

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), 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) 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) 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).

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). 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).

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.

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 1st 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