

Howard Hold - Cease and Desist

From: Phyllis Souza [REDACTED]
To: <hhold@waterboards.ca.gov>
Date: 2/10/2011 1:21 PM
Subject: Cease and Desist
Attachments: cease and desist.doc

Howard Hold, P.G #7466
Engineering Geologist
Title 27 Enforcement Group
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114
Dear Sir:

Please let me know if you receive this e-mail. My name is Phyllis Souza and I am the secretary for GSMOL Chapter 1313. I have tried to condense the original that Ms Rosemary Sofes wrote so we could get it e-mailed to you.

My e-mail address is as follows: [REDACTED]

Thank you so much in advance.

February 8, 2011

**STATEMENT
FOR CEASE AND DESIST ORDER CONCERNING
GEER ROAD LANDFILL**

My name is Rosemary Sofes.

I live in the Pinewood Meadows mobilehome park directly across the street (Geer Rd.) from the Geer Road Landfill. I moved into the park in 1995. From the moment I moved into this park, to date, there has been continuous serious problems with the water provided from the park wells.

From the month I moved into this park, to date, there have been continuous serious problems with the water provided from the park wells.

1996- about 45 residents filed a failure-to-maintain lawsuit against the park. Water problems were the major issue.

2004- about 50 residents, again filed a failure-to-maintain and breach of contract lawsuit against the park. Water problems were the primary issue. WATER is still the primary concern in the park.

2010- A 3rd attempt to remedy the parks egregious problems was through a 3rd lawsuit. Our attorneys (Endeman, Lincoln, Turek & Heater Law Firm) spent a year, and then told us, they would not accept the case. This was a stunning rejection to the residents. This is the same law firm that sued the park twice for the exact same problems, water was one of the major problems. During the 2006 **settlement discussions**, our attorney, Jim Allen, told the residents that if the park did not clean up all issues reasonably, they would come back in 2 years and sue them.....again. This statement was also printed in the Modesto Bee Newspaper at that time.

As you can see, most of my life, while living in this park, has been preparing for, and/or involved in litigation with the park owners. It is difficult to separate 'park management problems' with actual landfill issues as they relate to the park, but heretofore, I will try limit my comments to water issues that I believe are due to our close proximity to the landfill.

1995-1999-When I moved into the park the water was BLACK. I personally have never ever seen such water. It smelled horrible. The toilet tanks water appeared as BLACK WATER, and at the bottom of the tank was 'gunk' and an orangy color, discolored the tank. The black water was Manganese, we were told. It damaged all appliances. The water itself discolored clothing, as well as appliances, such as water heaters, air conditioners, dishwashers, and sinks and tubs in the home, anything it touched. There was also just a lot of dirt in the water.

Residents didn't know what we could do, and someone suggested calling Golden State Manufactured-Home Owner's League, Inc. (GSMOL). This is a statewide organization designed to assist mobilehome owners. GSMOL is a 40 year old non-profit organization. Through this

leadership, we residents organized a 'Chapter' of GSMOL, and began the process of addressing the issues concerning us regarding the WATER. This activity led to the 2 lawsuits described above.

Sometimes, historically, I would go to the Stanislaus County Department of Environmental Resources, (DER) to review files concerning the water, and the park. I still have that information. We also would call DER when there was a specific problem, and ask them to investigate. We submitted complaints to the State of California Ombudsman for mobilehome parks, repeatedly. None of this activity was really productive. Broken water lines were very frequent, causing residents to be without water at all, sometimes, for days.

Here are a few examples:

2 wells became contaminated with FREON-12. These wells were located at the west side of the property, right by Geer Rd. and less than a 1,000 ft. from the landfill. THE COUNTY OF STANISLAUS PAID TO CLOSE THESE WELLS AND RELOCATE A WELL ON THE EAST SIDE OF THE PINEWOOD PROPERTY-THE FURTHEST DISTANCE FROM THE LANDFILL. My question to you is: If the County (landfill) was not responsible for this contamination, why did they pay for the closure and relocation of another well? The answer is, of course, because the County (landfill) was responsible for the contamination of these 2 wells. The County owns the landfill.

After the above incident, the new well had continuous issues. There was no available back up well. There actually was a back up well, but it had become contaminated and was no longer in use. It had been closed for about a year by 1999.

In 1998 or so, the main well broke down, and became contaminated, and the park owner's and management switched the residents onto the closed well, without testing that well before supplying water from it to the residents. We sent fax/letters to DER demanding this be corrected. John Aud did come to the park and inspect and found that well to be contaminated, and the water was then shut off until repair or remedy was made. As I recall about 21 days. Can you believe that the park actually put the park residents on a known contaminated well that had been closed for over a year.....without testing the water? And John Aud was trying to allow it. We insisted. I personally became ill during that time and it WAS the contaminated water. What kind of human beings will deliberately deliver known contaminated water to 500 men, women and children? Who does that?

In 1999, residents discovered a NEW WELL, was being dug, and some of it was being installed, but not connected yet. This was **done without** applying for an application or permit to dig a new well. This was done secretly by park owners and the DER department. Their secret was discovered. This well never went into service because when the water was tested, it could not pass the required test. Why was this a secret and no application was required? Why did DER go along with it? There MUST be some reason.

From mid 1998-2000 many residents and pets became very ill, myself included. So I bought bottled water from that point on.

The park owner at that time was told by his attorney, "These people have rights too, John". He knew he was in trouble with the water issues, and he quickly sold the park. His name was John H. Cummings. He sold the park in about April of 2000 to the present owners, J&B Newell Trust. Mr. Newell passed away shortly after purchasing the park, and the park was then owned by his wife, Beatrice Newell Family Trusts. She passed away and the park ownership went to the Newell family Trust, to our knowledge.

NEW OWNERSHIP OF THE PARK-YEAR 2000-2011.

With new ownership of the park beginning 2001, residents were hopeful that the new owners of the park would improve and change the park conditions, especially the water. However, this was not to be the case, therefore, the new owners, Newell Trusts, as well as the previous park owner, John H. Cummings, were both again sued for failure to maintain and breach of contract. That case settled out of court in December of 2006.

In 2001 or 2002, after the new owner's (Newell's) purchased the park, DER, John Aud, had told them they needed to install a 'backup well', in the event the only existing well broke down, there would be a back up well to use. They did not do this. So, when their well broke down, our water was just turned off. Or, we could use it, but could not drink it. Several things happened at that time. The well broke down, there was total coliform bacteria in the well and it had to be treated, etc. Unknown to the residents, the park owners and the County DER inspector, John Aud had not told residents that the well was down, and the park owner's as well as John Aud told me that both wells were up and running. "All our wells are working properly", said Jennifer Smith (now married name is Fletcher). When I went to the wells with a camera, I looked thru the fence and saw a new well that was up and running, and the other well was down in pieces on the ground, completely dismantled. I took video photos of this scene. A few days later the dismantled well was being removed from the property. When I discussed the wells at length with John Aud the very next day, he told me "Rosemary, I was just out there and both wells are running just fine". I then told him of the video I had taken of these wells that same day, only then did he admit that one well was, in fact, dismantled. He had in other words LIED to me. Why? After that, the park owner put a fence around the property that the well is on and "No Trespassing" signs were posted all around the perimeter of that field, and a chained entrance area to the wells. They did not like getting caught in a lie. They being, DER, John Aud, and park owners.

The park owners drag their feet in upgrading the conditions with the wells that the County required concerning the wells and water lines in the park.

At this point information became extremely difficult to get from DER or the park management. John Aud made attempts to prevent me from viewing the parks water records at DER. I could be more specific about this, but suffice to say at this point that I stopped going to the DER for information about our water, and the park office also refused to give us information. The park management would say "Go to DER if you want information", and DER would tell me to get information from the park management.

It was during this time especially, that people in the park were having serious health problems and right or wrong, many of them very much believed that it was the water. Skin conditions, unusual skin conditions on adults and children, pets very frequently developed numerous tumors, other people had cancerous conditions and many kidney problems. In the park there were 175 homes and about 500 people. It just seemed to us that the health conditions were far too numerous. The water smelled rotten, sometimes with the hose it would have a vapor or a steamlike fume coming out of the hose with the water, or it was dark colored, it was sickening. Something was wrong.

I don't recall the year, but it seems it was about 2004 that Klienfelder, he was the engineer that had for years worked with the County in testing the water at the landfill and at this park.....was fired from the park , so I am told by management.

He was terminated. The park manager told me "He (Klienfelder) will never set foot on this property again". But, no one ever explained why they had terminated him from this work. Klienfelder, is a highly respected person in his field of work.

We did not 'see' water test very often after this. But some of the test we did see indicated that **VOC's** were in the water, **arsenic exceeded** the maximum level, **DBCP exceeded** the maximum level, **Chromium IV** was detected at 'some' noticeable level, and a host of other contaminants were in the water. **Manganese and Total Coliform** was always a problem, and after Klienfelder was 'removed' we just could not get information as to the conditions of the water. It seems to be highly protected information now, and has been for some time. Why? I do have copies of these records that I have described.

So, why don't I just trust the thin information that we are given at this time? Let me give you another example: In 1996 I obtained letters that had been written by State Water Quality Control Board to DER concerning the landfill and water at Pinewood Meadows. This letter stated that a plume was headed toward Pinewood Meadows. "If it hasn't impacted the water already, it will in the future". That was in 1996. They wanted at that time to request of the park owner to allow them to put a 'test' well on Pinewood property. He never did allow that. To my knowledge, no test well has to this date been established on this Pinewood property. Why?

I still have that letter. We were questioning these issues at the time, and John Aud of DER set up a meeting with all concerned residents of the park. He had printed a gold sheet, with questions and answers on it. These questions were "Is our park water contaminated from the landfill?" and the like. John said no, that the park is east of the landfill and the water doesn't flow this direction. This was in direct contradiction of the letter I just described to you. He held this meeting and gave these flyers to residents during the same month that the above letter was sent to his office. Why?

Another situation: When the landfill had numerous test wells (a fire occurred and many were destroyed), prior to the fire, you could see the flames from these test areas on the landfill, and.....you could **smell** it. Air quality? Again, people had many illnesses, children especially, and the County was very concerned about air quality in HUGHSON, for example, which is about 5 miles from here, but guess what? The County **NEVER TESTED THE AIR QUALITY**

HERE.....1,000 FEET OR LESS FROM THE LANDFILL. This CA Water Quality Control Board has stated this in their own documents. WHY? **Why wouldn't they test the air quality across the street?**

In summation, let me say that the statements that I have submitted here, I have proof of these events happening, either through video, documents, or both. I have tried to omit some of the less important incidences, as well as other equally troubling problems concerning the management and owners of the park and DER's involvement in the water problems here, that as far as I can tell, the County, John Aud, and the park owners withholding information, or lying about conditions, only exasperated the exiting conditions concerning the wells and water, and the landfill issues.

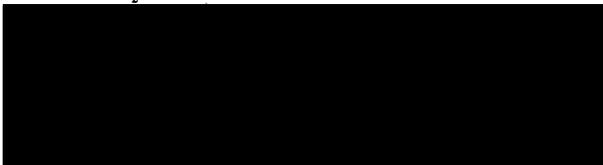
I have been threatened to be sued by park attorneys twice for referring publicly (Modesto Bee Newspaper) about the parks questionable conditions, specifically, the water problems. One of the park owner's by marriage, Greg Fletcher, wrote in the comments section of the Modesto Bee Newspaper that due to my inquiries about the water problems, he said, among other things, that I was a 'bottom feeder' and was misleading residents in my discussions about the water problems. This was written in the Modesto Bee Newspaper.

They have threatened to sue me, evict me, intimidate me, humiliate me for speaking about the water problems publicly. At meetings in our park, Greg Fletcher, and previous management, Monique Jaramillo, and Desmond Jaramillo continued these threats toward me. These managers have now finally been fired.

At this time, I have been diagnosed with extremely high blood pressure, which has led to congestive heart failure, and kidney failure. I am not feeling well, so please excuse any problems with the composure of this letter; I think, however, you will understand my statements. After 16 years of 'combat' in this park with park owners concerning the water and other issues, it is not surprising at this time I would be facing difficult health issues.

Please don't hesitate to call me if you have additional questions of me. Thank you for your attention and concern,

Rosemary Sofes



c/c (4) : GSMOL President, Jim Burr, Modesto Bee Reporter, Garth Stapley, Attorney for GSMOL, Bruce Stanton, Endeman, Lincoln, Turek & Heater, Attorneys at Law, San Diego, California