994 FAX TRANSMITTAL

TO: Sasha George, Eileen Duffy, Bill Norton - City of Alameda

FROM: Robert Schoon, Schoon Corp

Thank you for your response to my faxes and phone messages.

Unfortunately your response was only generated after my messages and faxes which included one to Bill Norton the City Manager.

I would like to address response and communication which have been (it seems to me) designed by the City of Alameda to eliminate any response or specific concerns by me and our company and I would imagine other tenants in the building, although the other tenants are not working right outside an open toxic waste pit.

I will outline my reasoning for this.

I was on vacation from June 19 to July 8 and called in to my office in Alameda regularly. I was informed by Cindy that there was to be a tenants meeting as to the open toxic waste pit immediately next to our warehouse.

Cindy attended the meeting during which a lot of information about intentions were verbally given with the understanding that everybody would get copies of minutes of the meeting.

Part of what Cindy communicated to me was that you were planning to remove and disturb the contaminated dirt that was removed in the first incident while we were working.

I asked Cindy to get copies of tests made and to tell you that we would not tolerate removal and disturbing of dirt except on a Saturday. Apparently this was done and was agreed to by your contractor. I also asked Cindy to get a specific job proposal for the balance of the work explaining in detail what was to be done and not to do anything until we had this in our hands.

It seems the communication stopped here. There were no written copies of minutes of the meeting and we received no copies of the tests. We also did not receive a written proposal of what the project entailed. We did finally receive copies of some of the tests but only after several requests by Cindy.

I am already suspicious of the contractor and your purposes, because anybody



that would even suggest removing and disturbing that contaminated dirt around our warehouse while we are working there is either a fool or obviously does not have our best health interests at the foreground of their objectives.

All you have to do is move that dirt a little bit and the fumes it releases are incredible. That should have been obvious from the first go around. That also shows up on the tests that you made. The high hits of benzene and toluene when you made your test digs were pretty obvious especially next to our door.

Anyway we had received nothing from you regarding minutes or written project proposals as of the morning of July 14, 1994.

On the morning of July 14 Cindy received a letter from Eileen Duffy outlining the parking situation. You are paving the eagle street side because it sounds like you will no longer be able to use railroad property for parking after this month.

Then is a PS at the bottom of the letter stating that you will remove the contaminated soil on Saturday July 16, 1994.

A little PS note on the bottom of a parking notice is the only communication we have that any project is starting and this is the only written notice we have of what kind of work is to be done. Makes me wonder if you are just trying to ram this through and get it done before we even know until it is too late what is being done.

I immediately call and fax you and Bill Norton as I want to know specifically in writing what other little projects besides removal you are planning for our site and the time schedule and the access we will have to our building and the qualifications of your contractor. All things that you should have transmitted to us long ago if your intent was to start this Saturday and finish in a week. You even said at your meeting you would at least distribute minutes of the meeting.

Anyway I receive a fax from Steve Boudreau outlining the qualifications of the people involved. It appears these people are at least educated.

In a previous letter to Bill Norton I had requested the academic credentials and work experience of the "scientist" you had from the previous contractor whose name was Christopher H. Valcheff, Environmental Science and Engineering, Inc. who was in charge of our gassing on March 2. I never received this information. Is it because he has no academic qualifications that would make him a scientist?

I also received your proposed schedule outline and was surprised to see all the little projects that will be done next week. These would have been done without any notification I am sure if I had not jumped on it right away.

Now let's see in your proposed project where I have concerns.

Number One concern of course is the release of toxic fumes into our warehouse and office space as was done March 2, 1994 when you did this before.

It is obvious that any disturbance of the soil will release fumes. I would guess that the work on Saturday will resolve the problem of soil removal.

On Monday you are pumping out the toxic waste pit. I have a real concern about the removal of the water will leave a toxic film on the remaining soil and will generate fumes. Actually now that I think about this I have a concern about whether fumes are being generated in the open pit now as the water is obviously toxic and you can see the petrochemicals in the water.

How are you going to monitor the fumes generated? Specifically who is going to monitor our offices on Monday morning after work done over the weekend to see how much of the fumes generated on Saturday are trapped and stayed in our offices? What kind of an instrument is going to be used. What are the measurements it will be making and what are the exposure limits? How often during the day will this be done? What are the qualifications of person doing measuring? I need to have this monitored on a regular basis. Specifically I need to know everyday work is done on our site while we are there who is doing the monitoring and how often they will monitor our offices and warehouse.

You suggest that we notify you when we smell fumes, however from our previous gassing we know that this is too late? When we can smell it the toxic fumes are above the allowable limit. I require a more scientific and constant monitoring approach.

We will require some system that will remove the toxic air from our offices if you go over the limits. That system should be ready to be used immediately, not at some separate location where you have to go get it.

On Tuesday you will be drilling wells, inserting conduit and pea gravel. I don't know how you will be able to drill wells without disturbing the soil which will release fumes. Where will the soil from the well drilling go? If you are dumping and compacting pea gravel then I don't see how you can not disturb the soil and release toxic fumes. This certainly seems to me to be a candidate for Saturday work.

Cindy asked in the meeting several questions and received answers which I would like to comment on.

What were results of drilling in our building? *Answer: To see how far the plume extends?*

How far did it extend? *Answer: Only under our offices.*

If the toxic material is under our offices are you going to drill into the soil under our offices to remove the gas and contaminant? If so this also seems to be Saturday work project. When was this to be done?

Why are the soil and water being removed, is it because it poses a danger to us? *Answer: no the danger is to the ground water - trying to avoid it's being taken up in wells or drinking water.*

Was it a danger to the ducks which landed in our pond? *Answer: Yes*

Thus I call this hole the toxic waste pit.

You say in your July 14, 1994 letter that this work is an emergency due to the open excavation. Let's see this open pit has been there since March 2, 1994. Which is an emergency that has been going on for 4+ months.

I also would like this resolved especially since I now believe that the medical problems I have been having since you gassed me on March 2 have been aggravated by my visits to our warehouse and the open toxic waste pit and mountains of toxic waste soil right next to our space. Now I am probably going to have to go down there to protect my people and put myself at risk again.

I have been told by Cindy that on warm days they smell fumes in the warehouse. So it probably is paramount that something be done as we are probably still being exposed.

Also I wonder if your emergency has more to do with needing parking space than the cleaning up of the toxic waste site you have created.

Thanks,

Bob