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July 26, 2010

***Via Registered Mail -
Return Receipt Requested***

Michael J. Gallagher, President
& Registered Agent
Gasamat Oil Corp. of Colorado
5303 Spine Road, Suite 101
Boulder, CO 80301

Owner/Operator/Site Manager
3185 Santa Rosa Avenue
Santa Rosa, CA 95407

Owner/Operator/Site Manager
USA Petroleum Gas Station
2680 Soquel Avenue
Santa Cruz, CA 95062

Owner/Operator/Site Manager
Gasmax Service Station
660 Sutter Street
Yuba City, CA 95991

*Re: Notice of Violations and Intent to File Suit under the Resource Conservation
and Recovery Act*

Dear Owners, Operators and Site Managers:

NOTICE

On behalf of Northern California River Watch (“River Watch”), I am providing statutory notification to each of you of continuing and ongoing violations of the Federal Resource Conservation and Recovery Act (“RCRA”) 42 U.S.C. § 6901 et seq., in

conjunction with former or continuing operations at the three former or current underground storage tank sites identified in this Notice. River Watch is also providing notice of these same violations to each of the current owners and/or former owners of the real property on which the sites are located. Pursuant to provisions of the RCRA, the current owners of each of the real properties underlying these sites may be in part responsible for ongoing contamination and remediation of the sites due to mere ownership of the real property under which the hazardous contamination has been found.

The RCRA requires that sixty (60) days prior to the initiation of an action for violation of a permit, standard, regulation, condition, requirement, prohibition or order effective under the RCRA, a private party must give notice of the violation to the alleged violator, the Administrator of the U.S. Environmental Protection Agency and the State in which the violation is alleged to have occurred (42 U.S.C. § 6972(b)(1)(A)). The RCRA also requires that a private party provide ninety (90) days prior notice to the alleged violator, the Administrator of the Environmental Protection Agency and the State in which the violation is alleged to have occurred before initiating an action which alleges violations of the RCRA resulting in an imminent and substantial endangerment to human health or the environment. [42 U.S.C. § 6972(b)(2)(A)].

However, if Subtitle C, Subchapter III, violations are alleged, such as in this Notice, actions can be brought without observing the 60/90 day notice waiting periods applicable to 42 U.S.C. § 6972(a)(1)(A) and § 6972(a)(1)(B) claims. Also, when Subtitle C, Subchapter III, claims are brought in conjunction with 42 U.S.C. § 6972(a)(1)(A) and § 6972(a)(1)(B) claims for violations, none of the claims require a waiting period before a complaint under RCRA provisions may be filed.

River Watch hereby notifies Gasamat Oil Corporation of Colorado, all owners/operators and site managers to whom this Notice is addressed and the owners of real property identified herein (hereafter, “Responsible Parties”), that at the expiration of the appropriate notice periods under RCRA, River Watch intends to commence a civil action against Responsible Parties on the following grounds:

- Responsible Parties’ use and storage of petroleum products at each of the sites identified in this Notice has violated and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding storage of petroleum in underground storage tanks [42 U.S.C. § 6972 (a)(1)(A)];
- Responsible Parties’ operations at each of the sites identified in this Notice have caused petroleum contamination of soil and groundwater which presents an imminent and substantial endangerment to human health and the environment [42 U.S.C. § 6972 (a)(1)(B)]; and,

- Responsible Parties' past and current operations at the sites identified in this Notice violates the provisions of RCRA subchapter III (Subtitle C) which governs the handling of hazardous wastes. River Watch contends that Responsible Parties have inadequately maintained records of the manner in which their hazardous wastes have been treated, stored and/or disposed of; inadequately monitored, reported and/or complied with existing regulations concerning said wastes; inadequately provided storage facilities for said wastes; and in the past have not developed adequate contingency plans for effective action to minimize damage from the unauthorized releases of hazardous contaminants – all of which has presented a substantial endangerment to human health and to the environment.

Under the RCRA, notice to a violator regarding an alleged violation of a permit, standard, regulation, condition, requirement, or order which has become effective under RCRA shall include sufficient information to permit the recipient of the notice to identify the permit, standard, regulation, condition, requirement, or order which has allegedly been violated, the activity alleged to constitute a violation, the person or persons responsible for the alleged violation, the date or dates of the violation (or reasonable range), and the full name, address, and telephone number of the person giving notice. River Watch therefore provides the following information:

1. The standard, limitation, or order alleged to have been violated.

Enacted in 1976, the RCRA is a federal law of the United States contained in 42 U.S.C. §§ 6901-6992k. Its goals are: to protect the public from harm caused by waste disposal; to encourage reuse, reduction, and recycling; and, to clean up spilled or improperly stored wastes.

The Environmental Protection Agency's ("EPA") waste management regulations are codified at 40 C.F.R. §§ 239-282. Regulations regarding management of hazardous waste begin at 40 C.F.R. § 260. Pursuant to the RCRA, the State of California has enacted laws and promulgated regulations at least as stringent as the federal regulations.

River Watch alleges the use and storage of wastes at the sites identified in this Notice by Responsible Parties, and the disposal of those wastes as described in this Notice, has violated and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding hazardous waste. [42 U.S.C. § 6972(a)(1)(A)].

River Watch further alleges that operations by Responsible Parties at the sites identified in this Notice have caused or threaten to cause contamination of soil, groundwater, surface waters and residential areas, which contamination presents an imminent and substantial endangerment to human health and the environment. Responsible Parties own or operate discreet conveyances, preferential pathways or wells which have contributed to

the transportation, treatment, storage, or disposal of the wastes at the identified sites. [42 U.S.C. § 6972(a)(1)(B)].

2. The Activity Alleged to Constitute a Violation

Narratives are set forth below describing with particularity the activities leading to the violations alleged in this Notice. In summary, the RCRA requires that the environment and public be protected from hazardous wastes such as those generated by Responsible Parties. Pollutants as described herein and found at the sites identified in this Notice constitute solid and hazardous waste under the RCRA, and are required to be managed so as to not cause endangerment to the public or the environment. The RCRA specifically protects groundwater.

The liability of Responsible Parties stems from their ownership of the identified sites and/or their activities conducted on site which violate the RCRA and have contributed to the past or present handling, storage, treatment, transportation, or disposal of a hazardous waste which may present an imminent and substantial endangerment to health or the environment. River Watch also alleges Responsible Parties to be in violation of a permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to the RCRA.

River Watch alleges Responsible Parties are guilty of open dumping as that term is used in the RCRA, by discharging pollutants to the open ground, thereby allowing these pollutants to discharge to both groundwater and surface waters. The sites identified in this Notice do not qualify as landfills under 42 U.S.C. § 6944, and do not qualify as facilities for the disposal of hazardous waste. Also, Responsible Parties have no RCRA-authorized permit for disposal, storage or treatment of solid or hazardous waste of the type currently and historically discharged at the sites identified in the Notice.

The liability of Responsible Parties also stems from their ownership or operation of discrete conveyances, preferential pathways or wells which have caused pollutants to be discharged to groundwater and surface waters via conduits such as pipes, sewer lines, storm drains, utilities and the like, thereby facilitating pollutant migration and discharge to waters of the State of California and waters of the United States, and contributing to the past or present handling, storage, treatment, transportation, or disposal of a hazardous waste which may present an imminent and substantial endangerment to health or the environment.

Responsible Parties' past and current operations at the sites identified in this Notice violate the provisions of the RCRA, 42 U.S.C. § 6924, which governs the mishandling of hazardous wastes. River Watch contends Responsible Parties have inadequately maintained records of the manner in which their hazardous wastes have been treated, stored and/or disposed of; inadequately monitored, reported and/or complied with existing regulations concerning their wastes; inadequately provided storage facilities for their wastes; and in the

past have not developed adequate contingency plans for effective action to minimize damage from the unauthorized releases of hazardous contaminants – all of which presents a substantial endangerment to human health and to the environment.

3. The discharger responsible for the alleged violation.

The dischargers responsible for the violations alleged in this Notice are Gasamat Oil Corporation of Colorado and the Owners, Operators and Site Managers to whom this Notice is addressed, identified throughout this Notice as “Responsible Parties”. River Watch further alleges the current owners of the real properties underlying these sites may be considered dischargers and may be responsible in part for ongoing contamination due to mere ownership of the real property under which the hazardous contamination has been found.

4. The date or dates of violation or a reasonable range of dates during which the alleged activities occurred.

The RCRA is a strict liability statute with a 5 year statute of limitations; therefore, although violations of the RCRA by Responsible Parties have occurred for more than 5 years, the range of dates covered by this Notice is July 20, 2005 through the date of this Notice. River Watch will from time to time update and supplement this Notice to include all violations by Responsible Parties which occur after the date of this Notice. The majority of the violations identified in this Notice such as threatening to and discharging pollutants to groundwater and surface waters; failure to obtain RCRA-authorized permits; failure to implement the requirements of RCRA; failure to properly label, track or report the type, quantity or disposition of waste; failure to use a manifest system to ensure waste generated is properly handled, stored, disposed of or treated and, failure to meet water quality objectives, are continuous. Therefore each day in which any such condition exists constitutes a RCRA violation.

River Watch believes all violations set forth in this Notice are continuing in nature or will likely continue after the filing of a lawsuit. Specific dates of the other violations are evidenced in Responsible Parties’ own records (or lack thereof) or files and records of other regulatory agencies including the Regional Water Quality Control Board, GeoTracker, Sonoma County health, Santa Cruz County health, Sutter County Health and local police and fire departments for each of the sites identified herein.

5. The full name, address, and telephone number of the person giving notice.

The entity giving notice is Northern California River Watch, identified throughout this Notice as “River Watch”. River Watch is a non-profit corporation organized under the laws of the State of California, located at 500 North Main Street, Suite 110, Sebastopol, CA, 95472 - telephone (707) 824-4372. River Watch is dedicated to the protection and

enhancement of the waters of the State of California including all rivers, creeks, streams and groundwater in Northern California.

The violations of Responsible Parties as set forth in this Notice affect the economic stability, physical health and aesthetic enjoyment of members of River Watch who reside and recreate in the affected watershed areas. Members of River Watch use the watersheds for domestic water supply, agricultural water supply, recreation, sports, fishing, swimming, shellfish harvesting, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource are conditions specifically impaired by the violations of the RCRA by Responsible Parties as alleged in this Notice.

IDENTIFICATION OF SITES AND BACKGROUND HISTORY

Former Gasamat Facility #953 - 3185 Santa Rosa Avenue, Santa Rosa, California

This former underground storage tank (“UST”) site is located at the southwest corner of Santa Rosa Avenue and Court Street, situated within an area of mixed residential (mobile homes) and commercial properties. There has been an active gas station at this location at least since 1979. In October of 1995 petroleum hydrocarbon contamination was discovered, and work to assess the extent of contamination was commenced sometime in 1998 in conjunction with a facility upgrade of the fuel storage and fuel delivery system. The site was sold to Ted Williams in August of 2009 and Mr. Williams remains the property owner. The USTs were removed in September of 2009 and were not replaced. The site is now an empty lot following the dismantling of the service station building on the site in 2009.

This facility formerly contained four USTs, with a total holding capacity of 36,000 gallons. Gasamat owned and/or operated a gasoline station on site for at least a total of 14 years before removal of the USTs in 2009. Following an unauthorized petroleum hydrocarbon release in approximately 1995, soil and groundwater contamination was discovered. Quarterly groundwater monitoring commenced by 1998, and monitoring of affected soil and groundwater was conducted thereafter. However, active remediation has never been commenced.

By September of 2006 a corrective action plan was completed which proposed in situ chemical oxidation as a remedial strategy in conjunction with limited dual-phase extraction to eliminate or reduce the free product found at the site. This planned remediation was not commenced due to funding issues connected with the UST Cleanup Fund.

As noted above the site was sold to Ted Williams in August 2009, and in September of that year the USTs and associated dispensing systems and piping were removed. Due to the elimination of the USTs and hardware, the engineering consultant for Gasamat changed

its remediation recommendations from chemical oxidation to source removal (over-excavation) as being a more effective and less costly means of remediation. To date, however, no excavation has occurred due, apparently, to funding issues.

At the present time, over 15 years from the initial release of contaminants, the pollution of soil and groundwater remains unremediated. According to the latest documentation from records on file with the Regional Water Quality Control Board (“RWQCB”), the contaminant plume at the site has not been vertically characterized, and there is no end in sight for the engineering work which needs to be accomplished.

As of the latest monitoring reports reviewed by River Watch, high concentrations of petroleum hydrocarbons are present beneath the southern portions of the site, as well as under Santa Rosa Avenue to the immediate east. The dissolved hydrocarbon plume extends southward under adjacent property following the predominant flow of groundwater in this area. As noted above, the hydrocarbon plume has not been fully delineated in its vertical extent in spite of the length of time since the initial release.

Well monitoring in August of 2008 (the most current for which records are available), reflects contaminant levels as follows: TPHg levels as high as 27,000 ug/l; benzene as high as 1,800 ug/l; toluene as high as 948 ug/l; and MTBE as high as 1,200 ug/l. In May of 2008, gasoline range organics were as high as 52,000 ug/l; benzene was at 3,100 ug/l; toluene was at 5,500 ug/l; MTBE was at 2,100 ug/l; and TBA was as high as 17,000 ug/l.

On the basis of the current condition of this site, River Watch believes the following remediation work must be implemented immediately:

1. Complete delineation of the site for the purpose of enabling further remediation work to proceed. The present consultant’s recommendations propose to excavate to 16 feet bgs. However, until vertical delineation can be finalized, the depth of any planned over-excavation should not be predetermined;
2. Initiation of immediate vapor intrusion testing in each of the areas above the plume to determine whether nearby residents or business employees are being exposed to injurious levels of hydrocarbon and/or benzene vapors;
3. Initiation of active remediation work by complete source removal, to include elimination of any threats to adjacent residential population and/or business employees who may currently be exposed to dangerous hydrocarbon and/or benzene vapors;
4. Completion of a current sensitive receptor survey to outline and prevent threats to offsite surface water and local water supply wells;

5. Completion of a current preferential pathway study to determine whether there are conduits, sewer lines, storm drains, gravel lenses or other avenues by which hydrocarbons and constituents may be migrating offsite. A more thorough study of the Santa Rosa Avenue sanitary sewer line on the western side of the street (adjacent to the site and within the plume) should probably be conducted;
6. Completion of a current aquifer profile to determine whether the plume has impacted any underlying aquifer which communicates with groundwater under the site; and,
7. Current residual mass calculations which will allow the measurement of remediation progress once removal processes are initiated.

Former Gasamat Station # 995 - 2680 Soquel Avenue, Santa Cruz, California

This site is located on the southwest corner of Soquel Avenue and 7th Avenue in an area of Santa Cruz predominantly commercial in character. The site was a gasoline service station from at least October of 1990. In conjunction with its operations, three USTs (two 15,000 gallon tanks and one 4,000 gallon waste oil tank) were installed. In 2005 the site property was redeveloped. At the present time there is an active retail gasoline station (USA Petroleum) situated on the property. The current owner of the real property for this site is Tesoro Sierra Properties, LLC.

Unauthorized release of petroleum hydrocarbons was first discovered to be contaminating soil and groundwater at and around the site in October of 1990. Unfortunately, a site assessment was not conducted until sometime in the late 1990's, and soil and groundwater sampling was not commenced until 1998. At that time TPHg was found to be as high as 200,000 ug/l, benzene was found at 32,000 ug/l, and MTBE was found at a concentration of 5,500 ug/l.

In February of 2004 the USTs and associated piping were removed, and petroleum hydrocarbon contamination was discovered in soil samples. The soil was over-excavated and disposed of offsite in that same year. Excavation apparently involved an area of 50 ft. by 60 ft. by 15 ft. deep. This source removal apparently eliminated the highest levels of hydrocarbon concentrations on site.

Following the excavation work, the County of Santa Cruz Health Services Agency required Gasamat to investigate the lateral and vertical extent of the residual plume. By February of 2007, the first monitoring wells were installed and regular reporting of analytical sampling was conducted. Groundwater flow is predominantly to the south. The one monitoring well located to the south of the site has generated samples of TPHg as high as

9,880 ug/l; benzene at 328 ug/l; toluene at 885 ug/l; and xylenes at concentrations of 2,240 ug/l, on the basis of the latest available records, dated October 14, 2008.

Other than monitoring of the concentrations of contaminants, there is no evidence of any remediation work since early in 2004. There is evidence of impacts to soil and groundwater beneath an off-site property building. Further monitoring well installation needs to be done to complete the delineation of this site – particularly in the downgradient direction to the south.

As of the latest monitoring reports reviewed by River Watch, significant concentrations of petroleum hydrocarbons are present beneath portions of the site and adjacent properties. The dissolved hydrocarbon plume extends southward following the predominant flow of groundwater in this area. Much work remains to be completed before site closure may be considered at this location.

On the basis of the current condition of this site, River Watch believes the following remediation work must be implemented immediately:

1. Complete delineation of the site for the purpose of enabling further remediation work to proceed effectively;
2. Initiation of immediate vapor intrusion testing in each of the areas above the plume to determine whether nearby residents are exposed to injurious levels of hydrocarbon and/or benzene vapors;
3. Consideration of further over-excavation to eliminate lingering sources of benzene, toluene and petroleum hydrocarbon constituents from further migrating into offsite groundwater and any surface water in the vicinity;
4. Completion of a current sensitive receptor survey to outline and prevent the threats to offsite surface water and local water supply wells;
5. Completion of a current preferential pathway study to determine whether there are conduits, sewer lines, storm drains, gravel lenses or other avenues by which hydrocarbons and constituents may be migrating offsite;
6. Completion of a current aquifer profile to determine whether the plume has impacted any underlying aquifer which communicates with groundwater under the site; and,
7. Current residual mass calculations which will allow the measurement of remediation progress once removal processes are initiated.

Former Gasamat Station #952 - 660 Sutter Street, Yuba City, California

This station is located at the northwest corner of Sutter Street and Aylor Street in an area of mixed residential and commercial units. The station is approximately 400 feet from the downgradient Feather River which runs through Yuba City. This former Gasamat service station is currently branded as a Gasmax retail gasoline station and owned by Gasmax, LLC of Yuba City.

The first discovery of an unauthorized release of hydrocarbon contamination occurred in 1998 when the three USTs (with a total capacity of 39,000 gallons) were relined and upgraded. Groundwater samples taken at that time indicated TPHg levels were as high as 58,500 ug/l, benzene was as high as 1,120 ug/l, and MTBE was found in concentrations as high as 2,670 ug/l.

Product lines for the USTs were again upgraded in 2004. Limited soil and groundwater monitoring was conducted between 2005 and 2007. However, since 2007 there has been no activity at the site apparently due to both a lack of funds to initiate remediation and the purchase of the site by the new owner in 2003.

As of the last monitoring conducted in August of 2007, TPHg levels of the contaminant plume under and around the site were as high as 9,500 ug/l and MTBE concentration levels were as high as 9,300 ug/l; benzene was found to be 22 ug/l, and toluene was found at 1.2 ug/l. Unfortunately, there is no way to determine current contaminant levels until monitoring work is resumed. In the meantime, the threat to downgradient surface water such as the Feather River remains problematic.

On the basis of the current condition of this site, River Watch believes that the following remediation work must be implemented immediately:

1. Resumption of on-site monitoring to determine the extent of ongoing contaminant levels;
2. Installation of additional monitoring wells to supplement the four wells installed in 2005 and thereafter;
3. Complete delineation of the site for the purpose of enabling further remediation work to proceed effectively;
4. Consideration of closure of the station to allow over-excavation to eliminate sources of petroleum hydrocarbon constituents from further migrating into offsite groundwater and any surface water in the vicinity;

5. Completion of a current sensitive receptor survey to outline and prevent threats to offsite surface water and local water supply wells;
6. Completion of preferential pathway studies to determine whether there are conduits, sewer lines, storm drains, gravel lenses or other avenues by which hydrocarbons and constituents may be migrating offsite;
7. Completion of a current aquifer profile to determine whether the plume has impacted any underlying aquifer which communicates with groundwater under the site; and,
8. Current residual mass calculations which will allow the measurement of remediation progress once removal processes are initiated.

REGULATORY STANDARDS

The Resource Conservation and Recovery Act of 1976 is a federal environmental law of the United States, the goals of which are to protect the public and the environment from harm caused by waste storage and disposal, and to mandate the proper remediation of soil and groundwater which has been contaminated by hazardous waste and hazardous products, including petroleum hydrocarbons and gasoline formula constituents. The RCRA is a strict liability statute with a statute of limitations of five years. Pursuant to provisions of the RCRA, California has enacted laws and regulations which must be observed in conjunction with the RCRA's regulations.

California's Water Quality Objectives exist to ensure protection of the beneficial uses of water. Several beneficial uses of water exist, and the most stringent water quality objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions need to be considered which evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels. Existing and potential beneficial uses of area groundwater include domestic, agricultural, industrial and municipal water supply.

The RWQCB has adopted a Water Quality Control Plan ("Basin Plan") which designates all surface and groundwater within the North Coast and San Francisco Bay regions as capable of supporting domestic water supply. The RWQCB has adopted Maximum Contaminant Levels ("MCLs") and/or Water Quality Objectives ("WQOs") for petroleum constituents in surface and groundwater within the region of 50 ppb for TPHg, 1 ppb for benzene, 150 ppb for toluene and 5 ppb for MTBE.

VIOLATIONS OF RESPONSIBLE PARTIES

Violations of Permits, Standards and Regulations

42 U.S.C. § 6972(a)(1)(A)

Responsible Parties' use and storage of petroleum products at each of the Sites identified in this Notice has violated and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding storage of petroleum in USTs.

Between July 20, 2005 and the date of this Notice, Responsible Parties have caused or permitted, cause or permit, or threaten to cause or permit, petroleum contaminants, petroleum constituents and other hazardous waste to be discharged or deposited where it is, or probably will be, discharged into waters of the State and now create, or threaten to create, a condition of pollution or nuisance. The discharge and threatened discharge of such petroleum waste is deleterious to the beneficial uses of water, and is creating and threatens to create a condition of pollution and nuisance which will continue unless the discharge and threatened discharge is permanently abated.

Mishandling of Hazardous Waste - 42 U.S.C. § 6924 et seq.

Between July 20, 2005 and the date of this Notice, Responsible Parties used and stored petroleum products at the Sites identified herein in a manner which has allowed significant quantities of hazardous petroleum constituents to be discharged to soil and groundwater beneath each of the Sites and beneath adjacent properties. Contaminant levels of TPHg, benzene, toluene, and MTBE in groundwater at the Sites are significantly greater than the allowable MCLs and/or WQOs for said constituents.

River Watch alleges that Responsible Parties have, between July 20, 2005 and the date of this Notice, engaged in the following activities or omissions in violation of the RCRA's waste handling provisions:

1. Failed to adequately maintain records of the hazardous wastes identified in this Notice which were treated, stored or otherwise disposed of on or offsite [42 U.S.C. §6924(a)(1)];
2. Failed to satisfactorily monitor, inspect, and report in accordance with provisions of the RCRA [42 U.S.C. §6924(a)(2)];
3. Failed to adequately treat, store or properly dispose of hazardous waste found at the Sites identified in this Notice [42 U.S.C. §6924(a)(3)];

4. Failed to adequately locate, design and construct hazardous waste treatment, storage or disposal facilities [42 U.S.C. §6924(a)(4)]; and,
5. Failed to properly implement contingency plans for effective action to minimize unanticipated damage from the treatment, storage or disposal of hazardous waste found at the Sites identified in this Notice [42 U.S.C. §6924(a)(5)].

Information currently available to River Watch indicates Responsible Parties' handling, treatment, storage, transportation, and/or disposal of its hazardous waste in violation of RCRA § 3004 (i.e. 42 U.S.C. § 6924), has occurred every day over the past five (5) years, or on numerous separate occasions since that time, and that those violations are continuing.

Unpermitted Handling, Treatment, Storage, Transportation and/or Disposal of Hazardous Waste - 42 U.S.C. § 6925 et. seq.

River Watch alleges that Responsible Parties have, between July 20, 2005 and the date of this Notice, engaged in the following activities or omissions in violation of the RCRA's waste handling provisions:

1. Responsible Parties' deposition and maintenance of hazardous waste as described in this Notice causes and has caused the generation and discharge to the environment of hazardous waste;
2. Responsible Parties have installed and maintained a system of conveyances to dispose of the hazardous generated and released from the Sites identified in this Notice.
3. Responsible Parties do not possess permits for the handling, storage, treatment, transportation, and/or disposal of their hazardous or solid waste at any of the Sites identified in this Notice; and,
4. Responsible Parties' unpermitted handling, storage, treatment, transportation and/or disposal of their hazardous waste is in violation of RCRA § 3005, 42 U.S.C. § 6925.

Information currently available to River Watch indicates Responsible Parties' handling, treatment, storage, transportation, and/or disposal of hazardous waste in violation of RCRA § 3005 has occurred every day in the past five (5) years, or on numerous separate occasions since that time, and that those violations are continuing.

Prohibition Against Open Dumping - 42 U.S.C. § 6945 et. seq.

River Watch alleges that Responsible Parties have, between July 20, 2005 and the date of this Notice, engaged in the following activities or omissions in violation of the RCRA's waste handling provisions:

1. Responsible Parties have engaged in open dumping by their discharge of hazardous waste to open ground where it will contaminate and has contaminated the soils, groundwater and surface waters as described in this Notice;
2. The Sites identified in this Notice do not qualify as landfills under 42 U.S.C. § 6944, and do not qualify as facilities for the disposal of hazardous waste; and,
3. Responsible Parties have no RCRA-authorized permit for the disposal, storage or treatment of solid or hazardous waste of the type currently and historically discharged at the Sites identified in this Notice.

Information currently available to River Watch indicates Responsible Parties' open dumping in violation of RCRA § 4005 (i.e. 42 U.S.C. § 6945), has occurred every day over the past five (5) years, or on numerous separate occasions since that time, and that those violations are continuing.

Violations of UST Regulations - 42 U.S.C. § 6991 and 42 U.S.C. §6972 (a)(1)(A)

Provisions of the RCRA govern the use and operation of USTs used for storage of petroleum products (subchapter IX, 42 U.S.C. § 6991 et seq.), and above ground tanks used for the same purposes. The RCRA UST regulatory program is adopted and implemented in California under the State Underground Storage of Hazardous Substance Account Act (California Health & Safety Code § 25280 et seq.).

Between July 20, 2005 and the date of this Notice, Responsible Parties' use and storage of petroleum at the Sites identified in this Notice has allowed significant quantities of hazardous petroleum constituents to be released or discharged into soil and groundwater in violation of provisions of the RCRA and of California's UST regulatory programs including, but not limited to, provisions governing general operating requirements for USTs, release detection and prevention requirements, release reporting and investigation requirements, and release response and corrective action requirements.

Specifically, River Watch alleges Responsible Parties are responsible for the following statutory violations occurring between July 20, 2005 and the date of this Notice:

1. Failure to prevent a release, in violation of 40 CFR §§ 280.30, 280.31 and California Health & Safety Code §§ 25292.1(a) - (c), 25292.3(a) and (b);
2. Failure to properly detect and monitor releases, in violation of 40 CFR §§ 280.40 - 280.44 and California Health & Safety Code § 25292;
3. Failure to properly report and keep records of the release, in violation of 40 CFR §§ 280.34, 280.50, 280.52, 280.53, 280.63(b) and California Health & Safety Code §§ 25289, 25293 and 25295(a)(1); and,
4. Failure to take proper corrective action, in violation of 40 CFR §§ 280.53, 280.60 - 280.66 and California Health & Safety Code § 25295(a)(1).

Information currently available to River Watch indicates Responsible Parties' violations of the RCRA's UST regulations, RCRA § 9001, have occurred every day over the past five (5) years, or on numerous separate occasions since that time, and that those violations are continuing.

Imminent and Substantial Endangerment - 42 U.S.C. § 6972 (a)(1)(B)

Between July 20, 2005 and the date of this Notice, Responsible Parties used and stored petroleum products at the Sites identified in this Notice in a manner which has allowed significant quantities of hazardous petroleum constituents to be discharged to soil and groundwater beneath these Sites and beneath adjacent properties. The contaminant levels of TPHg, benzene, toluene, and MTBE in groundwater at and surrounding the Sites are significantly greater than the allowable MCL and/or WQO for said constituents. Benzene, MTBE, TAME, and TBA are known or suspected carcinogens. Toluene is a reproductive toxin. Ethylbenzene, methanol and xylene are live toxins. All are known to harm both plants and animals. In their concentrations at these locations these pollutants are now creating an imminent and substantial endangerment to public health and the environment.

Information currently available to River Watch indicates that Responsible Parties' handling, treatment, storage, transportation, and/or disposal of their hazardous waste in violation of RCRA § 7002(a)(1)(B) has occurred every day over the past five (5) years or on numerous separate occasions since that time, and that those violations are continuing.

The violations alleged in this Notice are knowing and intentional in that Responsible Parties have used, stored and sold petroleum products which are known to contain hazardous substances, and have intended that such products will be sold to and used by the public. Responsible Parties have known of the contamination at the Sites identified in this Notice since at least the late-1990's, and have also known that failing to promptly remediate the

pollution allows the contamination to migrate through soil and groundwater at and adjacent to the Sites, and to continually contaminate and re-contaminate actual and potential sources of drinking water.

In addition to the violations set forth above, this Notice is intended to cover all violations of the RCRA evidenced by information which becomes available to River Watch after the date of this Notice.

Violations of the RCRA of the type alleged herein are a major cause of the continuing decline in water quality, and pose a continuing threat to existing and future drinking water supplies of Northern California. With every discharge, groundwater supplies are contaminated. These discharges can and must be controlled in order for the groundwater supply to be returned to a safe source of drinking water.

Accordingly, this is a situation in which River Watch must rely upon federal statutory provisions which authorize citizen suits when regulatory agency processes have not resulted in viable and timely solutions to the contaminant problems in our Northern California communities.

CONTACT INFORMATION FOR NORTHERN CALIFORNIA RIVER WATCH

River Watch has retained legal counsel to represent it in this matter. All communications should be addressed to the following attorney:

Jack Silver, Esquire
Law Office of Jack Silver
P.O. Box 5469
Santa Rosa, CA 95402-5469
Tel. (707) 528-8175
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CONCLUSION

River Watch believes this Notice sufficiently states the grounds for filing suit under the statutory and regulatory provisions of the RCRA as to the Sites referenced herein. At the close of the notice periods *or substantially earlier*, River Watch intends to file suit against Responsible Parties, including the individual real property owners identified herein, for each of the violations of the RCRA alleged herein, and with respect to the existing conditions at the Sites herein identified.

However, River Watch is willing to discuss effective remedies for the violations referenced in this Notice. If any of the Responsible Parties wish to pursue such discussions

in the absence of litigation, they are encouraged to initiate such discussions immediately so that the parties might be on track to resolving the issues raised in this Notice before these claims under RCRA are filed. River Watch will not delay the filing of a lawsuit if discussions have not commenced within a reasonable time following the mailing of this Notice.

Very truly yours,



Jack Silver

JS:lh

cc:

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