

M. Mohammadian
Cal Gas
15595 Washington Ave
San Lorenzo CA. 94580
10/3/2003

Ariu Levi
Chief Contract Project Director
Alameda County Health Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA. 94502-6577

Re: Response to petition kubo Trust

Dear Mr. Levi:

Kubo's Trust petition generally states that; they want relief based on the error of Alameda County finding under the letter September 19, 1999.

As you are aware already in summery I stated those errors in my statement " Declaration of Mehdi Mohammadian in response to the State Water resources Control Board proposed order" and my statement of 11/19/2002 to the board, which I believe all of the parties have the copies of them.

Furthermore enclosed you will find:

Copy of letter Mr. Kubo to Mehdi dated 4-16-93, copy of my letter to Mr. Kubo dated 2/3/1994, and Mr. Kubo's response letter dated 2/8/94, and copy of Mr. Kubo letter dated 15, 1994 to Mr. Scott Seery, which in all is the indication of existing serious contamination prior to his purchase not only accepted by Mr. Kubo but also by Mr. Scott Seery, and acceptance of responsibility, which transformed in the settlement agreement of 1977.

But some of direct problem caused by Mr. Kubo:

- 1987 or late 1986 Mr. Kubo claims that he applies for the permit for installation of new double wall tanks, lines, with Electronic Monitoring system, from your agency, with out any soil report after the tank closure, but he has no record of it. (Why he has no soil report)
- The permit application supposes to be included the location of three monitoring wells, but Mr. Kubo has no record of it!
- Mr. Kubo has claimed that he had the permit by Health Department for installation of this third generation tanks and monitors, but Kubo has no record of it!
- The Alameda County Health Care Service Agency suppose to inspect the installation for performance based of approve plans and specifications, Kubo has no record of it!
- Kubo suppose to prepare the as built plan with all the information regarding the tanks, lines, and monitoring system, Kubo has no records of it!
- Kubo did not disclose any of the above to us by the sale.
- The Kubo trust received money on behalf of Mr. Kubo.

Though the parties made the settlement of 1977 unfortunately Texaco began the dirty game and created all of these problems. I am sorry for Mr. Kubo's family.

Yours truly,

Mehdi Mohammadian

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State Water Resources Control Board
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CC, Jeffery L. Podawiltz
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Attorney for Jessen and Agnes Calleri

STATE WATER RESOURCES CONTROL BOARD

In re the Property Known as:)	PETITIONERS REQUEST
)	FOR STAY OF ORDER
Linda Shell)	DIRECTING RESPONSIBLE
15595 Washington Avenue)	PARTIES TO SUBMIT
San Lorenzo, California)	TECHNICAL REPORTS
)	
)	

Jessen and Agnes Calleri (the "Petitioners") hereby request that the State Water Resources Control Board stay the Regional Water Quality Control Board's (the "Regional Board's") order directing the responsible parties in this matter to submit technical reports pending the resolution of Petitioners' Petition for review of the Regional Board's August 31, 1995 designation of the Petitioners as responsible parties with respect to the soil and ground water contamination at 15595 Washington Avenue, San Lorenzo, California.

Substantial harm will result to the Petitioners if they are required to expend time and money to prepare technical reports

REQUEST FOR STAY OF ORDER
DIRECTING RESPONSIBLE PARTIES
TO SUBMIT TECHNICAL REPORTS

when they have not properly been named as responsible parties. There will be a lack of substantial harm to the other interested persons if the Regional Board's order is stayed in its entirety, and no substantial harm will be caused to the public by a brief stay.

As set forth in the accompanying Petition, substantial questions of law and fact exist regarding the actions taken by the Regional Board.

LAW OFFICE OF MARY J. SWANSON



Mary J. Swanson
Attorney for Petitioners
Jessen and Agnes Calleri

Affidavit

I swear under penalty of perjury under the laws of the State of California that the forgoing Request for Stay, and the representations made therein, are true to my knowledge and belief. Executed on October 2, 1995, in Benicia, California.



Mary J. Swanson