

October 5, 2015

McFarland I Associates, GP
P.O. Box 2030
Del Mar CA 92014
760.688.8000

Mr. Andrew Cooper
State Water Resources Control Board
1001 I Street, 16th Floor
Sacramento CA 95814

Transmitted via U.S. Mail and Online

RE: Case Closure Claim No. 18480

Dear Mr. Cooper,

The undersigned, Daniel Sanders, is the managing general partner of McFarland I Associates, GP which owns the adjoining property to 201 Elmo Highway, McFarland CA, subject of Case Closure notice we received dated 7/28/15. We oppose the closure of the case in as much as our property may of been impacted during clean up of the subject property. Our property was used as a staging area for the displaced dirt, storage containers and excavation equipment without our permission.

Attached please find May 6, 2004 correspondence to Harbans S. Grewel the owner of 201 Elmo Highway and Ray DeLeon, Public Works of City of McFarland including "Stop Work Notice. The owner of the property, the contractor who did the work, nor the City of McFarland had verbal or written permission to use our property to contain any materials which were removed from 201 Elmo Highway.

Unless either the owner of 201 Elmo Highway, the contractor who performed the work, or the State of California provides McFarland I Associates, GP a clear Phase I Environmental Report we object to closure of the case. In event our property was contaminated we would expect corrective work to be the responsibility of the owner of 201 Elmo Highway, the contractor who performed the work, or other venue paid for through state funds.

Conversely, if a Phase I report of our property shows it to be clear of any environmental contaminants we will remove our objection to closure of the case.

We look forward to your reply.

Sincerely,



Daniel Sanders
Managing General Partner

PS: We can provide photos of our property being used during clean up of the subject case property.

McFarland I Associates

Mailing Address : P. O. Box 2030 Del Mar, CA 92104
866/305-1031 (toll free) * 760/765-2276 (phone) * 760/753-2727 (fax)
email address: spartanrealty@att.net

DATE: 5/06/04

TO: Harbans Rejinder

FAX: 661/725-6392

PHONE: 661/792-6663 & 792-3687

FROM: Dan Sanders

RE: NOTICE TO STOP WORK AT ELMO HIGHWAY

It has just come to our attention that the lot we own adjoining your Texaco Food Mart on Elmo Highway in McFarland has been used since early March, 2004 as a staging area and fill site for construction work at your gas station.

YOU, YOUR CONTRACTORS AND SUBCONTRACTORS, AND/OR AGENTS DO NOT HAVE PERMISSION, NOR HAS AN ATTEMPT BEEN MADE TO OBTAIN PERMISSION, TO UTILIZE OUR PROPERTY FOR ANY PURPOSES.

THIS NOTICE IS FOR YOU, YOUR CONTRACTORS AND SUBCONTRACTORS, AND/OR AGENTS TO STOP WORK AT YOUR TEXACO STATION LOCATED ON ELMO HIGHWAY IMMEDIATELY UPON RECEIPT OF THIS CORRESPONDENCE A COPY OF WHICH IS ALSO BEING SENT BY U.S. MAIL AND CONTINUE CEASING SUCH WORK UNTIL AN SATISFACTORY AGREEMENT IS REACHED TO MITIGATE DAMAGES.

A copy of this correspondence has been forwarded to Beth Hustead, Code Compliance Officer at the County of Bakersfield Building Department at facsimile #661/862-5149.

Please contact me upon receipt. Thank you.

McFarland I Associates

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May 6, 2004

Mr. Harbans S. Grewal
201 Elmo Highway
McFarland, CA 93250

RE: Unauthorized Use Of Property Identified As AP # 201-332-02

Dear Harbans

Frankly, I am very surprised that you and or your agents illegally used our property especially in light of the fact that you knew who we are and how to reach us.

In the absence of you and/or your agents not obtaining prior written permission to use our property in conjunction with providing warranties and/or obtaining permission to grade we hereby demand:

1. All work to be stopped which environmentally impacts our property.
2. All soil, equipment, storage containers, fuel tanks, and debris to be removed immediately from our property.
3. You provide a Phase III Environmental Assessment Report and Clearance.
4. You provide the name and address of your contractor and license number.

The original correspondence which was transmitted to Harbans Rejinder (believed to be you) earlier today at facsimile 661/725-6392 is enclosed. After checking the assessment records I realized that your last name was Grewal and that Rejinder may be your wife. I tried to return your call to 661/792-6663 but it has been busy.

Sincerely



Daniel Sanders, General Partner

McFarland I Associates

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866/305-1031 (toll free) * 760/765-2276 (phone) * 760/753-2727 (fax)
Email address: spartanrealty@att.net

DATE: 5/06/04

TO: Ray DeLeon, Public Works @ City of McFarland
FAX: 661/792-3093 PHONE: 661/792-3091 & 979-9681

FROM: Dan Sanders

RE: REQUEST FOR CITY TO ISSUE STOP WORK NOTICE AT
ELMO HIGHWAY TEXACO FOOD MART

Per our conversation this morning I am forward you a copy of the Notice I faxed to Harbans Rejinder, owner of the Texaco Food Mart, and Beth Hustead, Code Compliance Officer at the County.

This note also confirms my understanding that your department has been aware of the work being done at the station including the removal of tanks and dirt and use of the vacant lot which has been owned by McFarland I Associates since 1999 by contractors associated with Texaco.

As I explained to you we were never contacted or received notice from either the owner of the Texaco station property, the City of McFarland, or the County of Kern regarding the work and/or use of our property.

I am particular concerned about the materials that have been placed on our property from the Texaco site including but not limited to soil, equipment, storage containers etc. Any assistance you can provide to have the work cease until such time that a mitigation agreement is reached with Texaco and/or the owner of the property.

Thank you for your assistance regarding this matter.