

## **Drogos, Donna, Env. Health**

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**Subject:** RO 218  
**Entry Type:** Phone call  
**Start:** Tue 8/20/2002 4:58 PM  
**End:** Tue 8/20/2002 4:58 PM  
**Duration:** 0 hours

Phone call from Ken Papierniak 510-357-7440

Questioning the need to locate lost MW-1, requesting an explanation of the significance of a lost monitoring well, etc.

He said Amir said to call me. I said I found Amir's directive to him clear. That a reasonable attempt to locate the well was not made. Amir visited the site and noted it was overgrown questioning how an adequate effort to locate the MW could have been made. He recommended that the weeds be cleared and further attempts to locate the well be performed. I agree with Amir.

I reiterated what I have told Ken previously that as he is representing the RP he needs to work closely with the RP. The RP operated that facility while the work was performed and likely knows the location of MWs in relation to buildings, etc., and the RP has the reports and can go back to the original consultant for information. Get the RP in contact with Amir & the consultant and locate the MW.

Ken tells me he does not communicate with the RP, that he represents the buyer. I reminded him that he represented himself to me as the RP's representative. He has misrepresented himself to this office. He cannot answer my technical questions re: the site, he is not communicating with the RP, and he is working in an area that he has no expertise. Told him this office works with the RP & their consultant and that is where further communications at this point need to occur.

Ken says his office represents the RP also, but he does not.

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Direct Amir to contact the RP directly re: the realtors, misrepresentation by the realtor, and communications for this site. Further directives and communications need to be with the RP & the consultant. Amir explained during his site visit he discovered that information provided by Ken P. was incorrect re: attempts to locate the lost MW. Suggest Amir contact the City of Hayward re: conditions of site as needed.

## **Drogos, Donna, Env. Health**

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**Subject:** RO218  
**Entry Type:** Phone call  
**Start:** Mon 7/29/2002 4:00 PM  
**End:** Mon 7/29/2002 4:00 PM  
**Duration:** 0 hours

called Ken Papierniak back, 510-357-7440

Soil Management Plan not required.

The concentrations Amir referred to as residual soil were mis-reported in the 09/23/98 Horizon report as 24 - 200 ppm BTEX. The concentrations as reported in data tables in the October 1993 report were 32 - 200 ppb not ppm, at depths greater than 15' bgs.

Other issue is abandoned (lost) MW-1. No record that this well was destroyed. MW-1 reportedly blocked during 1997 & 1998 sampling events. Other SWI work at site apparently not performed between 1998 and 2001 hydropunch sampling event. So closure will indicate there is a lost well on the property.

He will followup with property owner re: MW-1 destruction.

## **Drogos, Donna, Env. Health**

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**Subject:** RO218  
**Entry Type:** Phone call

**Start:** Fri 7/12/2002 2:30 PM  
**End:** Fri 7/12/2002 2:30 PM  
**Duration:** 0 hours

Ken Papierniak, realtor 510-357-7440

property transaction pending, have buyer

05/16/02 letter from Amir re: intent to close, no residual present

06/27/02 letter from Amir re: soil management plan needed for residual in soil

selling property, current property owner not developing  
SOMA Env., consultant said soil management plan needed?

Thought they were on the way to closure, now uncertain as to what is next.

I will talk to Amir for background on site & directives.

RP is Janet Minami is RP, RP listed in our database is deceased.

Phone Log (Minami Nursery #3817)

5/16/96

Ken Mattick called - it was too wet to drill @ the site due to the rains.

Site will need @ least a week to dry out - has rescheduled drilling for 5/23 & 5/24.

5/16/96

Jay Woidke called to discuss delays.

5/21/96

Jay Woidke called - plan is to finish well install by 5/30 & 5/31 & sample 1st week of June.

Told him I would expect the final report in by June 17th.

5/30/96

Ken Mattick called to confirm he would be developing the MW's on 5/31 & survey & sample on 6/4.

We agreed that soil samples would not need to be analyzed for TOC but ground H<sub>2</sub>O should be @ least for the 1st quarter.

6/13/96

Bill J. Usain, Technical Support, called to discuss current status of site survey program.

12/12/96

Ken Mattick called will be completing 3rd round of sampling @ site next week. Asked him to include fate of Sp. Acid Decum. in next quarterly. Also, want other contents of our 11/13 letter.

## Phone Log

#1/25/96 Pat Fuller

Collected 10 soil samples from stockpile soil  
most came back ND.

SS 1250 c.y. in w/8

estamt of SS. 2200-2500 cy on-site

- Sampling under stockpile soil is planned
- Will need to move stockpile soil off-site  
before installing all wells.
- Plan to install wells in the next 2-3 weeks

4/29/96 <sup>draft</sup> Sent DTC to Jennifer Krebs via Computerwe.  
She will mail back the final drafts.

5/2/96 Ken Mattack the geologist consulting w/ Fuller  
Elevation called. They plan to sample the  
soil stockpile next week. He is contacting  
Condell to get sampling permits.  
Reminded him that subsurface soil + gas  
should be analyzed for TPH, lead, T20, BTEX + MTBS  
etc. etc.

Phone Log (600 Shirley Ave.)

4/23/86 Spoke to Jay Wrothke - will attend tomorrow.  
Review Panel. Closed escrow on property and re-  
they have money to do the required work, which is  
begun today.

Phone Log (600 Shirley Ave)

1/25/96

(Cont'd) but she would have Jay Wooldk call me today. I told her regardless if he calls, we will still be sending out ~~to~~ a final NOV. She confirmed that her father George Minami & herself were owners of the subject property.

1/25/96

Mr. Jay Wooldk called to say he hasn't worked on this file for 4 months. I told him we would be forwarding a letter to his client requesting compliance & if they do not comply they will be summoned to a PERP w/AlCo DA.

2/26/96

Called to remind RP's of PERP meeting<sup>on</sup> - to them to call if they had questions <sup>left message</sup>

3/25/96

Spoke w/ Jennifer Prebs w/D.A.'s office. She will send draft copy of order to be sent out from D.A.'s office on 4/25 if RP's do not respond or appear @ 4/24 meeting

4/23/96

Called to remind RP's of PERP meeting, some seemed interested but they had questions regarding the draft order. I will be sending them a copy of the draft order and they should call if they have any questions. I will also be sending them a copy of the draft order and they should call if they have any questions. I will also be sending them a copy of the draft order and they should call if they have any questions.

## Phone Log (600 Shirley Ave.)

10/4/95

Spoke briefly w/ Jay Weidtko to inquire on the status of this site since we have heard nothing since February. He said they are having financial troubles w/ Clean Up Fund & Fuller Esposito pulled out ~~out~~ of bid (B). He said he needed to review the file & will call me back Oct 16 to discuss what they intend to do.

\* If I don't hear back - NOV this RP ASAP!

11/25/96

After researching Assessor Records 600 Shirley Ave has been re-parceled & <sup>the</sup> new address is Parcel # 412-87-81 Desperian Blvd San Lorenzo 94541- there is no street address listed to this property. The owners are listed as follows: Minami, George Sr. and George Jr. & Mitake, Janet K. The mailing address for this property is: 29640 Vanderbilt, Hayward 94544. Janet Mitake's home phone is 582-4483  
" " flower shop 581-4400 (daytime)

I contacted Janet Mitake today to let her know we would be sending out a Final Piece of Direction & clear up any issues. We would like to have her contact for this work. We can have the attorney Jay Weidtko

Mr. Mitake indicated that some of the...  
... of the... →



Phone Log (600 Shirley Ave)

2/3/95

Left a message w/ Jay Woidtke regarding his letter dated Jan. 12, 1995.

I told him to send a letter of qualification of Fuller Excavating.

2/6/95

Sandy & J. Woidtke called and left message that they would be forwarding qualification for Fuller Excavating.

881-5026

2/16/95

Spoke to Jay Woidtke who said they are awaiting approval from the State & should hear from them w/in a month. (Per Cheryl Gordon w/State, case is pending on her desk.)

2/17/95

Fuller Excavating

PO Box 6595

San Jose 95150

Pat Fuller

Spoke w/ Fuller Excavating (Pat Fuller) re: Case. She most likely will be getting this job & contracts w/an RG.

Let's

Let's see if we can get all the returned calls indicated on list had been granted.

# PHONE LOG (600 Slirkey, Hayward)

- 2/27/93 I spoke to Blurry Tunes, State RWCCB, who ~~she~~ asked questions about what work was already conducted out at site to culminate into a \$111,000 bill
- 4/28/94 left messages for Jay Woodthe & Neil Siker ~~on~~ asking <sup>about</sup> ~~what~~ status of investigations
- 4/28/94 Neil Siker stated that, to his knowledge, no work has been conducted out at site since the submittal of ES's workplan in Oct '93.
- 5/3/94 Spoke to Jay Woodthe, 881-5026, attorney for estate transfer, & asked why no work had been implemented. I explained that they are in violation & that they need to submit a timetable for scheduled work w/in next wk. Mr. Woodthe stated that KTW and another company has already submitted bids on work. However, they are waiting for a third bid for ES; Mr. Woodthe stated that they would retain a consultant w/in next couple of weeks.
- 5/17/94 left message for Jay Woodthe inquiring about timetable
- 7/20/94 left another message for Jay Woodthe since I haven't heard back from him
- 11/29/94 Jay Woodthe 881-5026  
Mr. Woodthe stated that they still have a third bid on the workplan by next week & wishes to meet w/ Siker. He stated that he will set a budget on Dec 14/94 depending on county's Aug 24/91 workplan

Phone Conversation

3/23/93

Jay Weidtker, attorney for current  
Waytke administrator of estate,  
Janet Mitobe  
(510) 881-5026

o Juliet Shier

RE: Minami Nursery, Hayward

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Mr. Weidtker stated that up to this point, Engineering Services had conducted an extensive amount of work at the site and had billed the site for \$130,000 when they initially budgeted the work for \$80,000. Subsequently, Minami Nursery entered into litigation w/ Engineering Services. They are still trying to resolve this issue.

residence for Mr. Minami. Mr. Woodthorpe is in the process of collecting evidence to show that it was in fact used as a residence. Mr. Woodthorpe stated that this issue will be resolved w/in the next week, & by that time they will know whether or not they will receive funding from the State. I told Mr. Woodthorpe to contact me when he finds out whether they will be funded & will go from there.

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4/30/93

I called Mr. Woodthorpe to find out about status of Trust Fund situation. He said that the State has accepted the site for the category of a residence. Mr. Woodthorpe stated that he will know some time in May '93 whether site has been accepted for Trust Fund. I requested that he contact me when he hears from State.

Phone Conversation 3/22/93

Robert Kahn, attorney (510) 838-6430  
↓ Juliet Shiri

RE: Minami Nursery, 600 Shirley

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I called Mr. Kahn to update myself on status of site. Mr. Kahn stated that Janet Mitobe, Mr. Minami's sister, has taken over managing Mr. Minami's estates. Her attorney's name and number is:

Jay Weidtko  
(510) 881-5026

20320 Redwood Rd.  
Castro Valley, CA  
94546

RE: Miami Nursery

10/21/92

From: Robert Kahn, attorney  
to: Juliet Stein

Mr. Kahn stated that the current litigation is pending. Ms. Stein requested that he submit an estimate as to when Mr. Miami can begin work. If the estimated date is too far from now, then the County may require that some steps be taken in the meantime to further investigate the site. Mr. Stein stated that Mr. Miami does not have to use the same consultants that did the initial phase of investigations and that are being paid.

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Spoken to Secretary for

1/7/93

Mr. Robert Kahn. He stated that  
problems were caused due to the fact  
that Mr. Miami was not aware  
of what Mr. Kahn forgot to mention  
to him.

1/7/93

Spoke to Mr. Kahn. He stated that, prior to Mr. Meranis' death, they had applied for the SB2004 Trust Fund as a residence. He is hopeful about this fund to enable the site to continue investigations. He said that he would keep the County posted as to the status of who will take over the responsibility of clean-up, etc.

There will be a hearing on Feb 4, 1993 to appoint an executor.

DATE \_\_\_\_\_

## CONTACT LOG

FROM: Dennis Janson AFFILIATION: Property Mgmt. Firm for Calif. Village  
TITLE: \_\_\_\_\_ PHONE: (510) 569-0722  
TO: Juliet Stein AFFILIATION: Alameda County  
TITLE: \_\_\_\_\_ PHONE: (510) 271-4530

RE: ST10 3817, Miami Nursery, 800 Shirley Ave., Hayward, Calif.

Christa Rivers from the planning department referred Mr. Janson to Ms. Stein to discuss the site.

The neighbors of this site have complained about the overgrown vegetation and ground contamination at the site in the past.

The Fire Dept. was involved w/ Weed Abatement at site.

Mr. Janson is part of the Home Owners Association for the area. He will be going to a meeting for this Association tonight & will inform the members that something is being done by the



DATE 10/6/92

CONTACT LOG

FROM: Ed Walsh AFFILIATION: Calif. Unlodge Homeowners Assoc  
TITLE: \_\_\_\_\_ PHONE: (510) 538-6930  
TO: Juliet Shin AFFILIATION: Alameda County  
TITLE: \_\_\_\_\_ PHONE: (510) 271-4530  
RE: 600 Shirley Ave., Hayward, CA

Mr. Walsh called to get updated on the status of the site. He especially wanted to know if the County could do anything about getting the property owner to put up wooden slats around the site to hide the unsightly condition of the site. Ms. Shin recommended that he speak to the site's attorney Robert Kahn and gave him his phone #.

DATE 4/15/92

CONTACT LOG

FROM: Juliet Shin AFFILIATION: Alameda County  
TITLE: Haz. Mat. Spec. PHONE: (510) 271-4320  
TO: Robert Kahn AFFILIATION: \_\_\_\_\_  
TITLE: Attorney to RP PHONE: (510) 838-6430  
RE: ST10 3817, Minami Nursery, 600 Shirley Ave.,  
Hayward

Currently, the site is in midst of litigation. Minami Nursery is suing Engineering - Swincer, Inc. for a breach of contract. Additionally, Engineering - Swincer, Inc. is suing Minami Nursery for not getting paid for doing investigative work at the site.

Mr. Kahn requested that I send any letters to him at to:

Robert Kahn  
c/o Law Offices of Robert J. Kahn  
18 Crow Canyon Court, Ste. 280  
A D . PA