

ENVIRONMENTAL
PROTECTION

99 JUL 13 PH 2:23

M. Mohammadian
CAL GAS
15595 Washington Ave
San Lorenzo CA. 94580
7-9-1999

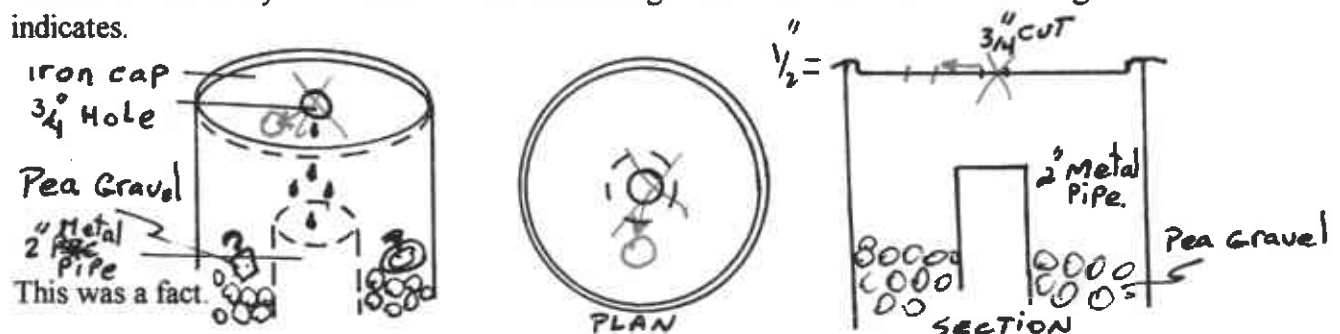
Ms. Lori Casias
State Resources Control Board
PO Box 944212
Sacramento, California 94244-2120

Dear Ms. Casias:

Re: 15595 Washington Ave San Lorenzo Ca.

I have received the letter dated June 28, 1998, from Mr. Keith Winemiller of Toxichem Management Systems, Inc. This letter is supposed to be a response to my letter to Mr. Scott Seery Of Alameda County health care service Agency (ACHCSA), which was generally a statement of facts, including:

- Inspection of the site by Mr. Rob Weston of ACHCSA on January of 1999, when Mr. Weston noticed that the metal cap of one of the crisy box had a hole more than 3/4 of inch. He asked me what this cap is, and I told him this is Monitoring wells #1, he tried hard to open it and then he did . The lock and the locking cap were broken and were at the bottom of the crisy box. Inside of the monitoring wells were visible as the drawing indicates.



Mr. Keith Winemiller, under the direction of Mr. Scott Seery came to the station to inspect the monitoring wells on 16 June, 1999 .

He inspected all Five of the monitoring wells. He wrote down the condition of all of the monitoring wells on his yellow pad, as I have discussed in my letter dated 6-19-1999 to Mr. Scott Seery.

All of the monitoring wells were caplocked.

Mr. Winemiller told me that he is going to report this inspection to ACHCSA (which he did not). He told me that only himself and the company which does the testing had the key to the lockcaps. He further told me that he did not know why they had saw cut the pipes, but if we look through quarterly monitoring reports any deficiencies should be reported on them. He told me that none of their reports show that the MW1 cap of the monitoring wells were broken.

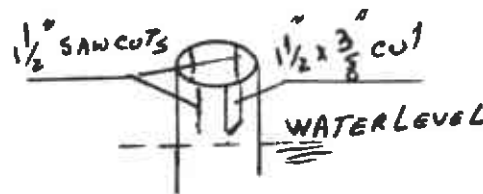
See: 6-28-99
Toxichem letter
pg. 4 for
complete
report

Note: Winemiller
did discuss
6/16 inspection
w/ SEERY on
6/21/99

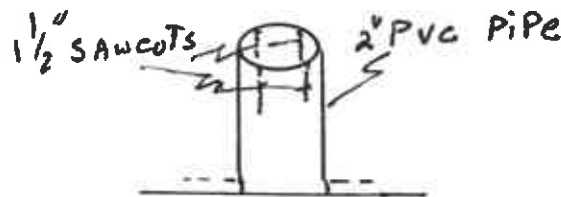
Mr. Winemiller and I observed that :

MW1- The metal lid of the casing had a hole with more than 3/4" diameter, Mr. Winemiller tried hard (for almost 5 minutes) to open this lid. Inside the cristy Box the caplock was on and locked (unlike what was found back in January 1999 when Rob Weston inspected it. Then the lock and the cap were broken, and were not in their place; and inside of the 2" pipe were visible.). He unlocked the lock and opened the cap and then replaced them .

MW2- Was capped with Water cast iron cristy box lid, the 2" PVC pipe was caplock, he unlocked the lock, opened the cap and inspected. When I asked about the irregularity and the cut he explained to me that the cut on four places 1 1/2" from the top is by a saw and a piece of 1 1/2" by 3/8" were cut out, he did not know why it was like that. The water level in this cristy box was 1" to 1/2" below this cut in the cristy box .



MW3- Cristy box was capped with cast iron water cristy box lid, the 2" PVC monitoring pipe was caplocked. When he unlocked and open the cap, he observed saw cut from the top almost 1 1/2" at four places, exactly like the previous monitoring wells.



MW4 and MW5 were properly boxed and cap locked, he unlocked the locks and opened the caps and replaced them.

These were all facts.

To cover the mishandling and wrong doing of their employee and contractors Mr. Keith Winemiller very carefully wants to show that the release is exactly from 1992, and in so doing he has forgotten about the October 1986 Groundwater Technology Inc. (GTI 86) Report and their finding that: **the site is contaminated**, and despite the requirement of ACHCSA, not only did Texaco not report their finding to the ACHCSA, **the Texaco employee concluded that the investigation should be closed. Moreover, they illegally removed the tanks without any permit, supervision, and further testing and clean up, which by law was required.**

Mr. Winemiller has also ignored H+GCL Phase I Environmental Site Assessment Report of October 5, 1992 (H+GCC 92) which on page one of this Report, only based on the (GTI 86), indicates that the property was contaminated as quoted below:

- do we have this??

" A report by Groundwater Technology Inc. 1986 stated that a fuel leak occurred on this property. The soil and groundwater were tested on August 20, 1986. Lead was detected in soil samples with a maximum value of 20 mg/kg. and groundwater samples for benzene, toluene, and xylene gave a maximum property at the time, decided to terminate continuous monitoring in accordance with the consultant's recommendations (Groundwater Technology, Inc. ,1986). Since this incident was not reported to the local agencies, there are no more studies of this property available for public review. Mr. Mohammadian, owner of the Linda Shell Station, informed H+GCC that there are currently no accessible monitoring wells at the site.

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Dec. 1986

In addition, no tank removal report was found for the replacement of the USTs in 1987, at the facility. Soil and groundwater contamination may still be present at the site, at concentrations exceeding state action levels. However, our investigation found no visible or documented evidence of environmental problems related to current generation, use, treatment, storage, or disposal of hazardous materials, substances, or waste, such as petroleum products; PCBs; or radon on the site. "

Mr. Keith Winemiller has also ignored the facts and recommendations made by H+GCL 92 (page 27) that:

" 5.0 RECOMMENDATIONS

H+GCL recommends that, beginning with this document, a strict environmental record-keeping policy be implemented and maintained on a current basis for the subject property. Following are specific recommendations based on the above results and conclusions.

There is evidence of past releases of hazardous waste, specifically, petroleum products from previous gasoline retail at this property. H+GCL Suggests that soil and groundwater be sampled for TPH, lead and BTEX compounds. "

Mr. Keith Winemiller has ignored the fact that it was based on the aforementioned facts that the Mohammadians took legal action against Kubo, Texaco, Callaris, and Chevron in the Superior Court Of Santa Clara County CASE # 744664, in 1994; the basis of the suit was due to the contamination of the property prior to the Mohammadians purchase; and the party settled in late 1997.

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IT WAS BASED ON THIS SETTLEMENT AGREEMENT THAT TEXACO IS the RESPONSIBLE PARTY FOR THE Quarterly MONITORING TESTING AND RESPONSIBLE FOR ANY CLEAN OUT. That is why Texaco has hired Toxichem

Management Systems, Inc. That is why Texaco is responsible for the monitoring wells. That is why we, the Mohammadians, have no environmental consultant because we believe that Texaco is responsible based on their settlement agreement . That is way I am not responding to all of the points of contamination.

Mr. Winemiller has ignored the fact that Chevron, Callaris, Texaco, Kubo all had the copies of the tanks and lines... testing before the settlement; and all of the reports have been directly filed with the ACHSCA by the testing companies; and even though all of the reports have been filed with the ACHSCA Mr. Winemiller states :

“ In addition, Mohammadian’s assertion is partly based on his claim that the USTs, piping, and other equipment have all passed testing with a satisfactory result. We therefore request that Mohammadian produce all testing records to confirm this claim.

Mr. Winemiller assumes that the Mohammadians act like his employer Texaco and does not report to the ACHSCA and does illegal tank removal and tank closure, and does not disclose information of the (GTI 86) to ACHSCA. This, however, is an invalid and wrong assumption, since the Mohammadians comply with the law and follow all requirements that are therein set forth.

Mr. Keith Winemiller, in order to cover their wrong doing begins to give some history of the record which is supposed to be in each and all of the reports on the exact date of testing. Which is not, and he blames me for this!! He states :

“ Most importantly, in his letter Mohammadian asserts that the petroleum hydrocarbon and methyl tert-butyl ether (MtBE) impact to groundwater at the site results from surface runoff entering wells...”

I could not find this assertion from my letter dated 6-19-1999, because there was no test done for MtBE at all by the Texaco employee in their 1986 testing reports. Only recently was MtBE tested for by Toxichem. Therefore, although MtBE with almost great certainly existed at that time it is not found in the report because there was no test conducted to detect it. Furthermore, there is no doubt that the deficiencies of monitoring wells have added to the contamination.. !!

Mr. Winemiller states:

“1. Total purgeable petroleum hydrocarbons (TPPH) and benzene in groundwater were first detected from well MW-1 in November 1992....”

THIS IS AN UNTRUE STATEMENT and it has been used TO DECEIVE THE AUTHORITY, BASED ON THE TEXACO REPORT (GTI86).

Mr. Winemiller states :

“The analysis of MtBE in groundwater began at the site in July/ August 1998...This data clearly indicates that MtBE impacted groundwater existed across the entire site prior to the period that Mohammadian claims that the surface runoff may have entered wells MW-1, MW-2, or MW-3.”

MtBE has existed Prior to 1986, but, as mentioned before, in 1986 it was not required to do testing for MtBE and that is why it had not been covered by GTI86 report, but the deficiency in wells has a direct result on the contamination and the tests too. /

Mr. Winemiller states:

“3. During the July/ August 1998 investigation, MtBE was also detected in shallow soil sample,.... “

He has forgotten that Based on the Texaco GTI86 report that in general all of the borings at almost every level had a petroleum odor. He has forgotten that based on all of the

TPPH was not sought in '86 study, only BTX