

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Tuesday, July 24, 2012 12:12 PM
To: 'Michael Lamphere'; Erik Brown
Cc: pelco1969@sbcglobal.net
Subject: RE: UST Cleanup Project at Pelco site (Project No.: RO3069) / In re Apex Refrigeration (#8203)

Hi all,

Thanks for keeping me posted with recent site activities. I'm working my way through emails that accumulated during the week I was out. It looks like there was either a typo or a shortage of allowed spaces in the address field (it's an old data-limited system, but I can be accused of a typo or two in my time as well). I don't believe there will be any problems with the USTCF (UST Cleanup Fund) due to the named RP (Responsible Party) concern, as in the NOR (Notice of Responsibility) Ms. Barger was also named an RP associated with Apex Refrigeration due to the purchase and later dissolution of Apex. I'll update my letter addressee's to include both to document this for future letters (Apex and Pellegrini); I've also updated the address info. The address is already correct on Geotracker and in our data system (but still, thanks for letting me know about the errors).

To keep in good graces with the county (and ultimately the USFCF), once (and presuming this will proceed) you're under contract, please request an extension to the submittal due date with a reasonable explanation and there should be limited reason to deny the request.

Should you have further questions, please let me know.

Best,

Mark Detterman
Senior Hazardous Materials Specialist, PG, CEG
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
Direct: 510.567.6876
Fax: 510.337.9335
Email: mark.detterman@acgov.org

PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

From: Michael Lamphere [mailto:mlamphere@lampherelaw.com]
Sent: Thursday, July 19, 2012 2:59 PM
To: Erik Brown
Cc: pelco1969@sbcglobal.net; Detterman, Mark, Env. Health
Subject: RE: UST Cleanup Project at Pelco site (Project No.: RO3069) / In re Apex Refrigeration (#8203)
Importance: High

Dear Erik:

“Yes”, this is my understanding as well. My client, Apex, understands that they may not qualify for reimbursement from the State UST Fund, but we should certainly apply and try to obtain them and, I should mention, not do anything to disqualify ourselves from applying for such funds. ACEH's past notices mentioned waiver of UST Fund monies “if” enforcement actions were initiated by the local district attorney against Apex. Of course, my client wants to avoid this at

all costs, and is the reason why we need to expedite our response, and Work Plan, to ACEH. Note: Mr. Detterman is again "cc" hereto to keep him fully apprised of my client's "good faith" efforts to move forward on this matter.

Thanks for your quick response and anticipated quick reply. Email or call me with any other questions.

Sincerely,
Michael O. Lamphere

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From: Erik Brown [<mailto:erik.brown@errg.com>]
Sent: Thursday, July 19, 2012 11:02 AM
To: Michael Lamphere
Subject: RE: Reply re UST Cleanup Project at Pelco site (Project No.: RO3069) / In re Apex Refrigeration (#8203)

Michael –

Thank you for all of the information, we are reviewing it and will get back to you shortly. However, there is one item in your email I would like to clarify prior to submitting a proposal to you. You mentioned that you would like us to help prepare a claim for cost reimbursement from the UST Fund. We can certainly help your client do so, but such a claim will be on behalf of the responsible party (Apex Refrigeration). In other words, payment to ERRG for the work cannot be contingent upon whether or not Apex receives reimbursement from the UST fund. Is that your understanding as well?

Thank you,
Erik

From: Michael Lamphere [<mailto:mlamphere@lampherelaw.com>]
Sent: Monday, July 16, 2012 4:51 PM
To: Erik Brown
Cc: pelco1969@sbcglobal.net; Detterman, Mark, Env. Health
Subject: RE: Reply re UST Cleanup Project at Pelco site (Project No.: RO3069) / In re Apex Refrigeration (#8203)
Importance: High

Dear Erik:

Thank you for your email below. Regarding the UST (Underground Storage Tank) cleanup matter, here is some more information for you in order to provide us with a bid to develop a Work Plan for this project. My client does need to respond to the Alameda County Environmental Health (ACEH) dept. as soon as possible, so I would very much appreciate it if you could expedite your reply.

First, the contact at ACEH is Mark Detterman, PE, CEG, and his 4-19-12 email to me is set forth below. Mr. Detterman is "cc" hereto in order to keep him up-to-date on our attempts to retain a contractor and submit the required Work Plan. Note: I have not spoken to Mr. Detterman since April 19th, and have not received any new emails or letters from ACEH.

Second, Mr. Detterman's 3-14-12 "Notice To Comply" letter to my client, Pennie Barger, of Apex Refrigeration, Inc. (d.b.a. "Pelco Sales & Service" or "Pelco Distributors") is attached. Note: ACEH has an incorrect company name for my client. That is, "Pellegrini Refrigeration & Restaurant Equipment Co., Inc." was in business from the 1970's through the 1990's, but that company was purchased, and then dissolved as a corporation, in/around 2003. The owner of the front building, and property, is now "Apex Refrigeration, Inc." Further, ACEH has an incorrect business address for my client. The correct address is "1550 Park Ave., Emeryville, CA 94608", with contact telephone number: (510) 653-9850 and fax number: (510) 653-9854. Also, the company's contact email is: pelco1969@sbcglobal.net. Ms. Barger is our main company contact and is also "cc" hereto.

Third, also attached are documents which I have uploaded from the ACEH County website as per Mr. Detterman's directions in his 4-19-12 email. Note: the assessor's office information therein shows the 2003 transfer of the property from Pellegrini Refrigeration & Restaurant Equipment Co., Inc. (now dissolved) to Apex Refrigeration, Inc.

Fourth, my client had business losses last year, as indicated in their Tax Return, and has very limited resources to complete this UST cleanup project (which, it should be noted, was an underground tank apparently used for heating oil 100 years ago and was long-ago abandoned before my client ever owned the property). Consequently, as per Mr. Detterman's 3-14-12 letter, it would be ideal if we could tap the State's UST Cleanup

Funds for cost reimbursement. We would appreciate your help in applying for, and obtaining, such funds if at all possible as part of your scope of work.

After your review, please contact me via email or phone at your earliest convenience. Thank you for your kind consideration of this matter.

Sincerely,

Michael O. Lamphere
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Email: mlamphere@lampherelaw.com

From: Erik Brown [<mailto:erik.brown@errg.com>]

Sent: Sunday, July 15, 2012 10:49 AM

To: Michael Lamphere

Cc: Michael Friedman; Virginia Demetrios

Subject: 4245 Halleck Plumbing

Michael –

I received your message regarding the plumbing contractor at 4245 Halleck Street in Emeryville. The plumber we are using for the work is:

Harry Clark Plumbing & Heating, Inc.
3026 Broadway, Oakland CA 94611
(510) 444-1776

Marcus Zuniga is the point of contact for Harry Clark for the work at Halleck Street, his cell number is (510) 719-0783.

Regarding your other project, I looked onto Geotracker, which is the state's online database for leaking underground storage tank sites (<http://geotracker.waterboards.ca.gov/>). I see a LUST case for Pelligrini Refrigeration & Restaurant Company at 1550 Park Avenue, I am assuming this is the case we discussed? If so, if we could obtain an electronic copy of the P&D 3/12/10 "Underground Storage Tank Removal Report" that would be helpful. I did not see any technical documents on Geotracker, only the letters from the regulator. It looks like you are on a pretty short timeframe for the workplan submittal.

Please let me know if you have any questions.

Thanks!

-Erik

Erik Brown

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From: Detterman, Mark, Env. Health [<mailto:Mark.Detterman@acgov.org>]

Sent: Thursday, April 19, 2012 5:00 PM

To: Michael Lamphere

Subject: Pelligrini Refrigeration Site (RO3069) Initial Contact

Mr. Lamphere,

Thanks for the call this afternoon. To partly followup on several of your questions, please see the link below my name. This will take you to the county website where you can download all files (PDFs) we currently have on file for the site. Use the "Online Local Oversight Program (LOP) Records" search in the center of the page near the top; allow popups; don't use the map; use the "search" tab at the top of the blue column on the right (left side), then "LOP Document Search" drop down; and then in the "Search Field" drop down the "Record ID- RO Number"; use 3069 for this case (short version of full RO #). You may need to choose from several sites.

In regards to consultants you can use the FAQs on the first page that loaded (left orange column) and the first FAQ concerns consultants.

I'll give you a call in the AM to followup on some of the other topics.

Best,

Mark Detterman

*Senior Hazardous Materials Specialist, PG, CEG
Alameda County Environmental Health*

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