

Noble's Grocery

1) Site name and address

Noble's Grocery
2028 Market St
Ferndale, CA 95536

2) Responsible Party

Randy and Sharlene Rayl
PO Box 1204
Ferndale, CA 95536

3) Corrective Action Order and Cleanup and Abatement Order

See attached letters dated 4-2-2002.

4) Regulatory Lead

Humboldt County Environmental Health, Local Oversight Program
Mark Verhey, PG
100 H Street, Suite 100
Eureka, CA 95501
(707) 268-2208
mverhey@co.humboldt.ca.us

5) Description of Unauthorized Release:

This site is occupied by a grocery store and had operated as a retail gas station. Four USTs were removed in July 1991. Initial soil samples recorded TPHg concentrations as high as 8100 ppm. Subsequent groundwater samples have recorded TPHg and benzene concentrations as high as 13,000 ppb and 190 ppb, respectively. Salt River is approximately 2,000-feet north of the site. Groundwater Ferndale Hydrologic Sub Area is currently affected. The threat to human health, safety, and the environment has not been defined. There is a threat to human health for a construction worker in the case of soil disturbances.

6) Documentation of why recalcitrant funds are being requested

See attached letters from USTCF dated 10-12-2006 and 8-24-2006.

7) Description of why RP cannot or will not clean up contamination or abate the effects.

The RP originally named for this site, Paul Sauer, did not take any action to characterize the extent of release. Mr. Sauer did apply to the USTCF, but was withdrawn due to no response. Site was sold to the Rayls in May 1996, who were subsequently named RP. The Rayls did submit a workplan in April 2005, but it was never executed.

8) Documentation of dispute between regulatory agency and RP

See attached memo from Jim Clark dated 2-16-1993.

9) Actions taken to clean up or abate effects of unauthorized release

UST were removed in 1991. Humboldt County has assisted the Rayls in collecting soil samples and grab groundwater samples.

10) Description of proposed cleanup or abatement.

Humboldt County LOP proposes to oversee investigative work on the site to determine the vertical and lateral extent of TPHg contamination in soil. We also recommend installation of a monitoring well(s) in the area(s) of identified soil contamination to evaluate natural attenuation as an option.

11) Amount of annual funding requested and estimated total required funding.

Humboldt County requests \$25,000 annual funding and estimates \$100,000 total required funding.

12) Description of results should funding be denied.

If funding is not secured, the threat to surrounding properties utilizing groundwater for domestic supply will remain undefined. The threat to human health will also remain unidentified including any indoor air exposure issues. In addition, any groundwater contaminant plume will continue to migrate and affect a larger area. The site will also remain a non-compliant open case.

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|--------------------------------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Laurence A. Kluck, Esq. 100 M Street Eureka, CA 95501 | TELEPHONE NO.: (707) 442-3758 | CASE NUMBER: 92DR0326 |
| ATTORNEY FOR (Name): Lloyd & Paula Morris | | DEPOSITION SUBPENA For Production of Business Records |
| NAME OF COURT: SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT POST OFFICE and Courthouse, 826 Fifth Street STREET ADDRESS: Eureka, CA 95501 | | |
| PLAINTIFF/PETITIONER: Lloyd and Paula Morris | DEFENDANT/RESPONDENT: Paul Sauer, et al. | |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): Humboldt County Public Health, Environmental Health Division, 100 H Street, Suite 100
Eureka, CA 95501

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3 as follows:

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Deposition Officer (name): Carol Thomsen Date: February 24, 1993 Time: 9:00 A.M. Address: Professional Photocopy, 730 Fifth Street, Suite K, Eureka, CA 95501 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later. Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows:

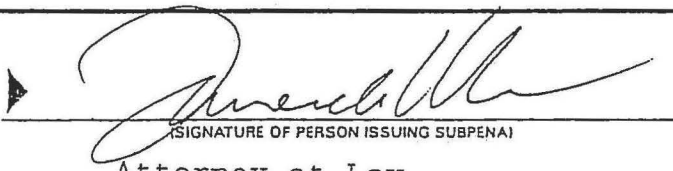
ANY AND ALL CORRESPONDENCE, MEMORANDA, CITATIONS, WARNINGS, ETC. INVOLVING THE REAL PROPERTY AT 2028 MARKET STREET, FERNDALE, CA FROM 1979 TO PRESENT. (PROPERTY OTHERWISE KNOWN AS NOBLES MARKET AND/OR "NOBLES OF ARLYNDA".)

Continued on attachment 3.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: February 4, 1993

..... Laurence A. Kluck
(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPENA)
Attorney at Law
(TITLE)

(See reverse for proof of service)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF HUMBOLDT

No. 92DR0326

LLOYD AND PAULA MORRIS,
Plaintiffs,

NOTICE TO CONSUMER
(CCP #1985.3)

vs

PAUL SAUER, ET AL.
Defendants. /


TO: DEFENDANTS AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that records pertaining to you are being sought from the witness named on the attached subpoena.

If you object to that person furnishing the records described in the attached declaration, you must file papers with the above-named court within 5 days after you receive this notice.

You may contact me to see whether I will agree in writing to cancel or limit the subpoena. If I do not agree to do so, you should consult an attorney about protecting your right of privacy.

DATED: February 4, 1993



LAURENCE A. KLUCK, ESQ.
Attorney for PLAINTIFFS

CERTIFICATE OF COMPLIANCE

TO: CUSTODIAN OF RECORDS: HUMBOLDT COUNTY PUBLIC HEALTH, ENVIRONMENTAL HEALTH DIVISION

I certify under penalty of perjury under the laws of the State of California that with respect to the attached subpoena duces tecum I have given to defendants _____ and their attorney of record the notice required by Code of Civil Procedure #1985.3(b) (1).

DATED: February 4, 1993



CAROL THOMSEN

COUNTY OF HUMBOLDT
UST Local Oversight Program
NOTICE OF RESPONSIBILITY

Site Code: 12363 Date First Reported: 7/10/1991
Site Name: Noble's Grocery Substance: gasoline
Address: 2028 Market Street Funding: Federal (X) State ()
City/State/Zip: Ferndale, California 95536 Certified Mail: 7001-0320-0001-5710-9662

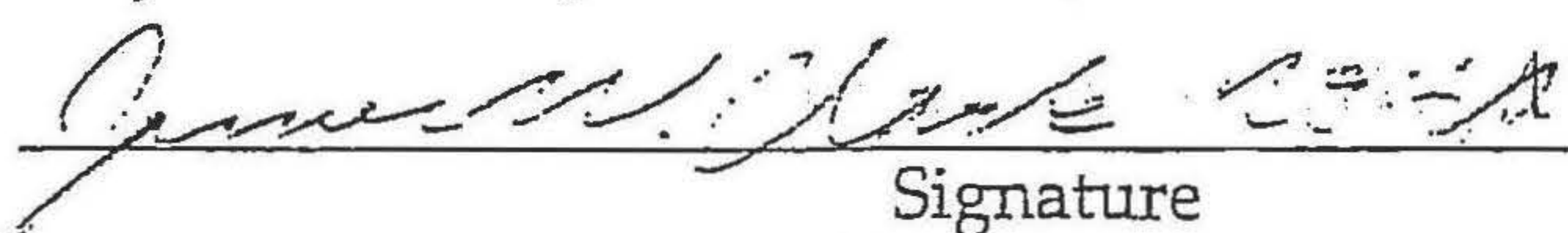
Responsible Party: Sharlene & Randy Rayl
Responsible Party Contact: _____
Address: PO Box 1204
City/State/Zip: Ferndale, California 95536

Multiple Responsible Parties: Yes () No (X)

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has(have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified Sharlene & Randy Rayl as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice which identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Resources Control Board at (916) 227-4349 or telephone (916) 227-4408.

Pursuant to Section 25299.37(c)(7) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the site designation.

| | | |
|---------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------|
| Project Director: James W. Clark, R.E.H.S. | | |
|  Signature | <u>(707) 268-2212</u> Telephone Number | <u>4/2/2002</u> Date |

Add: _____
Delete: _____
Change: X Responsible Party



**Humboldt County Department of Health and Human Services
DIVISION OF ENVIRONMENTAL HEALTH**

100 H Street, Suite 100, Eureka, CA 95501

707-445-6215
Fax 707-441-5699

Toll Free 1-800-963-9241
envhealth@co.humboldt.ca.us

April 2, 2002

CERTIFIED MAIL
7001-0320-0001-5710-9662

Noble's Grocery
Sharlene & Randy Rayl
PO Box 1204
Ferndale, CA 95536

**Subject: Soil / Groundwater Contamination, Noble's Grocery
2028 Market Street, Ferndale, California
LOP Case #12363**

Dear Mr. & Mrs. Rayl:

The subject underground storage tank facility is of a category which is under the jurisdiction of the Underground Storage Tank Cleanup Local Oversight Program administered by the Humboldt County Health Department under contract with the State Water Resources Control Board.

Further soil and groundwater investigation must be conducted at this site as required by Section 2724 of the California Underground Storage Tank Regulations. A workplan for the investigation and cleanup of the site must be submitted to this department for review and approval. Engineering and/or geologic plans, specifications, reports, and documents must be prepared under the direction of a California registered Civil Engineer or Geologist who is experienced in conducting soil and groundwater investigations and cleanups.

Please submit the required workplan by **June 3, 2002**. Duplicate copies of all information must be submitted to the North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

The following publications are available at our office and may be useful to you and/or your consultant:

- ◆ Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites (August 1990)
- ◆ Successful Corrective Action; A Tank Owner's Guide (June 1994)
- ◆ A Guide to California's Petroleum Underground Storage Tank Cleanup Fund (October 1997)



State Water Resources Control Board



Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5784 • FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf

Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental Protection

RECEIVED

OCT 19 2006

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179

October 12, 2006

Paul Sauer
17468 Auklet Drive
Bend, OR 97707

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), FINAL REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 018720; FOR SITE ADDRESS: 2028 MARKET ST, FERNDALE

After reviewing the information submitted on September 22, 2006, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

- Claimant is required to have current financial responsibility documents on file. Enclosed is a Financial Responsibility Guide that explains the requirements. The Certification form is tabbed for your convenience and must be completed along with the applicable supporting documents. Please submit the original documents to the local regulatory agency and forward a copy to the Fund. Questions regarding financial responsibility should be directed to Marilyn Rogers at (916) 341-5764.
- Claimant is required to provide documentation that all current and prior UST fees due on or after January 1, 1991 imposed by Section 25299.41 of the Health and Safety Code have been paid. If any of the UST's owned or operated had product placed in them on or after January 1, 1991, attach the most recent copy of the UST Fee Return Form filed with the State Board of Equalization (BOE) with proof of payment (copy of canceled check).

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter will result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 341-5784.

Sincerely,

Carolyn Saputo
Claims Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Mr. David Evans
RWQCB, Region 1
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

Mr. Jim Clark
Humboldt County EHD
100 H Street, Ste. 100
Eureka, CA 95501

California Environmental Protection Agency



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April 2, 2002
Noble's Grocery

- ◆ California Underground Storage Tank Regulations (California Code of Regulations May 1994 and Health and Safety Code January 1998)

State law now requires that all current fee titleholders be notified of any cleanup or closure proposals with respect to unauthorized petroleum releases. The law also requires that reasonable steps be taken to accommodate landowner participation in the cleanup or site closure process. Accordingly, please provide this department with a complete mailing list and telephone numbers of all record fee holders of the property.

My staff and I look forward to working with you in this matter. Please contact Robert Stone at (707) 268-2239 if you have any questions.

Sincerely,



James W. Clark, R.E.H.S.
Project Director

JWC: swb

cc: Kasey Ashley, North Coast Regional Water Quality Control Board
Elizabeth Haven, State Water Resources Control Board

12363.007 / 578L



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Financial Assistance
1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5784 • FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf

Arnold Schwarzenegger
Governor

RECE

D #796

August 24, 2006

AUG 31 2006

FINAL REQUEST

HUMBO
OF ENVIR

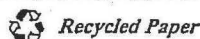
Paul Sauer
17468 Auklet Drive
Bend, OR 97707

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), FINAL REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 018720; FOR SITE ADDRESS: 2028 MARKET ST, FERNDALE

After reviewing your claim application to the Cleanup Fund, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

- Claimant is required to provide documentation that all current and prior UST fees due on or after January 1, 1991 imposed by Section 25299.41 of the Health and Safety Code have been paid. If any of the USTs owned or operated had product placed in them on or after January 1, 1991, attach the most recent copy of the UST Fee Return Form filed with the State Board of Equalization (BOE) with proof of payment (copy of canceled check).
- Copy of **the first** letter from the local regulatory agency naming you a responsible party and directing you to cleanup the contamination at the subject site.
- Submit a removal permit for all underground storage tanks listed in claim application.
- Submit a removal report for all underground storage tanks listed in claim application.
- Claimant must submit all reports completed to date.
- Submit proof that all permit fees were paid. The interim permit dated July 1990 indicates outstanding fees due for 1988-1989, and 1989-1990. Also submit proof that the 1990-1991 permit fees were paid.
- Explain what steps were taken to remediate the site from 1991 when the UST's were removed until 2004. See Humboldt County letter dated September 14, 2004.

California Environmental Protection Agency



Paul Sauer
August 24, 2006
Claim No. 18720

-2-

Priority Class "B" small business is for those businesses that are independently owned and operated, not dominant in its field of operation and employs 100 or less employees, including all affiliates, and averages annual gross receipts of \$10 million dollars or less over the previous three years. If a business is a manufacturer, there is no revenue test. However, the manufacturer must also employ 100 or less employees including affiliates.

If you believe that you qualify, you may request the Fund review your claim to determine eligibility for Priority Class "B". In order to determine eligibility, the following documents must be submitted and reviewed:

- Complete the Enclosed form "Request for Assignment of Claim to Priority Class B".
AND
- Submit the three previous years of complete federal tax returns. Refer to the previously enclosed "Chart of Required Federal Tax Returns" to determine all federal tax forms that must be submitted.
AND
- Submit documentation supporting the number of employees for the claimant, claimants business and any affiliates (i.e. Department of Employment Development (DE6) payroll reports for the last four quarters).

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter will result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 341-5784.

Sincerely,



Carolyn Saputo
Claims Review Unit
Underground Storage Tank Cleanup Fund

Enclosures

cc: Mr. David Evans
RWQCB, Region 1
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

Mr. Jim Clark
Humboldt County EHD
100 H Street, Ste. 100
Eureka, CA 95501

Memo.

COUNTY OF HUMBOLDT

DATE: FEB 16, 1993

TO: SHELLEY MORRISON, COUNTY COUNSEL

FROM: JIM CLARK, ENVIRONMENTAL HEALTH

SUBJECT: ATTACHED AFFIDAVIT & SUBPOENA DUCES TECUM

I HAVE REVIEWED THE UNDERGROUND STORAGE TANK AND LOCAL OVERSIGHT PROGRAM FILES AND HAVE FOUND NO CONFIDENTIAL INFORMATION. I ALSO BELIEVE THAT THESE ARE THE ONLY TWO FILES IN OUR POSSESSION WHICH INVOLVE THE REAL PROPERTY. OUR RECORDS OF THE RETAIL FOOD ESTABLISHMENT PERTAIN TO THE IMPROVEMENTS.

PLEASE ADVISE ON HOW TO PROCEED IN THIS MATTER.