

Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Wednesday, April 18, 2012 7:55 AM
To: Chuck Headlee
Cc: Liz Haven; Vicky Whitney; Drogos, Donna, Env. Health; Detterman, Mark, Env. Health; Selim.Zeyrek@acwd.com; Bob Trommer; Cristina Ochoa; Lisa Babcock; Som D Gupta
Subject: Re: 17715 Mission Blvd., Hayward, ATTORNEY COMMUNICATION

Thank you; I will plan to hear from your office within approximately the next sixty days.

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



On Wed, Apr 18, 2012 at 7:43 AM, Chuck Headlee <CHeadlee@waterboards.ca.gov> wrote:
Mr. Gupta,

Your site is one of approximately 100 cases that are being transferred to us from the Alameda County Department of Environmental Health Local Oversight Program. It will likely be two months or so before we have evaluated these cases and are ready to issue new directive letters or meet with the responsible parties to discuss the status of their case.

>>> Abe <abegupta@gmail.com> 4/17/2012 7:10 PM >>>
What is going on with this matter?

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

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:
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>>>> Good luck on your endeavors. I forgive you.
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Detterman, Mark, Env. Health

From: Abe [abegupta@gmail.com]
Sent: Wednesday, April 18, 2012 9:27 AM
To: Mitch Hajiaghai
Cc: Liz Haven; Vicky Whitney; Drogos, Donna, Env. Health; Detterman, Mark, Env. Health; Selim.Zeyrek@acwd.com; Bob Trommer; Cristina Ochoa; Lisa Babcock; Som D Gupta; Chuck Headlee
Subject: Re: 17715 Mission Blvd., Hayward, ATTORNEY COMMUNICATION

Dear Mr. Hajiaghai,

It would appear you are up to no good in an attempt to leverage clean up funds in a wasteful, abusive way. As you know, the past disbursement of funds in accordance with unlawful and unconsented actions is the subject of my office's inquiry. It is unfortunate that you are attempting to maliciously seek more money without responding to the allegations on the table. It is also unfortunate that you see fit to continue contact other parties besides my office in this matter. I assure you these actions will be fruitless and will most certainly result in legal liability.

I strongly encourage you to respond to my past communications and stop sending baseless, threatening communications. We are under no obligation to allow you office to collect money without proper accountability. If needed, we can have your funds placed in an interpleader fund at the Superior Court so they may be disbursed once this matter is adjudicated. If you are amendable to this reasonable solution as a matter of law please respond accordingly. This letter also informs te SWRCB to send all communications to me as attorney at:

Abe Gupta
2224 Railroad Avenue
Pittsburg, CA 94565

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