

Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Wednesday, March 14, 2012 2:44 PM
To: vwhitney@waterboards.ca.gov; lhaven@waterboards.ca.gov; CHeadlee@waterboards.ca.gov
Cc: Cristina Ochoa; Lisa Babcock; btrommer@waterboards.ca.gov; Detterman, Mark, Env. Health; Drogos, Donna, Env. Health; Selim.Zeyrek@acwd.com
Subject: Re: 17715 Mission Blvd., Hayward, ATTORNEY COMMUNICATION

Dear Mr. Headlee,

Thank you for calling me earlier this afternoon to discuss this issue. I still find this issue quite sketchy and unusual. To memorialize:

1. You started by saying you agree with the corrective action plan. I asked you for the date and author of this plan and you stated you did not know the property address. Based on this, I asked if you had even read such a plan. You stated you had not read the plan.
2. You then nuanced that you agreed with corrective action. You stated that, as a geologist, you felt the levels of benzene were still too high. I then asked you what harm has been done in the past or will be done in the future. There has been no harm; there will be no harm. I stated this disagreement is not based on science, it appears based on greed.
3. I told you that my client is an engineer and there is no scientific basis to not close out the site. It has been decades and much of this material naturally biodegrades. Nearly two decades and \$200,000 was enough to clean up this site. You admitted groundwater is not pulled from this site and never has been pulled. I pointed out that sites with much higher benzene levels were closed out (even those located in areas where water was supplied from groundwater).
4. We plan to file an action to abate waste of government money and to sue the contractor. As stated, the Courts will be very sympathetic to such an action, even if the State WB is not.
5. You stated that the regs allowed you to refuse a transfer of jurisdiction from Alameda County to your office; yet you refused to provide a citation.

Regards,

abe gupta | abegupta@gmail.com | t (925) 519-7956 | f (925) 269-2380



On Tue, Mar 13, 2012 at 9:23 AM, Abe <abegupta@gmail.com> wrote:
Dear Ms. Babcock,

I spoke to you this morning by phone. The prior emails that I've sent to you and your staff have been ignored or unanswered regarding the fund. This morning I attempted to ask you how I may get answers. You got very angry and hung up the phone on me. This response was nearly identical in substance to what Mr. Lockwood did to me last week. I'm really unclear why your office is acting this way simply because I am inquiring about how money was spent from the fund.

In any case, the response is very bizarre and unacceptable, especially since my inquiry concern's public money.

Regards,

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On Mon, Mar 12, 2012 at 8:00 AM, Abe <abegupta@gmail.com> wrote:

Dear Ms. Ochoa,

Please see email below from Mr. Lockwood this morning in which he sarcastically forgives *me* for his failure to do anything. I'm sure this is not what you meant when you said members of your department work hard to insure the public's trust in spending the public's money.

I buy gas; this is my money paid into the fund and Mr. Lockwood very openly and very sarcastically has no concern that it is wasted. This is shameful. I will share these communications with colleagues and see what can be done from every possible angle. This money is being openly stolen and no one at the state cares.

cc: Mr. Howard

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On Mon, Mar 12, 2012 at 6:33 AM, George Lockwood <GLockwood@waterboards.ca.gov> wrote:
Good luck on your endeavors. I forgive you.

G