

Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Monday, March 05, 2012 1:47 PM
To: Mitch Hajiaghai
Cc: Detterman, Mark, Env. Health; cmccaulou@waterboards.ca.gov
Subject: Results are Null and Void

Dear Mr. Hajiaghai,

1. The results of any borings done in the last few months are fully null and void. Such data cannot be used for any purpose. Please segregate such material and send it to me.

2. I want hard copies of all your files on this case presented immediately to me. Please send by Express Mail to:

2224 Railroad Ave.
Pittsburg, CA 94565

3. I want copies of all checks sent to you on behalf of this property in payment.

Regards,

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



Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Monday, March 05, 2012 11:59 AM
To: Mitch Hajiaghai
Cc: Som D Gupta; Detterman, Mark, Env. Health
Subject: Re: 17715 Mission Blvd., Hayward

Dear Mr. Hajiaghai,

Mr. Paul Garg has nothing to do with this site and has already communicated as such to you. I have no idea why you continue involving him.

Please kindly direct all communication to me and leave him off further communications. Mr. Garg is not authorized to communicate on this issue.

*To be clear, no activity, decisions, authorizations or communications can come from anyone but me. If you take an act, please insure you have an original, wet signature of **mine** on any such written authorization. Else, it will be a trespass or a wrongful act.*

Regards,

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



On Mon, Mar 5, 2012 at 11:54 AM, Mitch Hajiaghai <mh.sierra@sbcglobal.net> wrote:
Hi Paul,

Today I received following email from Abe, and subsequently had a telephone conversation with him. I am copying you on this communication because you are also considered the responsible party and your name is on the Alameda County Health Care Services (ACHCS) correspondences.

As you are aware, at the request of Abe, we submitted a case closure recommendation package for the site to ACHCS, last year. In a letter dated November 28, 2011, the County directed the responsible parties to remove contaminant mass hence shortening natural attenuation time of contaminant beneath the site. To do such work, one needs to either physically excavate and dispose of impacted soil to about 30 feet below ground surface or construct extraction wells in the impacted area and remove multi-layer of contaminants using high vacuum liquid ring pump. A test would demonstrate the feasibility of the second option. With the direction and approval of the agency, we were in the process to perform the test. However, due to continuation of treats, slanders, and baseless accusations by Abe Gupta, I am left with no choice but to suspend all required environmental work at ABE Petroleum site in Hayward, California. Our relationship with our clients have

always been based on mutual trust and respect. Unfortunately, this has been compromised to a point where we can no longer function as a team unless it stops.

Abe's accusations are that we have used about a million dollars of fund and have not brought the site to closure. Therefore, he believes that we are trying to make money out of this project. The fact is that the total amount of the work done is about \$200,000 of which good percentage have been paid directly to outside services (drillers, laboratories, etc.). Presently, due to financial restraints, State Underground Storage Tank (UST) fund has not paid us for the compliance works, which we have done at the site since May 2011. I am sure that you understand how difficult it would be to operate a business under such conditions. This together with treats of law suits and erroneous accusations from Abe makes our job extremely difficult going forward. Therefore, I suggest (1) that you, and/or Abe select a consultant of your choice to continue with work required to get a case closure for the site, or (2) have an agreement with us that from this point on there will be no treats or slandering.

Sincerely,
Mitch Hajiaghai
Sierra Environmental, Inc.

Please note my new email address:

Mitch Hajiaghai
mitch@sierraenvironmentalinc.com

Begin forwarded message:

From: Abe <abegupta@gmail.com>
Date: March 5, 2012 7:52:04 AM PST
To: Mitch Hajiaghai <mh.sierra@sbcglobal.net>, Mitch Hajiaghai <Mitch.Hajiaghai@sierraenvironmentalinc.com>
Cc: Mazyar Hajiaghai <Mazyar.Hajiaghai@sierraenvironmentalinc.com>
Subject: **17715 Mission Blvd., Hayward**

Dear Mr. Hajiaghai,

I need you to call me immediately at the number listed below to discuss this address.

In the meantime, please insure that any boring work you did in the last few months is null and void. We demand that all such files be immediately provided to us and any hard copies destroyed. As you know, you have requested a site closure to be issued; yet, you continue to perform work that is harming the integrity of the site and poses an ongoing slander to the title of the property. We will not tolerate such behavior. Further, such actions will expose your company and, potential individual actors, to enormous liability.

My clients take such actions very seriously, as does my office. I expect your prompt attention in contacting me and explaining yourself.

Regards,

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



Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Monday, March 05, 2012 11:27 AM
To: Mitch Hajiaghai
Cc: Detterman, Mark, Env. Health
Subject: Re: 17715 Mission Blvd., Hayward

Dear Mr. Hajiaghai,

Thank you for taking the time to speak by phone this morning. You stated that your office had recently entered the property to install 4 vapor extraction wells. You indicated to me that this was done and the order and direction of Mr. Detterman.

You then went on to state that everything was going okay at this site until I "threw a wrench into things." I presume you mean my involvement as to why thousands had been spent over many years without any fruitful result. You stated that "I have no clue what was done on the site." You stated that "I do not understand how the system was worked." You went on to state that "you were not paid since last year" and that "you put thousands of dollars out of your pocket."

In reference to Mr. Detterman you stated that you submitted a plan to him in 2008 and that it took him over two years to respond. You stated that you inquired multiple times but he repeatedly told you that he was just too busy because he had just been hired. You stated that you had drafted a site closure letter, but Mr. Detterman was not letting you close the site.

Finally you repeatedly stated that in total you had only been paid \$200,000 for work at the station, which in your opinion was not much money.

Regards,

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



On Mon, Mar 5, 2012 at 8:23 AM, Mitch Hajiaghai <mh.sierra@sbcglobal.net> wrote:

Hi Abe, I just tried to call you. Your telephone does not answer. Please call me at [408-971-6758](tel:408-971-6758) to resolve this issue.

Mitch Hajiaghai
Sierra Environmental, Inc.
[408-971-6758](tel:408-971-6758)

Please note my new email address:

Mitch Hajiaghai
mitch@sierraenvironmentalinc.com

On Mar 5, 2012, at 7:52 AM, Abe wrote:

Dear Mr. Hajiaghai,

I need you to call me immediately at the number listed below to discuss this address.

In the meantime, please insure that any boring work you did in the last few months is null and void. We demand that all such files be immediately provided to us and any hard copies destroyed. As you know, you have requested a site closure to be issued; yet, you continue to perform work that is harming the integrity of the site and poses an ongoing slander to the title of the property. We will not tolerate such behavior. Further, such actions will expose your company and, potential individual actors, to enormous liability.

My clients take such actions very seriously, as does my office. I expect your prompt attention in contacting me and explaining yourself.

Regards,

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Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Monday, March 05, 2012 2:10 PM
To: Detterman, Mark, Env. Health
Cc: Drogos, Donna, Env. Health; Som D Gupta
Subject: 17715 Mission Blvd., Hayward, CA

Dear Mr. Detterman,

This confirms our conversation just now wherein you stated:

1. You will carefully review your knowledge of the site and review whether it can be closed.
2. You did not know how the fact that EBMUD does not pull from the groundwater affected possible closure.
3. I stated that if the site is not closed, we will proceed against Sierra for diminished property value and slander to the property. I'm not sure how AICo would fare in such litigation or what role they would play.
4. You will be calling me once you have refreshed your memory.

Regards,

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



Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Monday, March 05, 2012 11:27 AM
To: Drogos, Donna, Env. Health
Cc: Detterman, Mark, Env. Health
Subject: Re: Out of Office: Letter Dated June 17, 2011

Dear Mrs. Drogos,

Thank you for taking the time to speak to me briefly this morning as chief of the Land/Water Division of the Alameda County Department of Environmental Health. As stated, I look forward to your call back. My number appears below.

Regards,

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



On Mon, Jul 11, 2011 at 11:04 AM, Detterman, Mark, Env. Health <Mark.Detterman@acgov.org> wrote:

Hi,

I will be out of the office until Monday (July 18). Should you have an urgent matter in the interim, please contact Donna Drogos at [510.567.6721](tel:510.567.6721).

Thank you.

Mark

Detterman, Mark, Env. Health

From: Abe Gupta [abegupta@gmail.com]
Sent: Tuesday, March 06, 2012 5:19 PM
To: Cherie MCcaulou
Cc: Detterman, Mark, Env. Health; Selim.Zeyrek@acwd.com; Som D Gupta; Mitch Hajiaghai; MaryRose Cassa; USTCF_Payments@waterboards.ca.gov
Subject: Re: Requesting Public Records

My request to you has been made in full accordance with the CPRA. If you or the County ignore the requests, we will respond accordingly.

Regards,

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

On Mar 6, 2012, at 5:16 PM, Cherie MCcaulou <CMccaulou@waterboards.ca.gov> wrote:

Abe - I understand you want to file a public records request. To do so, please submit your request in writing to our Custodian of Records, Attn: Melinda Wong, mwong@waterboards.ca.gov at the San Francisco Bay Regional Water Quality Control Board office, 1515 Clay Street, Suite 1400, Oakland California.

Sincerely,

Cherie McCaulou
Engineering Geologist
San Francisco Bay Regional Water Quality Control Board
cmccaulou@waterboards.ca.gov
510-622-2342

>>> Abe Gupta <abegupta@gmail.com> 3/6/2012 2:00 PM >>>
I asked you for files on the Fig Tree Fremont station as well.

How can the SWRCB have no files? Don't they issue payment checks?

--

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

On Mar 6, 2012, at 1:46 PM, Cherie MCcaulou <CMccaulou@waterboards.ca.gov> wrote:

Abe - Alameda County Environmental Health (ACEH) is the lead regulatory agency overseeing the investigation and cleanup of this site. Mark Detterman is the case worker. Questions regarding the need for monitoring, investigation, remedial actions or case closure should be directed to him at (510-567-6876).

Regarding your request for public records, I searched our records and found no file for this case (#01-2344). This is not unusual because ACEH is the lead agency for oversight. You can find electronic files at ACEH's website at www.acgov.org (select "Local Oversight Program" file search) or go to the State Water Resource Control Board's website at <https://geotracker.waterboards.ca.gov>

Thank you.

Sincerely,

Cherie McCaulou
Engineering Geologist
San Francisco Bay Regional Water Quality Control Board
cmccaulou@waterboards.ca.gov
510-622-2342

>>> Abe <abegupta@gmail.com> 3/6/2012 11:04 AM >>>
17715 Mission Blvd., Hayward,

Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Tuesday, March 06, 2012 10:45 AM
To: Cherie MCcaulou
Cc: Detterman, Mark, Env. Health; Drogos, Donna, Env. Health; Som D Gupta
Subject: Re: Contact

Dear Ms. MCcaulou,

My office represents the property owner of 17715 Mission Blvd., Hayward, CA, a gas station subject to soil remediation through your office.

To this end, I am investigating how in the world in excess of \$200,000 has been spent over the last fourteen years; yet, nothing substantive has been achieved by Sierra Environmental. I am also investigating why Alameda County is allegedly rejecting the explicit recommendation made by Sierra Environmental in writing that the site should be closed. In fact, the issue is more acute considering EBMUD does not even pull groundwater from underground.

I also want copies of all correspondence and material related to the Fig Tree Service Station (43455 Mission Boulevard Fremont, CA 94539). I am informed that you "closed out" this site. To the extent this constitutes a CPRA demand, please treat it as such for all recipients.

I expect your office's cooperation with my investigation and thank you in advance for your prompt attention to this matter.

Regards,

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



On Tue, Mar 6, 2012 at 10:15 AM, Cherie MCcaulou <CMccaulou@waterboards.ca.gov> wrote:
Hello Abe - I received your voice mail and e-mail regarding a pending matter. What can I assist you with?

Sincerely,

Cherie McCaulou
Engineering Geologist
San Francisco Bay Regional Water Quality Control Board
cmccaulou@waterboards.ca.gov
[510-622-2342](tel:510-622-2342)

>>> Abe <abegupta@gmail.com> 3/5/2012 11:31 AM >>>
Dear Ms. MCcaulou,

I am an attorney investigating a pending matter. Can your office please immediately contact me? My contact information appears below. Thank you in advance for your prompt attention to this matter.

Regards,

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

