

# Shell Oil vs. The Environment

From: **Robert Armstrong** ([deleted]@hotmail.com)

Sent: Fri 9/07/07 1:18 PM

To: prensa@msal.gov.ar

Cc: judy.pasternak@latimes.com; senator.florez@sen.ca.gov; Susan Harrington (sharring@co.riverside.ca.us)



[Brown Let...doc \(47.2 KB\)](#)

## Ministry of Health and the Environment, Argentina :

**RE:** <http://www.marketwatch.com/news/story/shell-argentina-declares-service-station/story.aspx?guid={5383EA60-A4C9-4BD3-AF8E-C3B9E858852A}>

Please be advised that Shell Oil has a history of not cleaning up environmental problems, especially at its refineries. Shell is actively trying to shift its environmental liabilities away from Shell, both globally and in the United States. And when Shell does agree to clean up what it gets caught with, it refuses to keep those promises and legal liabilities whenever it can get away with it.

**A California State Senator has recently asked the California District Attorney to compel Shell to simply do what it said it would do, as Shell has willfully and consistently refused to accomplish it** (see [seeitreal.com/Compliance.aspx](http://seeitreal.com/Compliance.aspx) for the Senator's complaint and a copy of his August 27, 2007 letter to the California Attorney General). This Senator's complaints are the best independent verification of similar problems I have raised with Shell Oil (see [seeitreal.com/ProblemDefined.aspx](http://seeitreal.com/ProblemDefined.aspx)).

Additionally, the attached letter highlights the problems Shell is creating in the United States with its clandestine mass sell off of its retail service stations and Shell's malicious indifference to cleaning up a problem with some number of 13,000 Texaco stations it bought and then sold to its retailers. During the mass sell off, Shell was keenly interested in discussing this problem with the author of **SeeitReal.com**. After that mass sell off and a \$6.5 million settlement in the same county the representative stations exist, Shell has become silent and unresponsive in dealing with this matter in any effective manner. Same pattern. Keen interest at the beginning. No effective action to follow. With the Texaco problem, Shell engineered a failed inconclusive test, sold the stations to the retailer who created the problem and who was being investigated for that crime and simply walked away. If Shell did anything different than that, let them try and deny it. It is only with the aid of the District Attorney that the matter stayed alive (see [seeitreal.com/DistrictAttorney.aspx](http://seeitreal.com/DistrictAttorney.aspx)).

There is little doubt that as you have Shell's feet to the fire it will act as if it cares, but be forewarned that as soon as Shell can sweep your problem away from Shell, it will do so as quickly and as quietly and as completely as possible. The pattern speaks for itself. You can see it here <http://seeitreal.com/ProblemDefined.aspx>. If Shell can do this in the United States, and be unresponsive to both my complaints and a California State Senator, it will certainly do what it can to get away with polluting the environment in Argentina.

**SeeitReal.com** was created to document the pattern of Shell Oil's willful lack of environmental responsibility. Shell is at the forefront of all major oil companies in its strategic dumping of its environmental responsibilities as reflected in the clandestine mass sell-off of all its service stations in the United States. Shell invited every U.S. retailer to undisclosed meetings, had them sign non-disclosure agreements and only gave them 10 days in which to decide to buy their service stations or not. If they chose not to, Shell would force the open market sale of the station at the highest price at the high point of a booming real estate market. Though legal on the face of it, it represents the greatest shift in environmental responsibilities in the history of the United States.

Multiple nations are picking up that pattern of environmental irresponsibility and are acting accordingly. Russia was the 1st nation of major consequence. You can find a concise understanding of the billions Shell lost trying to fudge its environmental responsibilities at

[seeitreal.com/BillionsLost.aspx](http://seeitreal.com/BillionsLost.aspx). We will add a page documenting Argentina's environmental problems with Shell Oil and every other country as Shell's pattern of environmental irresponsibility continues.

Feel free to use whatever you can from our website in your dealings with Shell Oil and don't forget to give us any more details of Shell's environmental misdeeds in Argentina so that other countries can be advised. Below is an email from the press. **Shell's bad acts are soon to be exposed for the pattern of bad behavior they represent, and not as isolated incidents of normal operating procedure.** This email is notice to that effect. Please accept it as such accordingly.

Robert Armstrong  
Ex-Texaco Employee  
**SeeitReal.com**

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From: Judy.Pasternak@latimes.com  
Subject: RE: Shell Oil vs. The Environment  
Date: Thu, 23 Aug 2007 12:59:19 -0700  
To: [deleted]@hotmail.com

This is really interesting. Thank you for contacting me. I will bring it to the attention of my editors. I'd like to look into this....I am going to be on vacation, starting on Saturday through Sept. 11. Can this hold until I get back? If you don't think so, I'll see if someone else can start working on it in my absence.

Hope to get some guidance from you in the next day or so.  
Best regards,  
Judy

-----Original Message-----

**From:** Robert Armstrong [mailto:[deleted]@hotmail.com]  
**Sent:** Thursday, August 23, 2007 3:49 PM  
**To:** judy.pasternak@latimes.com  
**Subject:** Shell Oil vs. The Environment

**Judy Pasternak:**

You are the only reporter contacted so far. I saw your article on the Navaho Indians and Uranium. Please be advised of the following:

Shell Oil Company is and has been 'dumping' all of its retail gasoline service stations in the United States, as a means to shed its retail gasoline environmental liability. Additionally, the former Texaco stations are known to have environmental problems. The Riverside District Attorney is investigating. The most egregious one is located only 957 feet from a clean water aquifer at 230 S. Lincoln Avenue and the 91 freeway. A former Texaco employee has been trying to get Shell to clean up the location not only in Corona, but in the rest of the 13,000 stations Shell acquired when it bought Texaco. Because of the enormity of testing and remediating some number of 13,000 stations, Shell is balking at taking on the task. The station in Corona will leak eventually polluting a known aquifer. In his efforts to get Shell to fix the problem, the ex-Texaco employee created a website to document the problem:  
**SeeitReal.com.**

Once Shell saw this website the President of Shell called its author for the second time and fired their lead environmental attorney, Kathleen Gillmore, for letting the matter get this far. There is a developing story that your readers should be aware of. There is a simple non-destructive above ground test that can be used to determine the truth of the matter. All that has to be done is to move two rows of gondolas in order to do a 3-D Ground Penetrating Radar test. The District Attorney wants to do this test. All parties have agreed to do it and clean up what is found. Corona and the DA needs your help in bringing this matter to the fore. Please check it out. Once the problem is proven in Corona, all the rest of the 13,000 stations need to be tested and cleaned up accordingly. As you know, that will not happen without media pressure on Shell.

'The Players' with their contact information are all listed on the website **SeeitReal.com**. If you need any further information, you can contact me directly at (909) [deleted] after August 28th or at 011-[deleted] now or by email.

**Robert Armstrong**  
**Ex-Texaco Employee**  
SeeitReal.com

September 16, 2007

Edmond G. Brown, Jr.  
**Attorney General, State of California**  
1300 I Street  
Sacramento, CA 95814

**RE: Shell Oil vs. The Public Trust**

Dear Mr. Brown:

I am writing to request that the Attorney General exercise concurrent jurisdiction and take immediate legal action to require definitive testing be conducted at the Shell service stations in Corona owned by Satish Chopra located at 230 S. Lincoln Avenue and 1610 West Sixth Street, Corona, California and for the remediation of any environmental problems found. The waste sump with toxic materials, hydraulic lifts and hydraulic fluids are a direct threat to public drinking water supplies, and immediate action is necessary to protect public health as well as the integrity of Riverside County and Inland Empire's drinking water supply.

### **Criminal Avoidance**

Shell Oil Company's "malicious avoidance" in doing a definitive test is due to Shell not wanting to test and remediate some number of the 13,000 Texaco stations it purchased in a buy-out of Texaco, Inc. Shell's President, David Sexton, contacted me directly and offered "to clean up the Corona stations if it that would make me happy," but balked when I said it was not enough to clean up only two stations out of some number of the 13,000 former Texaco stations. I openly allege that Shell engineered a failed test in order to not find the environmental problems I brought to Shell's attention (see [see seeitreal.com/ProblemDefined.aspx](http://seeitreal.com/ProblemDefined.aspx)). Shell fired its lead environmental attorney, Kathleen Gillmore, after the publication of the website SeeitReal.com (see [see seeitreal.com/ShellPlayers.aspx](http://seeitreal.com/ShellPlayers.aspx)). SeeitReal.com is a direct effort to get Shell to take responsibility of its environmental liabilities and to show how easy a definitive test actually is (see [see seeitreal.com/TheRightTest.aspx](http://seeitreal.com/TheRightTest.aspx)).

### **Failed Mandate**

While I understand that the Santa Ana Regional Water Quality Control Board ("Water Board") also has jurisdiction in this matter, the Water Board has failed to take appropriate action to protect the Valley's water supply. Instead of facilitating the discovery and remediation of the problem, the Water Board sought to dismiss any concerns and simply let perimeter monitoring wells pick up the problem after the eventual and inevitable leaking from the buried equipment, perhaps a decade or two in the future.

### **Failed "Voluntary Test"**

Those monitoring wells were never designed to monitor these sources of pollution. Given a deep diving plume (see EPA's research [epa.gov/nerl/mtbe/plume\\_diving.pdf](http://epa.gov/nerl/mtbe/plume_diving.pdf)), they would never catch the damage until the hydraulic fluids and other toxins mixed with a clean water aquifer less than 33 yards from the Lincoln Avenue station.

Instead of requiring or devising any testing procedures for doing a definitive test to determine the factual truth regarding any buried equipment, Shell Corporation and the Water Control Boards instead relied upon a "voluntary test" conducted by Shell that "failed do to rebar in the concrete." That is ridiculous as the rebar pattern would lead to a definitive test not away from one (see [see seeitreal.com/TheRightTest.aspx](http://seeitreal.com/TheRightTest.aspx)). The question is why was did the test fail? Was it engineered by Shell to fail? If it wasn't, why was the next step not taken to do a definitive test?

### **Virtually Impossible to do a Real Failed Test**

The Water Boards may find it an IQ test to do a definitive test, however, **SeeitReal.com** was created in order to dispel the myth that Shell Oil lacks the technical and financial resources and expertise to do a definitive test at these locations (see [see seeitreal.com/TheRightTest.aspx](http://seeitreal.com/TheRightTest.aspx)). The website should also be instructive to anyone seeking to do a definitive test, including the Water Boards, the Riverside County Health Department and the press. This author has even agreed to pay for a definitive test he has highlighted on SeeitReal.com. The state and local water boards have effectively run from this problem as it would entail doing work outside the "voluntary enforcement

arrangements” they have with polluters, that allows them to coast in their positions and collect fat paychecks for little to no effort on important compliance issues. The water boards have devised no deadlines for the necessary definitive tests or meaningful mechanisms for any enforcement. The task has fallen to the Riverside County Health Department which hasn’t figured out how to do a competent test (see [seeitreal.com/TheSolution.aspx](http://seeitreal.com/TheSolution.aspx)) and the overworked Riverside District Attorney who wants to conduct a definitive test. Everyone could use your help. A supportive and proactive stance from your office would aid in the press’s desire to get “The Player’s” (see [seeitreal.com/Players.aspx](http://seeitreal.com/Players.aspx)) to act responsibly to protect the California environment.

### **Failed Voluntary Compliance Programs**

The inappropriateness of the Water Board’s measures to date are clearly reflected in the lack of anyone having conducted a definitive test over the past two years. The lack of importance and lack of urgency for protecting a known clean water aquifer is stupefying in its callous disregard for the public trust.

### **Conflicts of Interests**

The long delay and timing is due to Shell’s requirement to sell both locations to the person who perpetrated the environmental crime of covering over his sumps and pumps without removing the fluids in concrete thinking know one would know, under PMPA guidelines. Now that they are sold, Shell Oil is trying to be free of the matter so it will not have to address the other 13,000 Texaco locations. SeeitReal.com was the first to allege that selling all its service stations nationally was in direct response to not wanting to pay high fines and as a means to dump its retail environmental liabilities nationally. In a \$6.5 million settlement in a separate issue with Riverside County, the District Attorney acknowledged the mass sell off of Shell’s environmental liability, “released” (see [seeitreal.com/Settlement.aspx](http://seeitreal.com/Settlement.aspx)).

### **Ethics Compromised**

Even more troubling is the fact that the Water Boards claim to have known Shell was selling off its retail stations and were completely unaware of the automotive sumps, toxic wastes, car hoists and hydraulic fluids that would be left in place indefinitely given the mass sell off, in many instances to the very retailers who committed the crime of concreting over them to begin with (see [seeitreal.com/StateWaterBoard.aspx](http://seeitreal.com/StateWaterBoard.aspx)). More appalling is the Water Boards lack of care and concern to even address this matter in any meaningful way required under their public mandates. This lack of knowledge coupled with the complete lack of any action plan or care or concern is grossly unacceptable.

### **Assumptive Error**

The Water Boards have made a broad assumption that Shell Oil is a trusted citizen of the planet that can be relied upon to do the right thing as an alternative to the Water Boards having to act and spend precious time and resources. However, Shell Corporation’s history of inaction in this matter demonstrates the need for a mandatory action plan for testing and remediation beginning with the known problem stations in Corona; rather than voluntary actions by Shell Oil and the very retailers seeking to avoid criminal charges, as relied upon by the Water Control Board. Additionally, trust in Shell Oil Company doing the right thing is grossly misplaced (see [seeitreal.com/Compliance.aspx](http://seeitreal.com/Compliance.aspx)).

### **Vacuums of Authority and Regulation**

After I brought this to Shell’s attention and had a meeting with Shell’s President, David Sexton, Shell’s lead environmental attorney, Kathleen Gillmore and Shell’s Western Regional Manager, William Spurgeon - given the Water Board’s expressed disinterest - Shell walked away from any responsibility to clean up the problem stating “no significant public authority considered the matter important in anyway” [Which was true until the Riverside District Attorney became involved]. The early correspondence is available here [seeitreal.com/Press.aspx](http://seeitreal.com/Press.aspx).

### **Failure of the Public Trust**

The Water Control Board’s practice utilizing voluntary, rather than mandatory cleanup plans, has led the Shell Corporation to resist further cleanup efforts at contaminated sites or doing the required testing to determine what actions are necessary at suspect former Texaco sites. Given the testimony of this ex-Texaco employee with direct knowledge of the problem, by having started the 1<sup>st</sup> ever company run food mart service station in Texaco’s history; Shell’s lack of ability to do a “voluntary definitive test” in the face of the Water Board’s “voluntary compliance program,” is a direct result of Shell actively attempting to avoid civil and possible criminal liabilities with the blessings of inactive Water Control Boards in the state of California. This is a blatant failure of the public trust, if not a criminal one.

### **Why the Attorney General Needs to Act**

At this stage, having sold the stations to the retailer that created the problem, Shell feels it is off the hook having done a failed test to establish “plausible deniability” for its role in hiding this crime. The opposite is true. Shell knows how to do a definitive test and has criminal liability in attempting to hide an environmental crime in the interest of not having to pay for the testing and remediation of some number of 13,000 former Texaco stations.

### **The Texaco Problem Needs Your Help**

Senator Dean Florez highlighted in his 9/27/2007 letter to you his problems with Shell Oil. Based upon his cited incidents and herein mine, it is clear that voluntary actions on the part of President David Sexton, Regional Manager William Spurgeon and Shell Oil Company itself cannot be relied upon to protect California’s water supply from the many former Texaco stations throughout the state with the same problems as Corona. Especially now that those stations have been sold to the retailers in mass to be operated indefinitely and without any effective monitoring, whatsoever, from any Water Board or other independent authority. Indeed, the Water Control Boards admit, in newspaper articles, that its current level of staffing precludes taking more efficient action against Shell Corporation.

Action by the Attorney General in this matter is both necessary and proper at this time. Protection of California’s groundwater is vital to public health and cannot solely be left in the hands of the state and local Water Boards, which have a history of inaction and have demonstrated an intentional unwillingness to require the necessary action in this instance. It most definitely cannot be left in the hands of Shell Oil who is actively attempting to conceal the greater Texaco problem and its mass sell off of all its stations in the United States. I appreciate your prompt attention to this matter and look forward to working with you to protect the groundwater supply in not only Riverside and San Bernardino Counties but also California.

Sincerely,

/s/

Robert Armstrong  
Ex-Texaco Employee

Ccs: Judy Pasternak, LA Times, Washington D.C.  
California Senator Dean Florez  
Argentina Ministry of Health and the Environment  
General Public