

Detterman, Mark, Env. Health

From: Drogos, Donna, Env. Health
Sent: Friday, March 29, 2013 3:59 PM
To: Roe, Dilan, Env. Health; Detterman, Karel, Env. Health; Detterman, Mark, Env. Health; Jakub, Barbara, Env. Health; Wickham, Jerry, Env. Health; Nowell, Keith, Env. Health
Subject: FW: ABE Petroleum, 17715 Mission Boulevard, Hayward

From: Hill, Stephen@Waterboards [<mailto:Stephen.Hill@waterboards.ca.gov>]

Sent: Friday, March 29, 2013 3:55 PM

To: Abe Gupta

Cc: Wolfe, Bruce@Waterboards; Whyte, Dyan@Waterboards; Headlee, Chuck@Waterboards; Sieminski, Barbara@Waterboards; Drogos, Donna, Env. Health; Cullen, Pat@Waterboards

Subject: RE: ABE Petroleum, 17715 Mission Boulevard, Hayward

Mr. Gupta – I am responding to your email on behalf of Water Board management. At issue is our office’s oversight of a leaking underground fuel tank (LUFT) case - ABE Petroleum located at 17715 Mission Blvd, Hayward.

You suggest that additional state funds should not be spent on this LUFT case and, by inference, you think this LUFT case should be closed. With respect, we disagree. My staff reviewed all pertinent case data before we finalized our “denial of case closure” letter. That letter constitutes a final action by the Water Board. More precisely, the Board has delegated its authority to take certain actions (including case closure) to the Executive Officer and the Executive Officer issued the March 28 “denial of case closure” letter.

Since the Board has already acted, it would be inappropriate for us to schedule a future Board item on this topic. If you think the Board’s action was inappropriate, you have two options:

(i) You can address the Board at its public forum to request a reconsideration - The public forum is a regular item at all Board meetings and is scheduled at the beginning of the meeting. Public forum speakers are usually limited to 3 minutes. Board meetings are normally held on the second Wednesday of the month and normally start at 9:00 am.

(ii) You can submit a petition to the State Water Board – Petitions must be filed within 30 days of the action being petitioned; see California Water Code sections 13320 and 13321 for process details.

We remain willing to discuss this case with you. I have asked Chuck Headlee to contact you to set up a meeting, at which we can discuss case status, how the case compares to the State Water Board’s low-threat closure criteria, and a path forward.

Sincerely, Stephen Hill

Stephen Hill
Toxics Cleanup Division Chief
California Regional Water Quality Control Board – SF Bay Region
1515 Clay Street #1400, Oakland, CA 94612
(510) 622-2361 or SHill@waterboards.ca.gov

From: Abe Gupta [<mailto:abegupta@gmail.com>]

Sent: Friday, March 29, 2013 12:22 PM

To: Sieminski, Barbara@Waterboards; Headlee, Chuck@Waterboards
Cc: Drogos, Donna; mark.detterman@acgov.org; Cullen, Pat@Waterboards; 15106222095@fax.com; Wong, Melinda@Waterboards; Hill, Stephen@Waterboards
Subject: Re: ABE Petroleum, 17715 Mission Boulevard, Hayward

This message has not received a response. Am I on the agenda?

On Mar 28, 2013, at 1:27 PM, Abe <abegupta@gmail.com> wrote:

Dear Mr. Headlee,

This message confirms as follows:

I have repeatedly availed myself of an opportunity to discuss with you what I believe to be a gross failure to regulate public monies. Further you believe inaction by your staff is acceptable.

To this end and in accordance with the Brown Act, I wish to be placed on the agenda for discussion on the April 10, 2013 San Francisco Bay Area Regional Water Control Board public meeting. I politely reject your invitation to address the Board during public comment and wish to be placed as an agenda item. I regret having to engage this matter in this manner as I believe it is unfortunate that your office has shown such an apathy for this matter, but I value the public's money too greatly to ignore this matter.

Regards,
Abe Gupta
Attorney at Law

On Thu, Mar 28, 2013 at 11:40 AM, Sieminski, Barbara@Waterboards <Barbara.Sieminski@waterboards.ca.gov> wrote:

Attached is the letter *Case Closure Denied* for the above referenced site. Please contact me if you have questions regarding this letter.

Regards,

Barbara Sieminski
Engineering Geologist, PG
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

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bsieminski@waterboards.ca.gov