

## Detterman, Mark, Env. Health

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**From:** Drogos, Donna, Env. Health  
**Sent:** Wednesday, April 03, 2013 12:50 PM  
**To:** Detterman, Mark, Env. Health; Detterman, Karel, Env. Health; Roe, Dilan, Env. Health; Wickham, Jerry, Env. Health; Jakub, Barbara, Env. Health; Nowell, Keith, Env. Health  
**Subject:** FW: ABE Petroleum, 17715 Mission Boulevard, Hayward

fyi

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**From:** Abe [mailto:abegupta@gmail.com]  
**Sent:** Wednesday, April 03, 2013 10:03 AM  
**To:** Hill, Stephen@Waterboards  
**Cc:** Wolfe, Bruce@Waterboards; Whyte, Dyan@Waterboards; Headlee, Chuck@Waterboards; Sieminski, Barbara@Waterboards; Drogos, Donna, Env. Health; Cullen, Pat@Waterboards  
**Subject:** Re: ABE Petroleum, 17715 Mission Boulevard, Hayward

Great. Let's meet at 17715 Mission Blvd., Hayward, CA (the site address). Here are dates and times that work for me:

Friday, April 5th, 9 AM  
Friday, April 5th, 1 PM  
Wednesday, April 10th, 10 AM  
Wednesday, April 10th, 2 PM  
Thursday, April 11th, 10 AM  
Friday, April 12th, 9 AM  
Friday, April 12th, 1 PM

Please confirm one of these 7 times.

I also have left a call for Mr. Wolfe; I would like to speak to him before we meet.

Regards,

On Wed, Apr 3, 2013 at 9:50 AM, Hill, Stephen@Waterboards <[Stephen.Hill@waterboards.ca.gov](mailto:Stephen.Hill@waterboards.ca.gov)> wrote:

Mr. Gupta –

Thank you for discussing this LUFT case with me yesterday, although my recollection of the phone conversation is somewhat different from yours.

I contacted you to suggest a meeting to discuss the “path to closure” for this LUFT case. I patiently listened for over 20 min while you recapped all the problems you perceive with past agency oversight of this LUFT case, by Alameda County and more recently by our office. You made clear that any meeting we have would need to address all the past problems you perceive and could not be limited to future steps/actions. You also made clear that any meeting would have to take place at the site and not our offices. I felt that a meeting so heavily conditioned at the outset would not be productive. I noted that, absent some agreement between you and our agency about how best to proceed with this LUFT case, the next step is for us to issue a section 13304 order to require necessary cleanup. That is not a threat, merely a statement about the tools available to us to get sites cleaned up. We remain willing to meet with you if you wish to discuss the “path to closure”.

Cheers, Stephen Hill

**From:** Abe [mailto:[abegupta@gmail.com](mailto:abegupta@gmail.com)]

**Sent:** Tuesday, April 02, 2013 1:50 PM

**To:** Hill, Stephen@Waterboards

**Cc:** Wolfe, Bruce@Waterboards; Whyte, Dyan@Waterboards; Headlee, Chuck@Waterboards; Sieminski, Barbara@Waterboards; [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org); Cullen, Pat@Waterboards

**Subject:** Re: ABE Petroleum, 17715 Mission Boulevard, Hayward

Dear Mr. Hill,

This confirms that you, Mr. Hill contacted me by phone. I offered to meet you at site to discuss these issues. You refused and stated that your employees billable time for this case would be wasted having such a meeting.

You then threatened that if I insist on such a meeting you will issue a corrective order. I do not take this threat lightly.

You also stated that you had not spoken to your staff, namely Barbara about her personal comments. Overall you seemed dismissive of the financial issues. You also stated that I should let go of past wasted money if I wanted to get your approval to close the site. I do not agree to such a quid pro quo.

Regards,  
Abe Gupta

On Sat, Mar 30, 2013 at 2:30 PM, Abe <[abegupta@gmail.com](mailto:abegupta@gmail.com)> wrote:

Dear Mr. Hill,

As a fellow government official, I know you share my deep concern for the Brown Act. As such, I will agree to disagree with you regarding your refusal to allow me to address

the Board as an agenda item. I do find it peculiar that you would take that stance as the purpose of open government is always best served by transparency.

That said, my past conversations with Mr. Headlee have neither been productive nor pleasant. As I wrote in my email, he has refused to engage in a substantive discussion of this site, has not meaningfully responded to Barbara's continued refusal to respond to voicemails. While I certainly understand the time constraints your office is under, ignoring repeated contacts from an interested party seems rather unprofessional.

I do believe you and I need to meet at the site and discuss these matters in context. Please send me some proposed dates and times that work for you.

My clients and I take this matter very seriously. Mr. Headlee's recent comments that your office is not concerned with what happened before RWCB took over jurisdiction was very troubling. Understand that as an attorney, I do document everything that has been said-- please be more considerate that you are spending the people's money.

Regards,

Abe Gupta

On Fri, Mar 29, 2013 at 3:55 PM, Hill, Stephen@Waterboards <[Stephen.Hill@waterboards.ca.gov](mailto:Stephen.Hill@waterboards.ca.gov)> wrote:

Mr. Gupta – I am responding to your email on behalf of Water Board management. At issue is our office's oversight of a leaking underground fuel tank (LUFT) case - ABE Petroleum located at 17715 Mission Blvd, Hayward.

You suggest that additional state funds should not be spent on this LUFT case and, by inference, you think this LUFT case should be closed. With respect, we disagree. My staff reviewed all pertinent case data before we finalized our "denial of case closure" letter. That letter constitutes a final action by the Water Board. More precisely, the Board has delegated its authority to take certain actions (including case closure) to the Executive Officer and the Executive Officer issued the March 28 "denial of case closure" letter.

Since the Board has already acted, it would be inappropriate for us to schedule a future Board item on this topic. If you think the Board's action was inappropriate, you have two options:

(i) You can address the Board at its public forum to request a reconsideration - The public forum is a regular item at all Board meetings and is scheduled at the beginning of the meeting. Public forum speakers are usually limited to 3 minutes. Board meetings are normally held on the second Wednesday of the month and normally start at 9:00 am.

(ii) You can submit a petition to the State Water Board – Petitions must be filed within 30 days of the action being petitioned; see California Water Code sections 13320 and 13321 for process details.

We remain willing to discuss this case with you. I have asked Chuck Headlee to contact you to set up a meeting, at which we can discuss case status, how the case compares to the State Water Board’s low-threat closure criteria, and a path forward.

Sincerely, Stephen Hill

Stephen Hill

Toxics Cleanup Division Chief

California Regional Water Quality Control Board – SF Bay Region

1515 Clay Street #1400, Oakland, CA 94612

[\(510\) 622-2361](tel:5106222361) or [SHill@waterboards.ca.gov](mailto:SHill@waterboards.ca.gov)

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**From:** Abe Gupta [mailto:[abegupta@gmail.com](mailto:abegupta@gmail.com)]

**Sent:** Friday, March 29, 2013 12:22 PM

**To:** Sieminski, Barbara@Waterboards; Headlee, Chuck@Waterboards

**Cc:** Drogos, Donna; [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org); Cullen, Pat@Waterboards; [15106222095@fax.com](tel:15106222095); Wong, Melinda@Waterboards; Hill, Stephen@Waterboards

**Subject:** Re: ABE Petroleum, 17715 Mission Boulevard, Hayward

This message has not received a response. Am I on the agenda?

On Mar 28, 2013, at 1:27 PM, Abe <[abegupta@gmail.com](mailto:abegupta@gmail.com)> wrote:

Dear Mr. Headlee,

This message confirms as follows:

I have repeatedly availed myself of an opportunity to discuss with you what I believe to be a gross failure to regulate public monies. Further you believe inaction by your staff is acceptable.

To this end and in accordance with the Brown Act, I wish to be placed on the agenda for discussion on the April 10, 2013 San Francisco Bay Area Regional Water Control Board public meeting. I politely reject your invitation to address the Board during public comment and wish to be placed as an agenda item. I regret having to engage this matter in this manner as I believe it is unfortunate that your office has shown such an apathy for this matter, but I value the public's money too greatly to ignore this matter.

Regards,

Abe Gupta

Attorney at Law

On Thu, Mar 28, 2013 at 11:40 AM, Sieminski, Barbara@Waterboards  
<[Barbara.Sieminski@waterboards.ca.gov](mailto:Barbara.Sieminski@waterboards.ca.gov)> wrote:

Attached is the letter *Case Closure Denied* for the above referenced site. Please contact me if you have questions regarding this letter.

Regards,

Barbara Sieminski

Engineering Geologist, PG

San Francisco Bay Regional Water Quality Control Board

1515 Clay Street, Suite 1400

Oakland, CA 94612

tel. (510) 622-2423

[bsieminski@waterboards.ca.gov](mailto:bsieminski@waterboards.ca.gov)