

Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Monday, April 02, 2012 8:11 AM
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

This email to Mr. Headlee remains with responde even though it was sent eighteen days ago.

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On Wed, Mar 14, 2012 at 2:44 PM, Abe <abegupta@gmail.com> wrote:

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,

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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

Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Monday, April 02, 2012 9:25 PM
To: Mitch Hajiaghai
Cc: Detterman, Mark, Env. Health; Cherie MCcaulou; Drogos, Donna, Env. Health; Melinda Wong; Selim.Zeyrek@acwd.com; cochoa@waterboards.ca.gov; btrommer@waterboards.ca.gov; lbabcock@waterboards.ca.gov
Subject: Re: 17715 Mission Blvd., Hayward, ATTORNEY COMMUNICATION

Dear Mr. Hajiaghai,

I am in receipt of your letter sent on March 28, 2012 directly to my client. Your letter is a long winded diatribe of false accusations, misrepresentations and patent falsities. While the points addressed are too numerous that a response would be impossible. Suffice to say, my office disagrees with all of your contentions. I have made my client's position clear and it appears to me your office is bent on creating additional legal liability.

I am your only point of contact going forward. I have made this point quite clear. If your wrongfully terminate your services, my office will respond accordingly. You have been very handsomely paid for your authorized work to date; however, I welcome any disagreement on this point to be addressed. If you have any further questions you are welcome to contact me. Direct correspondence to Mr. Som Gupta will be ignored. Mr. Paul Garg has nothing to do with this site and I would have you would respect that, you apparently do not.

Regards,

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On Thu, Mar 8, 2012 at 9:36 AM, Abe <abegupta@gmail.com> wrote:

Dear Ms. Cristina Mayorga-Ochoa,

Thank you for taking the time to speak to me this morning on behalf of the State Water Board and Ms. Babcock. We demand this site to be closed and we want it to be closed. We wish to engage Mr. Bob Trommer as supervisor of the Five Year review. He is cc'd. As you know, Mr. Detterman has completely allowed Sierra Environmental to completely take advantage of this property. Ms. Drogos as Head of the Local Oversight has refused to communicate. There has been an unbridled level of arrogance especially in comments made about how little money \$205, 000 is. I assure you this is a tremendous amount of money and nearly all of it was wasted. All of have gotten from Alameda County is ignored calls, emails and letters.

You stated that Fig Tree had been given a Closure Expedite (red flag to close it). The Closure Expedite came from Bob Trommer based on a five year review. I want this site

to be filed to your closure unit. The contractor has recommended site closure and the site needs to be closed. Of course, the contractor is trying very hard to keep the site going to make more money. As such, he is drilling wells without our consent. 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 at this site.

If the media were given this information they would have a field day with it-- this is such a clear example of government waste. Alameda County has absolutely no concern for how the money of the State (our money) is spent. If the media heard Mr. Detterman's comment that \$200,000 is not much money, they would be extremely angry and frankly, I was shocked when I heard it. The state is broke and yet allows LOC's to hand fistfuls of money to greedy contractors. These contractors have no concern for the environment and the State Board seems more than happy to keep paying them. SWB needs to police its LOC's as well.

Regards,

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