

2-24-99 Went to the site and met with Vera (country person). She said she did not know the name of the property owner, but heard it was Sumitomo Bank. She gave me the business owners name to help me ~~find~~<sup>identify</sup> the property owner.

Clean Cleaners

800 W. Grand Ave.

Oak.

444-2954

Business Owner: Mr. Young Shin

1-925-254-9167

Left a mes. for Mr. Shin to contact me.

3-31-99 Young Shin gave me contact person for the property owner. Sumitomo Bank  
Mr. Kenneth Waditel  
333 Market St. #2700  
San Francisco, CA 94105

3/27/96 Lori Casias phoned Drop W. Broach bec he's not an attorney (he was the trustee for Swasey), bec bankruptcy is over now. She has tried to call Aaron Paul, who is or was the atty for Swasey. Paul won't return her messages. We don't have anyone to bill time for this site. Told her we're trying to get EAR funds. \$1,000 is owed to SWRCB. Aaron Paul is at 1999 Harrison St., Oakland CA. Appointed by court to be bankruptcy atty. She wants us to take case out of LOP. Atty for W. Broach told her that Broach is not an atty nor is involved any longer. Bank may have taken back the property. She doesn't know. She got a call from someone to find out why he was getting an invoice. Broach had passed it on to him. She can't find the caller's name or number. OK. Gave her Swasey's address in Louisiana. She will send the invoice to him, but we both know he will probably refuse to accept the mail, or not answer. **But he's supposedly out of bankruptcy now!** Swasey's address was on his letter (undated, but received 2/27/95): ~~Swasey, 335 Main St., Pineville, Louisiana 71369.~~

4/4/96 **WROTE REQUEST FOR EAR FUNDS.**

Lm for Gil re bankruptcy status

7/21/97 reviewed 6/17 ltr from EAR Program to SWRCB. Our **request for EAR funds has been denied!!!** Sent a copy to DA's office (Bob Chambers), as well as copy of our 4/25/96 EAR request to the State, and my file notes. **What should we do? How can you, the DA, help?**

7/22/97 mess fm Bob Chambers: he got my info. Wants to meet w/me and Larry Blazer next wk. Larry is out this wk. When am I available? Lm for Bob saying when next wk. Spoke w/Bob Chambers: He thinks we could have gotten involved w/the bankruptcy, but we didn't (we screwed up). He will gone on vacation bet 8/1 and 9/1. So maybe we can meet w/Larry bet 7/28 and 7/31. Short window. He will talk to Larry on 7/28, and then call me.

- 6/22/95 spoke w/Gil: Swasey's kid is on welfare in Sonoma County. He wants the \$\$ to go for the kid's welfare instead of to the bank. He wants me to find out if the Redevelpmt Agency has any plans for the site. Remember, I spoke w/Andrew Clark-Clough, who was not aware of this site. But I can also call David Ralph. He wants Eric Nunneman to do a property search (title search) and contact Sonoma Co. Welfare re status of kids (maybe he wants address of wife?). Left mess Eric
- 6/26/95 spoke w/Eric: he'll check it out. Im David Ralph of Redevelopmt Agency: (238-3692) any plans for this site?
- 6/29/95 phoned David Ralph again: lm
- 7/5/95 spoke w/Gil: Eric found that the kid is NOT on welfare, and the bldg is NOT slated for demolition. He'll get a report to me. Gil on vacation til 7/17. Then let's talk; he wants me to remind him to find a creative way to make the Bank do something. OK.
- 7/18/95 spoke w/Gil: he'll assign the case to a law clerk to strategize to get the Bank involved.
- 11/22/95 spoke w/Gil: The bank is not doing anything illegal. We're at a dead end. This site is a good candidate for the EAR funds, listed as "abandoned." Write a letter to John Kaiser (or ask him who to write to) and request the site be put on the EAR list.
- 11/28/95 David Zaumeyer from Fla. phoned. SRS Environmental (Env. Eng.) At 813-931-1989. **Has a potential buyer (himself).** Wants to know status of cleanup. Gave him a brief history. Told him we use RBCA. Told him about State Cleanup Fund, but that a buyer would probably not be eligible.
- 12/12/95 David Zaumeyer phoned: 1-800-282-0832 phone tag
- 12/14/95 mtg w/D. Zaumeyer 1:10-1:55pm
- 1/2/96 DZ phoned: JB copied all file except important one (LOP).
- 1/24/96 phoned DZ: he just got the copy of the LOP file today! He will call me when he has a game plan. He's juggling a few sites around.
- I want to include this site on EAR list anyway. DZ doesn't sound too definite about this site.

- 5/12/95 spoke w/Young Shin: she said that the person who told her the bldg is going to be demo'd is Paula Kearn. Paula's father is/was Joseph Kearn, and her brother is Chrisman Kearn. Paula told her that she got a letter fm the County saying the County plans to tear down the bldg. Paula works at the main office of Meader's Cleaners on Geary St. in SF (info gave me the # as 415-922-3300). Young also called Sumitomo Bank, and asked if they had any knowledge of the proposed demo. They said no. Left message Gil re this. Spoke w/Gil: he wants me to call the lawyer (Neil Taxy) for Sumitomo Bank. Tell him about the rumors re demolition, get an update on "prelim. Work" which the bank had been pondering. Left mess Neil Taxy.
- 5/15/95 Ken Wattel phoned: hes a lawyer for Sumitomo, who works w/Neil Taxy. Hes returning my call to Neil Taxy. They also have no knowledge of the planned demo. Nor have they moved on the PSA, nor do they plan to. Left mess Gil.
- 5/16/95 Message fm Gil: try to get that letter. He may end up having to get into the bankruptcy court and take away the payment made to the BANK. Phoned Young Shin to make sure its ok for me to call Paula Kearn. OK. Left mess P. Kearn. She only works Mon and Tues 10-1pm.
- 5/25/95 spoke w/Eric Bennett hes married to Paula Kearn. I explained the situation to him. He said hed tell Paula.
- 5/31/95 phoned P. Kearn; shes not in til Monday 6/5. She only works Mon and Tues.
- 6/5/95 spoke w/Paula Kearn: She said she doesnt know anything about any demolition of that bldg, and is not involved w/that bldg at all. I asked her if she was receiving rent payments (which is what Young Shin told me). She said no. Left mess Gil re this.
- 6/6/95 spoke w/Gil: he wants to get an investigator to talk to Young Shin. But first, I should contact City of Oakland Bldg to see if they know anything about the demolition. Phoned City of Oakland, Bldg and Planning: (238-3102) spoke w/Gerald Donohue of Code Compliance (238-6193) he doesnt have any info; no permits taken out to this date. Theyd need a demolition permit.
- 6/19/95 left message Gil: what exactly does he want me to do on this case? What does he want Nunneman to do? Talk to Young Shin or to Paula Kearn?

2/28/95 **Pre-Enforcement Panel Review.** Attendees include Rbt Kern and Scott Fowlkes from Coit Services, Neil Taxy (lawyer), Miekle Gledhill fm Sumitomo Bank, Young Shin, and us regulators. Initials in bold are for the various attendees. **RK:** is a cousin of Chrisman Kern. **YS:** did not do cleaning since approx 86. Used Permac (brand name) machine. Took over in 81 or 82; bought bs fm Joseph Kern and Rbt Cassasa. Used perc; stored it in machine. **RK:** Swasey was former Coit employee. **GJ:** we know they used stoddard before 1979, and gasoline one time in approx. 1980. USTs out of use since approx 1980. **John Kaiser:** does lab have the chromatogram? **GJ:** both C. Kern and P. Swasey are RPs except if contam is stoddard solvent. **RK:** only leased customer list fm Swasey in 9/93. He gave us copies of the purchase agreement bet. Swasey and Coit (C. Kern not involved), showing this. He never operated site. **NT:** trustee collects rent. \$ is applied to the loan. **GJ:** trustee says that's not true. **NT:** they've chosen not to declare bankruptcy (?) Prop may have been discharged, but rent goes to trustee. **MG:** their monthly payments are \$2,600. **RK:** Joseph Kern is his uncle; he's an invalid. Does not know where Cassasa is. **YS:** has lease agreement bet her and J. Cassasa and Rbt Kern. She gave us a copy. **Emil Bouchet died;** he did bs as Clean Cleaners. **GJ:** what are bank's intentions? Discussion re cost of doing a couple hydropunches (couple thousand), and even if Bank pays for it, they will not be listed as a RP. Gil will put that in writing. **GJ:** wants to tighten the noose on Swasey and Kern, and straighten out bankruptcy court.

JE phoned **Superior Analytical** to get the chromatograms for the 4 samples. Spoke w/Rich Phaler. There's quite a bit of overlap on the chromatogram bet. gasoline and stoddard, but the chromatogram can still be helpful to discern bet gasoline and stoddard. They now charge \$25 to retrieve files, and \$10 to make copies; total cost will be \$35. Told him I'll check w/my boss.

5/10/95 spoke w/Gil: Young Shin called him, and said she pays Meader's to use their name. But she can no longer afford to pay them. She was told that the bldg is going to be torn down. **Who told her this? Left mess Young Shin at 376-5150.**

5/11/95 mess fm Young Shin.

- 2/9/95 Received pkg fm Gil: ltr dated 2/6/95 from Howard Lasky to Gil, with attachments.
- 2/10/95 Reviewed this letter. Phoned w/Patrick Swasey: He said he wrote me a letter recently. He's not planning on attending the mtg. I told him a decision would be reached without him in attendance. He said he doesn't own the property. Machines and everything else (waste perc) belongs to bankruptcy trustee (William Broach). Referred me to Broach. He doesn't have keys or any rent \$\$. Emil Bouchet was last tank operator, (stoddard) but not after 79. 79 Joe Kearns and Cassasa, 80 he bought prop fm Chrisman Kearns and Cassasa. His bankruptcy lawyer is (or was) Aaron Paul in Oakland: with Kornfeld, Paul, and Bupp (510-763-1000). left mess Gil
- 2/14/95 Received pkg from the Kearns
- 2/15/95 Reviewed this pkg which includes: 2/9/95 ltr fm the Kearns, the Declaration of Partnership Dissolution (w/a section that holds the seller, Kearns, harmless for any environmental damage), and a bid proposal from CEC, dated March 1990 (which proposes a soil gas vapor survey prior to MWS). Copied the ltr and legal papers and sent to Gil.
- 2/17/95 mess fm C. Kearns: did I get the papers? Is this what I need? phoned C. Kearns and lm at 2:30. Mess fm Maya Kearns at 3:13pm. Phoned C. Kearns 3:37pm and spoke w/him. He has two lines of defense: partnership dissolution, and the bank, who would get the property if he walks.
- 2/21/95 spoke w/Gil: he doesn't know the legal effect of the Partnership Dissolution: is there any personal liability on the part of Kearns? There is case law (tho marginal) that asserts that Kearns is not responsible in this type of case. phoned C. Kearns: told him what Gil said: he may still be considered a responsible party; this will be determined at the panel. Told him that Gil said that in cases like this, where there's a hold harmless agreement bet. the 2 partners, it doesn't necessarily relieve one party of liability, esp. if it's shown that this party owned the site when the leak was discovered. Kearns said Bouchet owned it for something like 40 years, based on the fact that site was a dry cleaners since the 30s or 40s.
- 2/27/95 M. Gledhill from Sumitomo Bank phoned. (415-445-3893) Wants to know if their lawyer, Neil Taxy, may attend mtg strictly as an observer. I phoned Gil Jensen.

- 1/31/95 spoke w/Gil: He's getting name of Swasey's lawyer.
- 2/2/95 Received Roel's report. Should he write a ltr to RP, like he normally would? Gil says to hold off. Have Roel attend PERP. lm Roel. **Remind Gil: he's waiting to hear fm Howard Lasky, in ltr form, saying what was included in bankruptcy and when it was discharged. Also, who is Swasey's lawyer?**
- 2/7/95 Maya Kearn phoned Roel today and left mess, saying that her husband (Chrisman Kearn) is not responsible for this property, and is not a property owner. Her # is 707-874-3506. Phoned Gil: If he's not the owner, "he had better come in and explain his situation." He thinks the "trustee dumped the whole thing." Phoned Kearn: since April 90, not involved. Partnership dissolution, which included avowal of responsibility on his part. Business was given to him by his dad. Should be a matter of public record. Can provide documentation. He works for Sonoma County Public Health Dept (laboratory--microbiologist): his # 707-576-4711. She wants to spare him a trip to Oakland. She didn't accept the 2 certified mailers. She wants to know the outcome of this situation. Phoned Gil again: Tell Chrisman we're happy to accept documents, may or may not be sufficient, but they are their best advocate. Phoned Chrisman Kearn: confirmed April 90; has documentation. Confirmed he had bs w/Swasey called Meader's Drapery and Carpet Cleaners. USTs out of use since 1980; **used for stoddard solvent for very long time. They stopped using stoddard solvent in 1979, thinks they were used for gasoline for a brief period, doesn't know if ALL were used for gasoline.** He started bs in 1979. He was held harmless in dissolution agreement. Swasey changed lawyers midway thru their negotiations. He has all the documentation, but doubts if the lawyer would be helpful. He doesn't want to make himself too available, just bec. he lives close by; he is afraid that he'll be the only one at the PERP and therefore will be assigned all the blame. Young Shin didn't use the tanks. He'll send documents. I should call Pat Swasey. lm Gil: recap; maybe it would be better for Gil to phone Swasey.

Spoke w/Gil again: He got the ltr pkg fm Howard Lasky. He found out property also has a seismic problem. First we get the RWQCB order (ltr). We want to reopen the bankruptcy so that the asset can't be given back to Swasey. Problem is we can't use the Fund until Swasey shows up. William Broach will not attend PERP; he intends to close the bankruptcy. It's a real legal mess. He doesn't think it's appropriate for him to phone Swasey, but it's ok if I do.

1/10/95 Phoned Gil. Got his fax w/the "history file inquiry" but only address other than the site's is 406 Ridge Rd. Include Cathy Swasey. See Scott's Unocal/Armor Oil case. "Info and supporting docs which substantiate . . ." Gil suggested talking to Eric Nunneman re locating Swasey. Phoned information for phone # in Novato for Swasey, but there was none on Ridge Rd.; only Swasey in Novato is Scott Swasey (415-897-9971), but he said he wasn't related to Patrick or Cathy. Phoned Nunneman: told him what the consultant told me: Pat's Cleaners, Shreveport, Louisiana, tel: 318-442-2123. Eric got the address: Pat's Cleaners, 806 Main St., Pineville LA 71360-6406

Wrote Notice of PERP to RP. Faxed draft to Gil.

1/11/95 mess fm Gil: fax is ok, but add the following RPs: Pat & Cathy, and Kearn; Eric is checking for addresses. Phoned Coit Cleaners: 510-524-7697 I was told that Coit did NOT buy Meader's, that Meader's went out of business, and that Coit only took over Meader's telephone lines for customers. Coit's address is 897 Hinckley Rd., Burlingame CA 94010.

1/17/95 Got address for Kearn fm Nunneman. Spoke w/Gil: he wants to include Coit Cleaners, current tenant Young Shin, and Kearn dba Meaders, and cc the bank. Revised Notice of PERP, and faxed to Gil for comments.

1/24/95 Howard Lasky phoned: 415-434-1600 he's an attorney w/Howard Rice Law Firm in SF, representing William Broach, who received the Notice of PERP. Howard Lasky wants to discuss Mr. Broach's place in all of this, and how they can be of help. Phoned Gil Jensen: left mess; then saw him. He said I should tell Lasky to contact Gil. left mess for H. Lasky.

1/26/95 Roel visited site on 1/25: spoke w/mgr Sang Chin, and discovered four 55-gal drums of waste perc (PCE), and one 15-gal container of waste perc, all in the portion of the bldg that is now vacant (Swasey's old business). Also 10 gal of boiler treatment material (corrosive, haz mat) and also 15-20 gal of commercial strength detergent (gets added to perc), and small containers of spot remover. Unknown whether dry clean machines are empty; they may have perc. Copy of report given to Sang Chin. Roel instructed mgr to properly dispose these wastes. Chin told Roel they do not dry clean onsite, even though they have 4 machines. They only launder and press clothes. Roel will give me a copy of the field inspection report.



1/4/95 Phoned Miekle Gledhill: Thinks Swasey operated part of the business (drapery); **the other tenant who does dry cleaning has been there for 12 yrs--this is the current tenant. They said they never used the tanks.** Meader's Cleaners is still operating at this site. Tenant also has businesses in Moraga and Orinda. Don't know if Meader's is a chain. Tenant told him they're no longer dry cleaning at this site; but they are in Moraga. **Current tenant is Shin Young.** Does he have any reports done by environmental consultants? They have an estimate on a phase I. He asked ACC for a bid just recently. I explained the PERP process, and asked if it would be harmful or helpful to them. Their lawyer is Neil Taxy. Miekle will explain this to him and have him call me.

1/5/95 Spoke w/Neil Taxy (415-957-1800), the lawyer for Sumitomo Bank (or ask for Ken Wachtel). He said the bank is acting as the lender; merely as the holder of the deed for trust. He doesn't see why the Bank would/should become involved at this point. Is Meader's Cleaners a chain? He doesn't know. The letterhead has lots of cities/counties on it. Phoned the Fremont/Hayward # on the letterhead: no answer. El Cerrito #: person who answered said Meader's Cleaners was bought out by Coit Cleaners, main office in Burlingame, phoned # is 510-524-7697. Phoned Gil: left message. faxed my 92 letter and Swasey's letter to Gil.

1/6/95 spoke w/Gil: do a February PERP, name the prior owners Bouchet dba Clean Cleaners, and Cassasa and Kearn and Swasey dba Meader's Cleaners and Meader's Drapery and Meader's Dry Cleaning. Also name franchise Coit Cleaners as a successor corp. to Meader's Cleaners and Meader's Drapery and Meader's Dry Cleaning. Checked general Haz Mat files: no addresses, only a document signed by Swasey that said he began operation on 10/15/81 as "Meader's Drapery and Carpet Cleaners." Also a document signed by Young Shin that said he began operation in 1982 as "Meaders Dry Cleaning." Phoned Gil: told him this in a message. Checked assessor's records: po is Patrick Swasey, 406 Ridge Rd., Novato CA 9494\_ (92)

12/29/94 Steve Southern of ACC (522-8188) phoned. He did a file search on this site yesterday. He said it's NOT a vacant site, which is what the billing adjustment form says. They still need to do a gw invest. Spoke again w/Steve Southern. He just spoke w/Rhonda at Semco, who said even though they have no documentation, they remember the piping was not removed, but rather capped off. Phoned Dennis Byrne: he doesn't remember the piping. Phoned information for a # for "Broach Williams, Esquire" in Lafayette area, but there was no such number except a residence, which claimed it wasn't him. Phoned Steve Bittman: 533-5466 has been disconnected. Phoned Stewart Aikawa: 835-2408, but he's been transferred to another office. Phoned Sumitomo Bank in SF: 415-445-8034 and spoke w/Miekle Gledhill: property has been abandoned by Patrick Swasey, who filed bankruptcy and disappeared. There's been a release fm stay (assets are available to debtors) but title is still in Patrick Swasey. Chapter 7. Current property owner is still Patrick Swasey. Bank has not foreclosed, and doesn't want to bec. then they'd be an RP. Trustee for court is William H Broach at 510-946-1982 at PO Box 9, Lafayette CA. Trustee handles the disposition of the bankruptcy court. Broach is a lawyer. Bank is the debtor (they are owed the debt). Current tenant only has half the property. They pay rent to the Bank.

He wants to be cc'd on all letters: 320 California St., 7th Floor, SF 94104 (415-445-3893) . . . .lm Gil Jensen

1/3/95 Miekle Gledhill phoned: (415-445-3893) wants to know if what I asked for in my 4/23/92 letter is still what I want today. yes it is. Bank wants to know how much it will cost to do the work the County requested. left mess Gil Jensen

1/4/95 Spoke w/Gil Jensen. Did P. Swasey both operate site and own property? I think so. Meaders is a chain. Does Meader's Cleaners still exist? It may be prudent to issue an Order to Show Cause. If we do PERP, (get a RWQCB request for information), would that be helpful or harmful for the bank? or do they still want to stay in the background? Would that be useful for them in their litigation?

Site Summary STID 917  
Meader's Cleaners  
800 W. Grand Ave.  
Oak 607

- 12/20/89 three USTs removed. Holes in South and Center USTs, but no holes in North tank. Up to 9,000 ppm TPHg and up to 14 ppm benzene. (at 11.5' bgs) - Also contam at 13', DTW ~ 20'
- 9/20/93 Met w/consultant Steve Bittman. He's doing a Phase I site assessment bec. RP wants to sell site. He said the Sanborn maps did not show any USTs (1902-1950s). Dirty tank pit was never overexcavated, maybe due to proximity of st, bldg, and utilities. A gw invest. is needed also. Cleaners since 1930s. Possible the USTs contained TCE or even benzene at one point. There's pipes in concrete-lined trenches in the larger shop area. Don't know where they lead or what they contain.
- 12/3/93 Spoke w/Corine Bucklee of Sumitomo Bank. They are the lienholder and are foreclosing on Swasey. They have the deed of trust.
- File search by Sumitomo Bank. Stewart Aikawa said the Phase I had been done, but info is being held by Robinson mcNally, the realtor for Meaders.
- 12/6/93 Spoke w/S. Bittman. Pat Swasey walked on Steve, and now lives in Louisiana. Art fm Bank phoned Steve, req'g a wp. He did a Phase I, but no SBs were done. Swasey is running a new laundry in Shreveport LA. His wife lives out here. Someone still operates site. He doesn't have an address, only phone #: 318-442-2123 (Pat's Cleaners).
- 8/4/94 mess fm Lori Casias. Tenant says she cannot locate prop. owner. Microfiche says Patrick Swasey, 406 Ridge Rd., Novato CA 94947.
- 8/8/94 spoke w/L. Casias. Tenant has been paying rent to attorney for property owner (Broach Williams, PO Box 9, Lafayette CA 94599). Said p.o. has moved away.