

5/27/96

Talked to Robert Kitayni.

2711 Union St Oakland 94607

by 7/96

→ Gardner Manufacturing Property (bankruptcy)

owned by Eugene Pearley

Tenant - Custom Alloy Scrap Sales

Contact:

for Gardner Manufacturing

Attorney James Clervy (510) 444-4033  
or Attorney Bill Wassel - (510) 444-8600

### Custom Alloy

4,000 ppm TPH & E, TOG } soil  
low VOCs metals }

Ground water data - VC 43 ppb }  
TCE 100 ppb }  
chlorobenzene }  
TPH & 7100 ppb }

Pages 9, 34

Next week

1/31/95

meeting  
w/ CH

TP

JE

SH SOS

STID 2360

Custom Alloy Scrap

No Charge - to 700 - STID

↳ 84 Non-LOP

CAO - report

↳ complaint →

1/27/95

Letter by TP (reassign)

request MW4 - upgrade drop

swiped MW5 - ND sample drop request

last sampling 7/94

Eva Vanik - R.G.

Issue's iso concentration maps

Soils - backfill diesel pit w/ stockpiled.

12/5/94

ACDH letter to RP

Call to set up an appointment  
→ Free product disposal - questionable

3/10/95

CRSS - talked to John Sammons

→ Planning next Wednesday → to sample but  
has been raining

2 Weeks →

2 Weeks Schedule →

→ will be on site on Monday -

→ sample wells by end of next wk -

2/3/95

STD 2360

CASS

2730 Peralta St.

Oakland 94607

Called Custom Alloy

(510) 893-6476

set up a site visit w/ Mr. Ed Howell  
next week either Tuesday PM or Thurs. PM

per secretary - Mr. Pat O'Brien handles this  
scheduled 2/9/95 1:30PM (Thurs.)  
or site meeting

X ownership info ITP

Copy of business plan to Margaret

✓ samples from PG+E vaults

✓ copy of work plan + letters to M.O.

2/13/90

✓ Copies of photos of CASS ITP

2/13 - spoke w/ Pat O'Brien at CASS, who has "taken over duties" of Larry Sorinsky, who has left the company.

Bus. Plan - sec. 25504 + 25509 CH&SC

pen. - sec 25514(b) - \$5K per day max.

Soil + GW - sec. 25189.5 CH&SC

pen. <sup>a felony</sup> upon conviction - up to \$100K per day of viol.

Dams - sec. 25284, 25292, 25293, 25298

penalties - sec. 25299 up to \$5K/day

Waste Handling - Title 22 sec. (66508), 66476, 67243

pen. sec. 25189 - \$25K per day

Confidential  
Site Summary STID 2360  
CASS

12/20/94 Discussed w/TP: RP Chal phoned Rafat, the Mayor Elihu Harris, Dave Kears and Steve Szaley (County Administrator). We surmise that RP received Tom's 12/15/94 letter and Gil's 12/15/94 letter, although this is unclear. Ed called Tom in for a mtg; Ed wants me entirely off the case; Tom agrees and is willing to take on the case; I suggested Scott take it bec. he's a geologist, tenacious, and technically competent. Tom suggested that CASS's problem w/me may be partly sexist. Tom doesn't want me to feel badly/incompetent/incapable. I said I don't; my impression is that AlCo wasn't doing anything much re requirements in the early years of the case, and the reason they're reacting is bec I am only trying to work the case. WERE the MWs installed when I took over? Yes, 6 of them. So some work was done prior to my involvement. Yes. But don't forget it just so hpn'd that the former employees made numerous allegations during my involvement. And this alerted us to the possibility of falsification of records, etc. etc. etc. Yes.

S. Szaley is the County Mgr; he reports to Bd of Supes. Kears is the Director of HCSA.

1/11/95 TP called in by Rafat/Ed. Mr. Smith fm S. Cal complained to Szaley and Kears re how AlCo is handling case. Rafat wants a 1-pg case summary fm TP. How can years of work be summarized in 1 page? Rafat hasn't returned Mr. Smith's calls .2hr

1/27/95 mtg w/Ed, Rafat, Szaley, CASS, and Ray Smith fm S. Cal (maybe more people?) They want Tom off the case.

1/31/95 mtg w/Ed, Tom, Susan, Scott and Jen. Purpose: to get Susan "up to speed" on CASS. She's the new caseworker. (But don't they realize Tom is her supervisor?) We're not allowed to charge this mtg to CASS (2360), as agreed to in their 1/27 mtg.

Spoke w/Gil Jensen: Someone (I guess CASS) complained to State Senator Presley (fm S. Cal), who then ordered the State Attorney General (AG) to investigate the complaint. This means they investigated Gil's office, but found the complaint "without cause." Was this due to Gil's 12/15/94 letter?

11/17/94 Discussed case w/Tom Peacock. If there's no FP in MW1, then they should be sampling for dissolved constituents. What do they do w/used socks? How can they reuse them? How flat is gradient? They can eliminate TPH and BTEX in MW3&4, and do MW5 biannual.

11/18/94 Phoned Eva Vanek. She said the mfr of socks told her it's ok to dry them out and reuse. Can reuse about 5X, then must discard. She'll do the gradient calculation and fax new map. Did not discuss the rest. 12:30pm reviewed fax w/gradient. It's relatively flat: .005' and .004' between different MWs on 11/3/94. So that means it's readily changeable. OK. Same proposal. left mess Eva Vanek; she'll be gone next week, so talk to Sammons

11/23/94 TP and JE phoned Eva Vanek re sampling MW1. 2:10 Told her it must be sampled for dissolved phase constituents. She asked John Sammons. DBA said FP has adhered to inside casing, and cannot be properly cleaned. 2:20 SOS joined conversation. EVA said we wouldn't be measuring actual gw conditions bec there's a "bathtub ring" in the casing. SOS suggested using a dedicated pump to depress gw formation, then take a sample fm below the "bathtub ring." John said there's no "bathtub ring" bec. the entire casing is smeared. SOS said sample it anyway, and we'll understand the data may not be rep. of gw formation. SOS said the alternative is to drill new MW.

✓ 12/2/94 Tom wants finalized letter to RP. Apparently, RP wants our requirements to sample MW1 in writing. Finalized letter.

11/15/94 JE reviewed the 11/8/94 cover letter from Chal  
con't Sulprizio, and the Oct 94 "Site Characterization Report  
for Additional Site Investigation," by DBA. MWs 7, 8,  
and 9 were drilled on 8/11/94. No FP or sheen. They  
composited samples taken from the MW boreholes, at 5'  
intervals. They were supposed to take discrete samples  
every 5', as per my conditional wp acceptance letter  
dated 5/5/94. Misunderstanding? In any case, the  
composited borehole samples were all ND (for TPhg, TPHd,  
and BTEX). I must follow up on soil cuttings disposal--  
actually, since the soil was all ND, they can reuse it  
onsite. Question: boring log for MW9 indicates "gw  
measured at 10' after drilling." Does this mean first  
encountered or stabilized gw? (The other borings logs  
also do not indicate both levels.)

They found gw elev. to be below mean sea level. They  
also found gw flow direction to be "W-NW," although it  
seems simply West to me. GW results: all 3 MWs were ND  
for TPhg and BTEX. MW7 had 60 ppb TPHd, MW8 had ND  
TPHD, and MW9 had 250 ppb TPHd. So it looks like the FP  
has not migrated offsite from MW1 and MW2, and the  
dissolved plume may have only slightly migrated. DBA  
recommends discontinuing the sampling of MW3, MW4, and  
MW5 bec. 1) they appear to be UG or CG or the diesel  
UST, rather than DG, and 2) they have been ND or low  
concs. consistently. They think MW1, MW2, MW8 and MW9  
are DG of the diesel UST. I want to wait for the next  
QR first, bec. that one should include gw flow direction  
based on all the MWs. Then I'll make a possible  
concession: They can delete TPhg from MW3 and MW4.

Drafted letter to RP

11/16/94 She said these "water level elevations" in Table 1 are  
relative to City of Oakland datum. The TOC data in  
Table 1 are also relative to City of Oakland datum,  
which is 3' below msl. She monitored ALL the MWs since  
the July QS; she put it into a letter dated 11/4, along  
w/potentiometric map. She sent it to Chal along w/the  
reports, but he did not include it. So she'll fax it  
now. She said they have not sampled gw since July.  
Question: did they analyze the SP samples?

Reviewed fax: gw monitored 11/3/94 in MW3 thru MW9  
flowed West. Fig 1 is unreadable; too light. She'll  
refax. Got the darker refax. It looks consistent  
w/last Q (WEST), except MW7, which doesn't fit in w/the  
gradient pattern. Spoke w/Eva Vanek: When she took off  
the cap on MW7, there was a pressure release. She  
thinks it's anomolous. She doesn't think it makes sense  
to monitor UG MWs (MW4 at this point), bec. why should  
we be monitoring someone else's problem? They're  
monitoring the Soakease only quarterly; CASS is changing  
the Soakease. Eva needs to know our decision on MW3,4&5  
before she goes out to do QS. Must get together w/Tom  
and talk about this.



- 8/10/94 spoke w/Eva Vanek. They'll install the MWs on 8/11 at 7:30 am. They also want to resample the soil stockpile. What should they analyze for? Reviewed 5/11/94 DBA letter. They should analyze for TPHd by 8015, total Pb, and TOG (or TRPH) by 5520 E&F or 503 D&E.
- 8/11/94 Site visit for MW installation and stockpile sampling. TP present.
- 8/15/94 Discussed DBA's 8/12 fax (to TP) with TP. The SP was not sampled appropriately bec. Darin could only get in approx. 2' into the SP. This was due to a variety of debris buried in the SP. The SP was 9' high. Tom will phone DBA and say that they have to find a way to remove the debris and then resample. Then if it's ND, they can reuse it onsite if they cap/asphalt it "immediately" (give them a deadline). Might they try to bury anything with the SP? Hmm.
- 10/6/94 Phoned Eva Vanek. MW7, 8 and 9 ND in gw. Report to me in about 2 weeks.
- 10/26/94 Phoned Eva. It's in the mail to CASS. Also QR. Due again this month for QM. They'll bail out any sheen and then sample gw in MW1 and 2 next wk. Re SP: Pat said he'd remove the debris himself, and then DBA would resample. Let's write RP a letter.
- 11/2/94 spke w/Eva. I have not received the reports yet: QR dated Sept 94, and Site Char dated Oct 94. They need to do another QS. Overdue. Can they eliminate one or more MWs, based on gw flow direction? MW5 consistently ND, cross gradient of diesel pit and piping. She'll fax gw contour map and results from new wells. She wants to do QS tomorrow.
- 11/10/94 Tom phoned Pat O'Brien (893-6476), who said the package (of reports) was sent Fed Ex couple days ago to 80 Swan Way. Tom gave him correct address. Pat had no answer for soil pile except he thinks they will turn it over and resample; not sure. Package should be here within the week.
- 11/15/94 Reviewed Sept 94 QR by DBA. GW sampled 7/12/94 had up to 4,600 ppb TPHd, 520 ppb TPhg, and .6 ppb benzene (MW6). MW1 had 2" FP and MW2 had .25" FP on 7/12/94. DBA recommends discontinuing the sampling of MW3, MW4, and MW5 bec. 1) they appear to be UG or CG or the diesel UST, rather than DG. They also recommend properly abandoning these 3 MWs! The copy quality of Fig 3 stinks! I do not understand where they got the msl measurements in Table 1; and therefore I do not understand how they got gw flow direction in Fig 3. (Eva explained it on 11/16: the Oakland datum is 3' below msl, so she began converting the "water level elevations" to msl, as seen in parentheses in Table 1. The gw flow direction IS actually correct; to the WEST!

Site Summary STID 2360  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland CA 94607

this summary being written because my first summary was partly scrambled by the computer on 7/1/93.

- 6/29/93 Pre-Enforcement Review Panel Mtg attended by GJ, RH, TP, EH, JE, RP Pat O'Brien, Atty Christine Noma, and three consultants: MLM, J. Sammons, and D. Bates.
- 6/30/93 Phone call from Bob Dake. He'll be touring the plant and wants us to recommend a consultant to accompany him. Told him we cannot recommend consultants. He'll be making a videotape. Hearsay from an ex-employee that they removed a 3rd UST. Bob doesn't think they removed the contaminated soil from around the diesel UST. Since Bob is now suing CASS, he's willing for Sgt. Whitman to use the data on FP. Bob and Whitman spoke this am; Al said there's not enough evidence vs CASS.
- 7/2/93 Reviewed file. The 5/4/90 MEC Tank Removal Report shows that the stockpile from diesel tank was backfilled into the pit. It had 7400 ppm TPH-d. The pit sidewalls had up to 530 ppm TPH-d. A Water sample from pit had 59,000 ppb TPH-d and 80 ppb benzene. **This contaminated soil may be the source of ongoing gw contamination**, although it's probably now saturated w/FP. What is the source of the FP? A third UST?
- 7/6/93 Drafted 13267 letter to RP; faxed to Rich Hiatt.
- 7/7/93 **CONFIDENTIAL:** Spoke w/Bob Dake (830-8910). The third UST was located at the Gardner Mfg portion of CASS. There were photos of Willie pumping out tank. 7/22 is his date to tour the facility.
- 7/16/93 Discussed my draft letter dated 7/6/93 with RH. Which items were previously requested?
- 7/20/93 John Sammons (consultant w/Dennis Bates) asked if CASS could use the purge water as quench water for melted metal coming out of the furnace into molds. They have an Air permit which allows them 2 ppmv emission from the furnace. (can't directly correlate ug/L to ppmv) Answer: get a permit from DTSC for treatment of HW. They say it's not HW? Prove that it's not HW. Do lab tests.

- 8/9/93 Spoke w/Gil Jensen. He faxed us a "cover letter" entitled "Notice of Official Action" which is on blank paper. We should sign it and put it on our letterhead. It should get attached to the letter (yet to be) signed by Steve Ritchie and sent certified to RP. RP will also get a copy of RWQCB's letter separately. Versteht?
- 8/31/93 Message from D. Bates. Report to me 9/1.
- 9/20/93 Received 9/2/93 QR by MLM. I had asked to be notified of field activities (see RB letter dated 8/5/93). Gw sampled on 7/9/93 and 8/6/93. Concentrations in RW1 increased significantly since last sampling (one year ago) to 82,000 ppb TPHd. QR includes CASS records on product recovery up until 8/13/93. They cannot provide documentation of disposal of free product!
- 9/21/93 Began review of 8/31/93 "Summary Report of Previous Activities and Work Plan for Additional Site Investigation" by DBA and MLM.
- 9/22/93 Spoke w/Rich Phaler of Superior Precision lab (229-1512) re missing lab reports from MacKinnon's 12/3/90 report.
- 9/24/93 Began writing letter to RP
- 9/27/93 Spoke w/Rich Phaler. Spoke w/Veronica at Waste Oil & Recovery.
- 9/28/93 Spoke w/Lisa of Waste Oil (533-0750). Has document for "waste oil and water". . .began this pickup in 1992. . .Aug 93 last pickup. . .every other month. left mess. Rich Phaler.
- 10/1/93 Spoke w/D. Bates. Asked 3 questions re report:  
 1) how many rounds of QS from the TPs? p. 15  
 2) when will you next do metals in gw? p. 16  
 3) disposal of SP? p. 11  
 Also, you didn't notify me of field activities. . .He said that was MLM's duty. . .ask her.
- Spoke w/Rich Phaler. . .he'll check into it.
- 10/5/93 Spoke w/Rich Phaler. . .can't find it. I think the work was done in July 90, but what date? Spoke w/John Sammons. He'll ask Cinda.
- 10/8/93 Spoke w/D. Bates. . .Cinda has been contacted, and is checking for those missing lab reports. . .he doesn't have answers to my 3 questions yet.
- Spoke w/Monica of Waste Oil & Recovery. Received their fax.
- 10/13/93 Spoke w/MLM. Next QS not scheduled. left mess. D. Bates.

- 10/14/93 Spoke w/Gil. We should just reject the 8/31/93 DBA report and cite the RB 13267 letter.
- 10/15/93 Discussed contents of my letter to RP w/Gil. Revised letter.
- 10/22/93 John Kozlowski phoned (707-525-5426). He's with an insurance company that RP is making a claim too. When did County initially contact RP to request clean up? Can he do a file review? I asked for a written request.
- 10/28/93 Reviewed lab report for samples taken in May and Oct 90.
- 10/29/93 Spoke w/D. Bates. He plans to respond to each item in my 10/15/93 letter; CASS wants to comply.
- 11/3/93 Spoke w/Gil. Get things in writing. Kozlowski called Gil on 10/29. Let's file a civil suit. We need Regional Board consent. It's possible C. Noma is out of the picture since we have not gotten any recent letters from her.
- 11/10/93 Cyria T. Berry from Riskin, Radler & Crimmer (law firm for insurance company) phoned (707-525-5418) re my tel con w/J. Kozlowski on 10/22. He wants to review file. Will send a company out to copy it. He'll send written request. Told him of the \$75/hr charge. Copy company can sign bill for law firm.
- 11/15/93 File review
- 11/16/93 Gary Collins of OFD called (238-3851). Spoke w/TP. "Wants to get CASS." Its a complaint that TP referred to Gil Jensen.
- 12/2/93 Reviewed letters fm DBA dated 11/22 and 11/30.
- 1/13/94 spoke w/DBates. He got the ok to develop wp. They have a draft. Final wp to me by next week.
- 3/11/94 I haven't received any wp. . .phoned DBates. They submitted wp to CASS. He'll check w/RP.
- 3/15/94 Spoke w/DBates. DBates said he did QS recently. DBA has been authorized to amend wp. Letter to me w/schedule soon.
- 3/17/94 Mtg w/Gil and TP. Rich wants to go after CASS. Gil wants factual update, starting from RB order (8/4/93). What didn't they do?
- 4/7/94 Message from Bob Dake (former CASS employee) (209-533-2486) He's going to trial this summer. Has two questions: 1) did they have ok to backfill sidewalk over the gas UST? don't know 2) did we take any samples of wells? no. 3) he sent a fax to Don Hwang. . .

4/11/94 Bob Dake phoned. . .his trial starts 7/8 in AlCo court in Oakland. It should last about 2 wks. Bob saw Chal take a hammer to the car windows of Ignacio Della Fuente in 81 when he was a CASS employee. Now, Ignacio is on the Oakland City Council. Hopefully, Iggy will help get CASS.

4/14/94 Met w/Eva Vanek (1.3 hr). They submitted a proposal to CASS last week for a MW DG of MW6, and two MWs DG of MW1 and MW2 (in 26th St.). They submitted QR dated 4/6/94. That's funny, bec. I never received it. Oh. They submitted it to Pat O'Brien at CASS to attach a cover letter to it, but he did not do so. So Eva let me make a copy of the 4/6/94 QR. GW sampled on 3/3/94; 1/4" to 3/4" of FP was reported in MW1 and MW2. She got a SW gw flow using MW4,5&6. This makes MW5 cross-gradient, not DG as previously reported. Several rounds of ND; so they want to destroy MW5. Is gw flow direction consistent? No. It's been consistently W-NW (p.2 of QR). She'll check into the methodology that prior consultant used. MW5 defines the zero line. They can't destroy it until they install the new MWs. Good chance of destroying MW5. Depends.

Reviewed 4/6/94 QR by DBA. Comments:

- 1) They were supposed to have notified me of field work at least 4 working days in advance, as per the 8/5/93 RWQCB order.
- 2) There is no COC.
- 3) Page 4 says that recovered FP has been sent to Waste Oil Recovery. Document this. This was previously requested (see 10/15/93 AlCo letter).
- 4) Why doesn't DBA measure FP when they do QM? It appears that DBA doesn't even check MW1 and MW2.
- 5) A "Qualified professional must perform the bailing and record keeping," as per my 10/15/93 letter to CASS. They still haven't understood this. Their FP removal records are still insufficient.
- 6) The stockpiled soil was not mentioned.
- 7) CASS is in violation for failing to submit "as-built drawings, . . . including locations of all USTs, past and present," as specified in the Legal Request from RWQCB dated 8/5/93.

4/18/94 Received april 94 QR by DBA w/a cover letter fm Chal Sulprizio.

4/20/94 Drafted letter to RP. QIC to Gil for comments.

4/21/94 spoke w/Eva Vanek. Workplan to me by end of next week. They got verbal ok from CASS. . . . spoke w/Gil. This action may have been prompted by insurance agency, who inquired at DA's office (and spoke w/Dennis Byrne).

- 5/4/94 Received the 5/2/94 "WP for Additional Site Investigation," by DBA.
- 5/5/94 Received Inter-Agency Referral Form from EBMUD. Pat O'Brien phoned EBMUD re connecting to their sewer. EBMUD referred it to Ariu.
- Reviewed 4/28/94 DBA letter. They plan to install Soakease kit in MW1 and 2. Is it only effective for sheens? (MW1 had 1/4" and MW2 had 3/4" on 3/16/94.) Phoned Longyear Co. and spoke w/Kay. She said they're effective in removing FP which is approx. 6" or less in thickness. There are two sizes of diameters: 2" (1 qt. per tube) and 4" (3 qts. per tube).
- Reviewed the 5/2/94 "WP for Additional Site Investigation," by DBA. There is no cover letter from CASS. They propose 3 additional MWs (MW7, MW8, and MW9). MW7 is west of MW6, in Peralta St. MW8 and MW9 are west of MW1 and MW2, in 26th St. Finally! The wp is basically good. Wrote conditional acceptance letter.
- 5/13/94 Received and reviewed 5/11 letter by DBA asking permission to reuse about 100 yd3 of SP onsite. Wrote letter to RP. BC says even if they show SP is non-haz, they still cannot reuse it because of the detectable concentrations!
- 6/7/94 Reviewed 5/26 letter fm DBA
- 7/5/94 Joan Cambray from Christine Noma's office showed up at the new office. She has a subpoena, and it includes copies of complaints made by Bob Dake and Rolf Powers. Discussed this w/SS, TP, and EH, and also w/Gil Jensen. Gil said that if complaint forms/documents are usually part of the file, then they must be made available. As for the file notes/site summary, ask the County Counsel (Jason Loren).  
Someone fm Christopher Kerosky's office came in w/a subpoena for me to appear in person on 7/11. He is the lawyer for plaintiffs.
- 7/6/94 Received fax fm Joan Cambray, saying they resolved the case and there will be no trial. Phoned Kerosky to confirm; ok. Left mess. Bob Dake.
- 7/7/94 Phoned DBA to see the status of 5/2/94 wp. They're ready to drill on 7/12. Discussed the need for a cop to accompany me. Phoned Bob Dake. He used an expensive lawyer/mediator named Piazza (in SF). Al Whitman returned the FP reports back to Dake, and he gave them to his lawyer Kerosky, who now has them. Dake started a business w/his wife in Sonora called Full of Beans.

~~because RP doesn't want her to say too much. She's~~  
preparing to sample MWs again this week.

- 1/28/93 JE spoke w/RH. We could go two ways: He could write a 13267 letter, requiring a technical report. Then, when they don't comply, he could fine them \$1,000 per day. This may take about 3 months. OR we could go through the DA's office, which would be faster. But I should speak with Gil to see when he could help out.
- 2/3/93 Spoke w/Gil Jensen. Don't want RWQCB to issue order because it'll preclude DA from pursuing prosecution (double jeopardy). I should write RP a letter; get him to confirm his refusal to do further work.
- 2/4/93 Wrote/sent letter to RP, noting the deficiencies of the 12/11/92 MLM response, and indicating that this matter is being referred to the DA's office.
- 2/17/93 Message from Christine Noma, CASS attorney. She got my letter dated 2/4/93, and is preparing a response. She never got my message of 12/31/92.
- 2/22/93 Meeting at DA's office with JE, Don Hwang, Gil Jensen, Don Harris, Al Whitman, and Eric Nunneman. Discussed strategy for how to proceed with case.
- 3/3/93 Reviewed 3/1 letter from C. Noma (*unsigned*)
- 3/4/93 Spoke w/Gil Jensen. Tell C. Noma that case has been referred to the DA. Don Harris' interview with the informants didn't go well. Time for D. Hwang and AQMD to do an inspection.
- 3/8/93 Discussed case w/Ed. Wrote letter to C. Noma, acknowledging receipt of her 3/1 letter, and referring the case to the DA.
- 3/11/93 Received message from MLM re questions with nearby sites.
- 3/15/93 Received letter to Rich Hiett from C. Noma dated 3/12, requesting his assistance and guidance. Spoke w/Gil Jensen. [REDACTED] I should refer MLM to DA also. Spoke w/MLM. She wants to know if the Plute and Toland sites were required to do QM and if they have been doing it? I said I had to check those files, but that the case has been referred to the DA, and she should contact him with her questions. She asked if there was anyone else in Haz Mat she could ask re those 2 sites. I referred her to Tom Peacock, my supervisor.

1. Ingot conveyer pit near furnace discharges to Poplar St. It overflows when it rains.
2. Baghouse waste (fugitive dust) is being discharged to Union St. via sump when wet.
3. Slag is produced from furnace ash, then put in a pile. Al and silica are separated from pile to be salvaged. Slag then goes to Antioch to a place called Metallics.
4. Truck tires dumped illegally, maybe on other side of 26th St.
5. Waste Oil Recovery removed drums of oil and also purge water (with FP). Only one removal during Bob's employment, per his setting up the appt. behind Chal's back.
6. A home-built AST stores diesel in a 1500 gal. tank. The fittings all leak. It's used to fill the bobcats. It's painted (white?)
7. Rolf began working at CASS in 5/91. The MWS were there. He wasn't involved w/MWS til spring 92. Pat told him that they removed water from the MWS and added fresh water prior to MW sampling. Pat asked him to do this 4 hours prior to Cinda's arrival in May 92. He refused. It often happened 1-2 days prior to sampling. Pat didn't directly ask him.
8. Rolf and maybe Bob are suing CASS, so if we can nab them, it'd probably help their case.
9. Eddie Benton used to work at CASS, now works at Metallics in Antioch, also owned by Chal. Allegedly he set fire to adjacent tire shop at corner triangle property.
10. Chal lost his eye near the furnace, when a mold got water in it prior to hot metal filling it. Explosion.
11. Bob had the accurate, original records for FP thickness, which he himself recorded. Gave them to Al Whitman.
12. CASS caught a thief once, and locked him in a storage container for 3 days, and threw cherry bombs into the container.

1/27/93

JE spoke w/Al Whitman. Falsification of records is a misdemeanor. Discharge to the storm drain (and waters of the state) from the sump is a felony. I could do a surprise visit and sample MWS. I could contact the DA for security. He'll wait for the next rain because that's when they discharge to the street. I told him the tank removal report looked ok re dates and samples collected. No reason he knows to avoid a meeting with RP's lawyer.

Je spoke w/MLM. August 92 was last QM. Nov 92 QM did not happen. Why? She referred me to ask RP, because RP doesn't want her to say too much. She's



11/13/92 JE spoke w/Rich Hiatt re enforcement action.

11/20/92 JE spoke w/MLM. Wants a delay for their report submittal (12/15). They're looking into a) more diligent FP removal methods, maybe absorbent material, b) other site re gw flow, levels of contam, and regional flow regime, c) toxicity study re stockpile, d) assessing the MWS.

11/25/92 Letter to AlCo from MLM re extension of report deadline to 12/15.

12/11/92 Response to my 11/6/92 letter, from MLM. This is really deficient. They still want to discuss water quality cleanup objectives in lieu of pursuing further site characterization and/or remediation.

12/14/92 Letter to AlCo from RP's lawyers. Request a meeting. (I left a message for C. Noma in late Dec; no returned phone call.)

12/15/92 Discussed w/SH. What's the basis for defining water quality objectives prior to defining the plume? RWQCB has a non-degradation policy. Stockpile: only toxicity test? What's the threat to gw w/greater than 10 ppm TPH, greater than the Pb STLC, etc. This calls for Risk Assessment.

12/16/92 Je spoke w/RH re Marshack document. NPDES effluent limit for benzene is 5 ppb.

1/4/93 JE spoke w/John Sammons, PhD in Env. Sci. He said that Miller Env. removed the tanks. There was a rotary kiln. Diesel pipe went under it. Leak may be from piping. He thinks storm drain is a conduit for the contamination.

1/7/93 JE spoke w/Bob Dake of CASS. He's leaving soon, and has many environmental and safety complaints against CASS. Pat told him to make the FP records seem that progress was being made (decreasing levels).

1/20/93 Meeting w/JE, DHwang, Sgt. Al Whitman, Bob Dake (wants to remain anonymous), and Rolf Powers, former maintenance mgr. A long list of alleged violations at CASS. Bob is married to Chal Sulprizio's former wife; Bob and her live with Chal's kids (3 daughters). Phone 830-8910. Bob was recently fired; he was asking questions about the disposal of waste water (where they wash trucks and other equipment). He worked there 7/90 to 1/93. Rolf was fired in 5/92.

Allegations:

Discussed 8/19/92 proposal w/SH. Waste Oil Recovery invoice #16930: looks like CASS bought something. No. They picked up something from CASS. They pumped out 20 gal waste oil and 90 gal water probably mixed in drums.

8/31/92 Letter to RP from AlCo. Conditionally approves the 8/19/92 proposal. Lists 2 additional items; requests proposal to delineate gw plume in southern portion of site.

*miscommunication*  
JE spoke w/CM. <sup>Conde M.</sup> CM asked CASS for delivery records on gas UST 2 years ago. They couldn't find any. She recently asked again. No records. There's been no bailing since 6/1/92 until mid Aug, when she went to the site. Their bailer Rolf left and they thought she was responsible for training the new person (Bob Dake). The soil pile was from digging the trench, not the USTs.

9/14/92 Letter from CASS to AlCo. Requests a reference for regulations re definition of haz waste.

9/18/92 Letter to CASS from AlCo. References the regulations.

9/30/92 Letter from CASS to AlCo. Insists the stockpile soil is not haz waste, and wants to reuse it on site.

10/1/92 QR from MacKinnon. MW1 and MW2 have FP.

10/16/92 JE met w/Mary Lucas MacDonald (MLM), the new consultant. CASS wants us to reference the regulations for our requirement to do further work and why. They began bailing again in Aug 92. Does not know current thickness of FP. CASS does not want to do any further site characterization in S end of site or to proceed w/HP plan in N end. Great. She delivered a "Data Compilation Report" dated 10/16/92.

10/21/92 JE met w/SH to discuss case.

10/22/92 JE spoke w/Mark Thomson re enforcement action.

10/30/92 Revised Fig. and Pages for 10/16/92 report, from MLM

11/4/92 JE spoke w/MLM. Asked if she would take a look at the MW christy boxes to inspect for any damage. She said that RP doesn't want her to do anything unless they get something in writing from me.

11/6/92 Final Notice letter to CASS from AlCo. Directs them to respond to 5 items by 11/21. Or else the case will be referred to DA.

13' deep, and has two RWs. It's backfilled w/gravel, and compacted w/clay on top (April or May 91). They never developed RW2. The trench is a failure due to non-homogeneous geology. The skimmer is in RW1, but the pump is turned off. It only works for 1/2" of product in well. No FP in RW1. A contractor for CASS, Willy Jessup (of R.W. \_\_\_\_\_) was bailing FP until 4/92. Since then, they've been doing it themselves. JE: why the big increase in MW2 from 5/19/92 to 6/1/92 (0.3 to 1.3 inches FP)? CM: recharge. JE: requested they inspect the PG&E vault on 26th St. CM: Pat (RP) had a call into them last Wed. JE: asked why the levels on 1/23/92 in stockpile are higher than the levels on 7/10/91.

- ✓6/11/92 Letter to RP from AlCo. Lists 6 items.
- 6/15/92 Pat O'Brien phoned. Conference call with Cinda MacKinnon. He chided JE for requesting the info on gw flow and FP from consultant, instead of him. He was angry. They prefer hand bailing MW1 and MW2 to using the skimmer. (Refer to my 6/11 letter) Is adamant that they bail wells themselves, as opposed to my request for outside contractor. Agrees w/item #4. Will repair MW3 this week. Does not agree w/item #1 or #3.
- 6/23/92 Tel con between Rich Hiett and Pat O'Brien. Pat was very contentious; gave Rich a difficult time.
- 7/7/92 Letter to RP from AlCo. Requests 8 items.
- 7/15/92 Complaint from former maintenance manager, that gasoline from MWs is being emptied into sewer, and that RP was adding water to MWs prior to sampling. Cleanup being done illegally.
- 7/23/92 JE spoke w/CM. Is preparing a proposal for hydropunches.
- 8/19/92 Letter response to my 7/7/92 letter, by MacKinnon. Proposes borings and water samples on 28th St.
- 8/21/92 Inspection form from site visit by JE and Don Hwang and Sgt. Al Whitman. Pat O'Brien chewed JE out as soon as the Sgt left. It bordered on verbal abuse. Doesn't appreciate my involvement in case. (Read: Doesn't want to spend any \$ to comply with regs)
- 8/27/92 JE spoke w/CM. She heard that 2 USTs were illegally removed on 28th St. recently. It's at the Linford or Lanford Co. at 28th and Union. Stockpile exists. A 10,000 gallon gas and a 4,000 gallon diesel tank.

*why can't we bail  
FP ourselves? It's  
gonna cost them  
much \$ to contract  
out to bail FP. We've never had any plm bf w/y r office*

Std 200 Custom Alloy

2-22-93

Mtg. at DA's office

Al Whitman  
 Don Hwang  
 J. Eberle  
 Eric Nenneman  
 Gil Jensen  
 Don Harris

CASS: Bob Dale's notes:

1 inch 1ft 1inch MW1  
 1ft. 1ft MW2

> Dec. 1st '92

Also want Monthly Progress Report re: Free Product status (thickness + amt. removed)

Al: 2 furnaces - 1 has after burner, 1 has baghouse AQMD. was denied entry cpl wks ago. The inspector felt intimidated. 2 piles Al: clean + dirty. They smelt dirty Al after dark.

illegal & wastewater discharge is a fed. offense.

The Plan: <sup>Hwang</sup> Don does an inspection jointly w/ AQMD. See if he get refused entry. (good for us). C

#1 → ① Don Harris + Al get a statement from 2 informants.

② Gil will sp w/ C. Nema.

safety violations - Cal OSHA just as important

Site Summary STID 2360  
Custom Alloy Scrap Sales  
2730 Peralta St.  
Oakland CA 94607

this summary being written because my first summary was partly scrambled by the computer on 7/1/93.

- 6/29/93 Pre-Enforcement Review Panel Mtg attended by GJ, RH, TP, EH, JE, RP Pat O'Brien, Atty Christine Noma, and three consultants: MLM, J. Sammons, and D. Bates.
- 6/30/93 Phone call from Bob Dake. He'll be touring the plant and wants us to recommend a consultant to accompany him. Told him we cannot recommend consultants. He'll be making a videotape. Hearsay from an ex-employee that they removed a 3rd UST. Bob doesn't think they removed the contaminated soil from around the diesel UST. Since Bob is now suing CASS, he's willing for Sgt. Whitman to use the data on FP. Bob and Whitman spoke this am; Al said there's not enough evidence vs CASS.
- 7/2/93 Reviewed file. The 5/4/90 MEC Tank Removal Report shows that the stockpile from diesel tank was backfilled into the pit. It had 7400 ppm TPH-d. The pit sidewalls had up to 530 ppm TPH-d. A Water sample from pit had 59,000 ppb TPH-d and 80 ppb benzene. This contaminated soil may be the source of ongoing gw contamination, although it's probably now saturated w/FP. What is the source of the FP? A third UST?
- 7/6/93 Drafted 13267 letter to RP; faxed to Rich Hiatt.
- 7/7/93 **CONFIDENTIAL:** Spoke w/Bob Dake (830-8910). The third UST was located at the Gardner Mfg portion of CASS. There were photos of Willie pumping out tank. 7/22 is his date to tour the facility.
- 7/16/93 Discussed my draft letter dated 7/6/93 with RH. Which items were previously requested?
- 7/20/93 John Sammons (consultant w/Dennis Bates) asked if CASS could use the purge water as quench water for melted metal coming out of the furnace into molds. They have an Air permit which allows them 2 ppmv emission from the furnace. (can't directly correlate ug/L to ppmv)  
Answer: get a permit from DTSC for treatment of HW. They say it's not HW? Prove that it's not HW. Do lab tests.

- 7/30/90 Workplan-Phase II by MacKinnon. 2 MWs and 6 SBs proposed.
- ✓ 9/7/90 letter to RP from AlCo. Found work plan of 7/30/90 deficient.
- 9/14/90 letter to RP from MacKinnon. Various proposals. *verification documents re: of gas pit; +<sup>H</sup> sample.*
- 9/18/90 letter to Al Co from MacKinnon. Response to 9/7 letter.
- 12/3/90 Phase II Subsurface Investigation by MacKinnon. Gradient on 10/90 was W-SW. Sand lenses (fig 3) **18" floating product in MW-1; 32" FP in MW-2.**
- ✓ 12/28/90 letter to RP from AlCo. Requires further work (remediation plan)
- 1/24/91 Work Plan by KTW and Assoc.
- 2/8/91 Letter to RP from AlCo. Ok's removal of free product, requests more info on defining plume, requests mws in ITP yard to detect metals
- 2/27/91 letter to AlCo from MacKinnon **Free product in MW1 and MW2.**
- 5/31/91 Quarterly Report by MacKinnon
- 9/20/91 3rd Quarter Report by MacKinnon
- 1/31/92 1st Quarter Report by MacKinnon
- 3/4/92 Transfer to LOP. Notification letter sent.
- ✓ 4/21/92 Letter to RP from AlCo. Requests 7 items.
- 6/1/92 QM report by MacKinnon. **MW1 and MW2 have FP**
- 6/3/92 Letter response to AlCo from MacKinnon
- 6/10/92 JE spoke w/C. MacKinnon. The reason for damage to MW3 and MW4 is constant heavy traffic. MW3 still has damage to "traffic rated" box. Gasoline and metals are analyzed annually; last analysis was 1/92. Soil pile is being composted w/microorganisms. She'll send a) a narrative of CASS data re free product, and b) gw flow info, by mid July. Type of free product in MW1 and MW2? She said it tested for diesel at first (May or June of 90), then MWS tested for gas in June 90. She mentioned another site: Albert Plute, 1229-28th St., one block east of CASS, taken off LUST list, listed as "A3" for gw contam. Suspects it may be a source of contam. to CASS. The trench is about

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written by JE on 1/27/93  
(writing in parentheses indicate missing documents)

(10/11/89 inspection by Gil Wistar of AlCo)

✓(11/16/89 ~~letter to RP from AlCo~~  
there probably was some lab data showing  
contamination)

12/22/89 ~~Work Plan by Clayton~~  
2 USTs: diesel and gas  
2 ASTs: diesel and propane  
floating HC's in utility vaults on 26th St.  
piping to diesel UST failed test 3/4/89

(2/16/90 ~~letter to RP from AlCo~~ requests additions to  
workplan)

3/19/90 letter to AlCo from RP, and amended workplan by  
Clayton with different locations for mws.

4/3/90 Closure plan accepted for tank removal.

4/9/90 Gil's inspection form: removal of gas UST adjacent  
to 28th St. Apparent contamination.

4/11/90 Gil's inspection form: removal of diesel UST onsite.  
Apparent contamination.

5/3/90 Revised work plan by MacKinnon

5/4/90 UST removal report by Miller.  
Gas tank: up to 340 ppm TPH-g, 2.8 ppm benzene

no holes or  
corrosion ←

Diesel tank: up to 7400 ppm TPH-d (comp) and contam.  
gw. Sidewalls: up to 530 ppm TPH-d. Water has

✓ 5/10/90 ~~59,000 ppb TPH-d + 80 ppb benzene.~~  
letter to RP from AlCo requests PA

SP was  
backfilled

5/10/90 ULR filed

6/22/90 Preliminary Subsurface Investigation by MacKinnon  
3 Mws installed on 5/18/90.  
16" floating product in MW2. gradient W-NW  
proposes more Mws and SBs

✓ 7/5/90 ~~letter to RP from AlCo~~  
Concurs w/PA of 6/22 and requests additional work

7/30/90 18,400 ppm O&G in SB for MW1 at 5' bgs.

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Answer: get a permit from DTSC for treatment of HW. They say it's not HW? Prove that it's not HW. Do lab tests.



- 8/9/93 Spoke w/Gil Jensen. He faxed us a "cover letter" entitled "Notice of Official Action" which is on blank paper. We should sign it and put it on our letterhead. It should get attached to the letter (yet to be) signed by Steve Ritchie and sent certified to RP. RP will also get a copy of RWQCB's letter separately. Versteht?
- 8/31/93 Message from D. Bates. Report to me 9/1.
- 9/20/93 Received 9/2/93 QR by MLM. I had asked to be notified of field activities (see RB letter dated 8/5/93). Gw sampled on 7/9/93 and 8/6/93. Concentrations in RW1 increased significantly since last sampling (one year ago) to 82,000 ppb TPHd. QR includes CASS records on product recovery up until 8/13/93. They cannot provide documentation of disposal of free product!
- 9/21/93 Began review of 8/31/93 "Summary Report of Previous Activities and Work Plan for Additional Site Investigation" by DBA and MLM.
- 9/22/93 Spoke w/Rich Phaler of Superior Precision lab (229-1512) re missing lab reports from MacKinnon's 12/3/90 report.
- 9/24/93 Began writing letter to RP
- 9/27/93 Spoke w/Rich Phaler. Spoke w/Veronica at Waste Oil & Recovery.
- 9/28/93 Spoke w/Lisa of Waste Oil (533-0750). Has document for "waste oil and water". . .began this pickup in 1992. . .Aug 93 last pickup. . .every other month. left mess. Rich Phaler.
- 10/1/93 Spoke w/D. Bates. Asked 3 questions re report:  
 1) how many rounds of QS from the TPs? p. 15  
 2) when will you next do metals in gw? p. 16  
 3) disposal of SP? p. 11  
 Also, you didn't notify me of field activities. . .He said that was MLM's duty. . .ask her.
- Spoke w/Rich Phaler. . .he'll check into it.
- 10/5/93 Spoke w/Rich Phaler. . .can't find it. I think the work was done in July 90, but what date? Spoke w/John Sammons. He'll ask Cinda.
- 10/8/93 Spoke w/D. Bates. . .Cinda has been contacted, and is checking for those missing lab reports. . .he doesn't have answers to my 3 questions yet.
- Spoke w/Monica of Waste Oil & Recovery. Received their fax.
- 10/13/93 Spoke w/MLM. Next QS not scheduled. left mess. D. Bates.

- 10/14/93 Spoke w/Gil. We should just reject the 8/31/93 DBA report and cite the RB 13267 letter.
- 10/15/93 Discussed contents of my letter to RP w/Gil. Revised letter.
- 10/22/93 John Kozlowski phoned (707-525-5426). He's with an insurance company that RP is making a claim too. When did County initially contact RP to request clean up? Can he do a file review? I asked for a written request.
- 10/28/93 Reviewed lab report for samples taken in May and Oct 90.
- 10/29/93 Spoke w/D. Bates. He plans to respond to each item in my 10/15/93 letter; CASS wants to comply.
- 11/3/93 Spoke w/Gil. Get things in writing. Kozlowski called Gil on 10/29. Let's file a civil suit. We need Regional Board consent. It's possible C. Noma is out of the picture since we have not gotten any recent letters from her.
- 11/10/93 Cyria T. Berry from Riskin, Radler & Crimmer (law firm for insurance company) phoned (707-525-5418) re my tel con w/J. Kozlowski on 10/22. He wants to review file. Will send a company out to copy it. He'll send written request. Told him of the \$75/hr charge. Copy company can sign bill for law firm.
- 11/15/93 File review
- 11/16/93 Gary Collins of OFD called (238-3851). Spoke w/TP. "Wants to get CASS." Its a complaint that TP referred to Gil Jensen.
- 12/2/93 Reviewed letters fm DBA dated 11/22 and 11/30.
- 1/13/94 spoke w/DBates. He got the ok to develop wp. They have a draft. Final wp to me by next week.
- 3/11/94 I haven't received any wp. . . phoned DBates. They submitted wp to CASS. He'll check w/RP.
- 3/15/94 Spoke w/DBates. DBates said he did QS recently. DBA has been authorized to amend wp. Letter to me w/schedule soon.
- 3/17/94 Mtg w/Gil and TP. Rich wants to go after CASS. Gil wants factual update, starting from RB order (8/4/93). What didn't they do?
- 4/7/94 Message from Bob Dake (former CASS employee) (209-533-2486) He's going to trial this summer. Has two questions: 1) did they have ok to backfill sidewalk over the gas UST? don't know 2) did we take any samples of wells? no. 3) he sent a fax to Don Hwang. . .

4/11/94 Bob Dake phoned. . .his trial starts 7/8 in AlCo court in Oakland. It should last about 2 wks. Bob saw Chal take a hammer to the car windows of Ignacio Della Fuente in 81 when he was a CASS employee. Now, Ignacio is on the Oakland City Council. Hopefully, Iggy will help get CASS.

4/14/94 Met w/Eva Vanek (1.3 hr). They submitted a proposal to CASS last week for a MW DG of MW6, and two MWS DG of MW1 and MW2 (in 26th St.). They submitted QR dated 4/6/94. That's funny, bec. I never received it. Oh. They submitted it to Pat O'Brien at CASS to attach a cover letter to it, but he did not do so. So Eva let me make a copy of the 4/6/94 QR. GW sampled on 3/3/94; 1/4" to 3/4" of FP was reported in MW1 and MW2. She got a SW gw flow using MW4,5&6. This makes MW5 cross-gradient, not DG as previously reported. Several rounds of ND; so they want to destroy MW5. Is gw flow direction consistent? No. It's been consistently W-NW (p.2 of QR). She'll check into the methodology that prior consultant used. MW5 defines the zero line. They can't destroy it until they install the new MWS. Good chance of destroying MW5. Depends.

Reviewed 4/6/94 QR by DBA. Comments:

- 1) They were supposed to have notified me of field work at least 4 working days in advance, as per the 8/5/93 RWQCB order.
- 2) There is no COC.
- 3) Page 4 says that recovered FP has been sent to Waste Oil Recovery. Document this. This was previously requested (see 10/15/93 AlCo letter).
- 4) Why doesn't DBA measure FP when they do QM? It appears that DBA doesn't even check MW1 and MW2.
- 5) A "Qualified professional must perform the bailing and record keeping," as per my 10/15/93 letter to CASS. They still haven't understood this. Their FP removal records are still insufficient.
- 6) The stockpiled soil was not mentioned.
- 7) CASS is in violation for failing to submit "as-built drawings, . . . including locations of all USTs, past and present," as specified in the Legal Request from RWQCB dated 8/5/93.

4/18/94 Received april 94 QR by DBA w/a cover letter fm Chal Sulprizio.

4/20/94 Drafted letter to RP. QIC to Gil for comments.

4/21/94 spoke w/Eva Vanek. Workplan to me by end of next week. They got verbal ok from CASS. . . spoke w/Gil. This action may have been prompted by insurance agency, who inquired at DA's office (and spoke w/Dennis Byrne).

- 5/4/94 Received the 5/2/94 "WP for Additional Site Investigation," by DBA.
- 5/5/94 Received Inter-Agency Referral Form from EBMUD. Pat O'Brien phoned EBMUD re connecting to their sewer. EBMUD referred it to Ariu.
- Reviewed 4/28/94 DBA letter. They plan to install Soakease kit in MW1 and 2. Is it only effective for sheens? (MW1 had 1/4" and MW2 had 3/4" on 3/16/94.) Phoned Longyear Co. and spoke w/Kay. She said they're effective in removing FP which is approx. 6" or less in thickness. There are two sizes of diameters: 2" (1 qt. per tube) and 4" (3 qts. per tube).
- Reviewed the 5/2/94 "WP for Additional Site Investigation," by DBA. There is no cover letter from CASS. They propose 3 additional MWs (MW7, MW8, and MW9). MW7 is west of MW6, in Peralta St. MW8 and MW9 are west of MW1 and MW2, in 26th St. Finally! The wp is basically good. Wrote conditional acceptance letter.
- 5/13/94 Received and reviewed 5/11 letter by DBA asking permission to reuse about 100 yd3 of SP onsite. Wrote letter to RP. BC says even if they show SP is non-haz, they still cannot reuse it because of the detectable concentrations!
- 6/7/94 Reviewed 5/26 letter fm DBA
- 7/5/94 Joan Cambray from Christine Noma's office showed up at the new office. She has a subpena, and it includes copies of complaints made by Bob Dake and Rolf Powers. Discussed this w/SS, TP, and EH, and also w/Gil Jensen. Gil said that if complaint forms/documents are usually part of the file, then they must be made available. As for the file notes/site summary, ask the County Counsel (Jason Loren).