

## **EXHIBIT 15**

### **City's Claims, MTBE Advisories, and Well Testing Results**

- Fresno's Original Complaint in this litigation filed on October 22, 2003;
- March 25, 1999 Executive Order No. D-5-99 issued by California Governor Gray Davis, obtained from the Official Website of the Office of the Governor of California, <http://gov.ca.gov/news.php?id=9085> (last visited Feb. 1, 2013);
- Pamela Creedon, Executive Officer, RWQCB, Executive Officer's Report 3 (Oct. 4–5, 2012), available at [http://www.swrcb.ca.gov/rwqcb5/board\\_info/exec\\_officer\\_reports/1210eo.pdf](http://www.swrcb.ca.gov/rwqcb5/board_info/exec_officer_reports/1210eo.pdf) (last visited Jan. 29, 2013);
- Memorandum from David P. Spath, Cal. Dep't of Health Servs., Methyl Tertiary Butyl Ether (MTBE) — Alert and Monitoring Advisory (Feb. 6, 1996); and
- A compilation of MTBE testing results at City of Fresno supply wells.

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Exempt from Filing Fee  
(Gov. Code, § 6103)

OCT 22 2003

BY: *Mike Morris*  
Mike Morris

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

11 **CITY OF FRESNO**

**CASE NO. GGC - 03 - 425649**

12 Plaintiff,


**COMPLAINT FOR DAMAGES AND  
OTHER RELIEF FOR:**

13 vs.


- (1) STRICT LIABILITY
- (2) NEGLIGENCE
- (3) TRESPASS
- (4) NUISANCE

14 **CHEVRON U.S.A. INC.; CHEVRON**  
**ENVIRONMENTAL SERVICES**  
15 **COMPANY; SHELL OIL COMPANY;**  
**EXXON CORPORATION; TOSCO**  
16 **CORPORATION; UNOCAL**  
**CORPORATION; UNION OIL COMPANY**  
17 **OF CALIFORNIA; KERN OIL &**  
**REFINING COMPANY; VALERO**  
18 **REFINING COMPANY- CALIFORNIA;**  
**TEXACO REFINING AND MARKETING**  
19 **INC.; ULTRAMAR, INC.; ARCO**  
**CHEMICAL COMPANY; LYONDELL**  
20 **CHEMICAL COMPANY; EXXON MOBIL**  
**CORPORATION; CONOCOPHILLIPS**  
21 **CORPORATION; ATLANTIC**  
**RICHFIELD COMPANY; EQUIVA**  
22 **SERVICES LLC; TEXACO, INC.;**  
**EQUILON ENTERPRISES LLC;**  
23 **CHEVRONTEXACO CORPORATION;**  
**NEW WEST PETROLEUM; DUKE**  
24 **ENERGY MERCHANTS, LLC; DUKE**  
**ENERGY TRADING AND MARKETING,**  
25 **LLC; PACIFIC SOUTHWEST TRADING;**  
**NORTHRIDGE PETROLEUM**  
26 **MARKETING U.S., INC.; DUKE**  
**ENERGY MERCHANTS CALIFORNIA,**  
27 **INC.; NEW WEST PETROLEUM, LLC;**  
**WESTPORT PETROLEUM INC.; NELLA**  
28 **OIL COMPANY LLC; AND DOES I**

**CASE MANAGEMENT CONFERENCE SET**  
**PLAN 1 MAR 26 2004 9:00AM**  
**DEPARTMENT 212**



Office of Governor  
**Edmund G. Brown Jr.**



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**EXECUTIVE ORDER D-6-09**

**WHEREAS**, the University of California prepared a comprehensive report on the "Health and Environmental Assessment of Methyl-Tertiary-Butyl Ether (MTBE)" which has been peer reviewed by the Agency for Toxic Substances and Disease Registry and the United States Geological Survey and other nationally-recognized experts;


**WHEREAS**, the University of California report was widely available for public review and written comment, including hearings in northern and southern California to receive public testimony;

**WHEREAS**, the findings and recommendations of the U.C. report, public testimony, and regulatory agencies are that, while MTBE has provided California with clean air benefits, because of leaking underground fuel storage tanks MTBE poses an environmental threat to groundwater and drinking water;


**NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, do hereby find that "on balance, there is significant risk to the environment from using MTBE in gasoline in California" and, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:**

1. The Secretary for Environmental Protection shall convene a task force consisting of the California Air Resources Board, State Water Resources Control Board, Office of Environmental Health Hazard Assessment, California Energy Commission and the Department of Health Services for the purpose of implementing this Order.
2. On behalf of the State of California, the California Air Resources Board shall make a formal request to the Administrator of the U.S. Environmental Protection Agency for an immediate waiver for California's cleaner burning gasoline from the federal Clean Air Act requirement for oxygen content in reformulated gasoline.
3. The California Environmental Protection Agency shall work with Senator Feinstein and the California Congressional Delegation to gain passage of Senate Bill 846. This legislation would grant authority to the Administrator of the U.S. Environmental Protection Agency to permanently waive the Clean Air Act requirements for oxygen content in reformulated gasoline to states such as California that have alternative gasoline programs that achieve equivalent air quality benefits.
4. The California Energy Commission (CEC), in consultation with the California Air Resources Board, shall develop a timetable by July 1, 1999 for the removal of MTBE from gasoline at the earliest possible date, but not later than December 31, 2002. The timetable will be reflective of the CEC studies and should ensure adequate supply and availability of gasoline for California consumers.
5. The California Air Resources Board shall evaluate the necessity for wintertime oxygenated gasoline in the Lake Tahoe air basin. The Air Resources Board and the California Energy Commission shall work with the petroleum industry to supply MTBE-free California-compliant gasoline year around to Lake Tahoe region at the earliest possible date.
6. By December 1998, the California Air Resources Board shall adopt California Phase 3 Reformulated Gasoline (CaRFG3) regulations that will provide additional flexibility in lowering or removing the oxygen content requirement and maintain current emissions and air quality benefits and allow compliance with the State Implementation Plan (SIP).
7. In order that consumers can make an informed choice on the type of gasoline they purchase, I am directing the California Air Resources Board to develop regulations that would require prominent identification at the pump of gasoline containing MTBE.
8. The State Water Resources Control Board (SWRCB), in consultation with the Department of Water Resources and the Department of Health Services (DHS), shall expeditiously prioritize groundwater recharge areas and aquifers that are most vulnerable to contamination by MTBE and prioritize resources towards protection and cleanup. The SWRCB, in consultation with DHS, shall develop a clear set of guidelines for the investigation and cleanup of MTBE in groundwater at these sites.
9. The State Water Resources Control Board shall seek legislation to extend the sunset date of the Underground Storage Tank Cleanup Fund to December 31, 2010. The proposed legislation would increase the reimbursable funds for MTBE groundwater cleanups from \$1 million to \$1.5 million.
10. The California Air Resources Board and the State Water Resources Control Board shall conduct an environmental fate and transport analysis of ethanol in air, surface water, and groundwater. The Office of Environmental Health Hazard Assessment shall prepare an analysis of the health risks of ethanol in gasoline, the products of incomplete combustion of ethanol in gasoline, and any resulting secondary transformation products. These reports are to be peer reviewed and presented to the Environmental Policy Council by December 31, 1999 for its consideration.
11. The California Energy Commission (CEC) shall evaluate by December 31, 1999 and report to the Governor and the Secretary for Environmental Protection the potential for development of a California waste-based or other biomass ethanol industry. CEC shall evaluate what steps, if any, would be appropriate to foster waste-based or other biomass ethanol development in California should ethanol be found to be an acceptable substitute for MTBE.


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**California Regional Water Quality Control Board  
Central Valley Region  
Pamela Creedon, Executive Officer**



**EXECUTIVE OFFICER'S REPORT  
October 4-5, 2012**

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6. **Foster Farms, LLC, Griffith Ranches 1 & 2, Hilmar/Stevinson, Merced County**  
Initial investigations at the site indicated that underlying soil had been contaminated with petroleum hydrocarbons as diesel (TPH-d) which resulted from past operations and practices. An assessment was conducted to define the extent of contaminated soil. Upon completion of delineation efforts, it was determined that the extent of contaminants in soil was limited to the site. Remedial activity performed at the site was successful in removing the source material from soil. A fact sheet describing the remediation activity at the site and the Central Valley Water Board's intent to issue a No Further Action status was mailed to residents within a 1,000-ft radius of the site. After the 30-day comment period expired and no comments were received, a status of No Further Action was issued.
7. **Foster Farms, LLC, Longview Ranch Complex, Livingston, Merced County**  
Due to past operations and practices, the subject site sustained impacts to underlying soil and groundwater from petroleum hydrocarbons as diesel (TPH-d). Upon completion of delineation efforts, it was determined that the extent of contaminants in soil and groundwater were limited to the site. Remedial activity performed at the site was successful in removing the source material from soil. Extended groundwater monitoring demonstrated that no long-term impacts to the underlying aquifer were sustained. A fact sheet describing the remediation activity at the site and the Central Valley Water Board's intent to issue a No Further Action status was mailed to residents within a 1,000-ft radius of the site. After the 30-day comment period expired and no comments were received, a status of No Further Action was issued.
8. **Foster Farms, LLC, Sandy Mush Ranch Complex, Merced, Merced County**  
Due to past operations and practices, the subject site sustained impacts to underlying soil and groundwater from petroleum hydrocarbons as diesel (TPH-d). Upon completion of delineation efforts, it was determined that the extent of contaminants in soil and groundwater were limited to the site. Remedial activity performed at the site was successful in removing the source material from soil. Extended groundwater monitoring demonstrated that no impacts to the underlying aquifer were sustained. A fact sheet describing the remediation activities at the site and the Central Valley Water Board's intent to issue a No Further Action status was mailed to residents within a 1,000-ft radius of the site. After the 30-day comment period expired and no comments were received, a status of No Further Action was issued. (AM)
9. **No Further Action Required In Regard to Petroleum Hydrocarbons, Former Service Station, 111 South Willis Street, Visalia, Tulare County.** Investigations at this site have indicated that petroleum hydrocarbons related to activities at the former service station do not appear to have impacted the site or threatened water quality. As such, additional assessment related to petroleum hydrocarbons at the former gas station is not required and a no further action required letter relating to petroleum only was issued. However, perchloroethylene (PCE) vapors have been detected beneath the site and appear to be emanating from the nearby Paragon Dry Cleaners, which is an active Department of Toxic Substances Control (DTSC) site. The PCE vapors present in the soil represent a potential impact to the development of the property, primarily in regard to indoor air quality. Therefore, and because DTSC is currently conducting an area-wide investigation of PCE sites in Visalia, the site was referred to DTSC for oversight during development of the property in regard to the potential PCE vapor impacts.
10. **Removal of Eight Water Storage Tanks from Glennville Residential Properties. Glennville Shopping Center, 10675 Highway 155, Glennville, Kern County.** The water storage tanks that had been provided to eight Glennville residences were removed in July 2012. The water tanks are no longer needed because the new community water supply system for the town of Glennville (operated by the Glennville Mutual Water Company) has been delivering water to Glennville residents for nearly a year. The water storage tanks were installed by the State at those residences that had been impacted by a release of methyl tertiary butyl ether (MTBE) from the former Glennville Shopping Center. The water tanks were put up for sale through a bidding process, with the bid factoring in the cost of removal. A local contractor won the bid and successfully removed the water tanks and restored the tank locations at each residence back to original "pre-tank" conditions.
11. **Further Action Required - Underground Storage Tanks (UST)**  
Following are sites where Board staff determined that investigation and remediation work may be discontinued and that no further action is required. Further, any residual hydrocarbons remaining do not pose a threat to human health and safety or anticipated future beneficial uses of water. This determination is based on site-specific information provided by the responsible party, and assumes that

DEPARTMENT OF HEALTH SERVICES

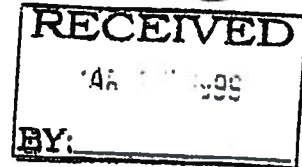
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PETE WILSON, Governor



*for  
Rt  
FF  
F16*

February 6, 1996



Public Water System  
Water Quality Manager

**METHYL TERTIARY BUTYL ETHER (MTBE) - ALERT AND MONITORING ADVISORY**

MTBE is a colorless, liquid hydrocarbon which has been used as an octane booster in gasoline since the 1970s. Due to expanded production and use of MTBE in oxygenated gasoline to increase octane and reduce carbon monoxide and ozone levels, MTBE was the second highest organic chemical manufactured in the United States (U.S.) in 1993 at nearly 9 billion kg (10 million tons). MTBE is highly soluble in water.

The use of oxygenated gasoline and reformulated gasoline containing MTBE is increasing more rapidly in California than in the rest of the nation. The use of reformulated gasoline is scheduled to be mandated year-round statewide in 1996 by the State Air Resources Board. It is anticipated that MTBE may comprise up to 11 percent by volume of the reformulated gasoline used in the State. The Air Resources Board anticipates a significant overall reduction in the health risk to the public after the switchover to reformulated gasoline as a result of a severe limitation in the benzene content of reformulated fuels.

Various state and federal agencies are evaluating the environmental and health implications of the increasing use of MTBE. MTBE has been found in shallow groundwater throughout the U.S. by the U.S. Geological Survey through its National Water Quality Assessment Program. Some regional water quality control boards have found MTBE in shallow groundwater in California.

The Department of Health Services (Department) is working in cooperation with the Air Resources Board and the State Water Resources Control Board to identify known or potential MTBE contamination of California waters. Although MTBE contamination of public drinking water supply sources is believed to be unlikely, factors such as the wide spread use of MTBE and the historic problems with leaking fuel tanks give us reason for concern. We will seek to adopt emergency regulations during 1996 which will require public water systems to monitor for MTBE as an unregulated chemical. We are alerting you now to enable systems conducting VOC monitoring during 1996 to include MTBE in the analysis. In addition, if your system used wells which are near sites of contamination or leaking underground storage tanks, we recommend that you consider monitoring for MTBE this year.

Please report all analytical results to your district office promptly.

Public Water System )

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February 6, 1996

We have also requested that the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) update the risk assessment of MTBE done in February 1991. At that time OEHHA established an interim Action Level for MTBE of 35 ppb. After evaluating the monitoring data and OEHHA's updated risk assessment, the Department may establish a primary drinking water standard for MTBE.

If you have any questions concerning MTBE, please contact your district engineer or Ms. Alexis Milea at (510) 540-2177.



David P. Spath, Ph. D., P.E., Chief  
Division of Drinking Water and  
Environmental Management

City of Fresno MTBE Testing Results (Alleged Detections Only)<sup>1</sup>

Sample ID	Lab	Date Sampled	Result	Qualifier	Units	Method	Batch Number
COF Well 9 <sup>a</sup>	BSK	3/12/2008	0.06		ug/L	EPA 502.2	FRESNO-MTBE-000007
COF Well 16	F&B	10/16/2008	0.07	ca	ug/L	EPA 8260B SIM	F&B-FRESNO-001332
COF Well 16	F&B	10/16/2008	0.05		ug/L	EPA 8260B SIM	F&B-FRESNO-001333
COF Well 16	F&B	2/7/2011	0.025		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 17	F&B	10/16/2008	0.04		ug/L	EPA 8260B SIM	F&B-FRESNO-001349
COF Well 18 <sup>1</sup>	BSK	3/12/2008	0.09		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 19A	F&B	10/16/2008	0.1		ug/L	EPA 8260B SIM	F&B-FRESNO-001323
COF Well 19A	F&B	2/7/2011	0.052		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 20	F&B	10/16/2008	0.15		ug/L	EPA 8260B SIM	F&B-FRESNO-001335
COF Well 20	F&B	2/7/2011	0.072		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 27 <sup>a</sup>	BSK	3/12/2008	0.09		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 28	F&B	10/2/2008	0.41		ug/L	EPA 8260B SIM	F&B-FRESNO-000919
COF Well 28A	F&B	2/7/2011	0.037		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 28A <sup>2</sup>	BSK	3/12/2008	0.15		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 36	F&B	11/3/2008	0.03		ug/L	EPA 8260B SIM	F&B-FRESNO-002019
COF Well 41	MWH	10/19/2010	0.09	J	ug/L	EPA 524.2	FRESNO-MTBE-015622 to FRESNO-MTBE-015645
COF Well 41	F&B	2/7/2011	0.035		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 45	MWH	10/26/2010	0.12	J	ug/L	EPA 524.2	FRESNO-MTBE-015737 to FRESNO-MTBE-015755
COF Well 54	F&B	10/2/2008	0.08		ug/L	EPA 8260B SIM	F&B-FRESNO-000906
COF Well 54	F&B	2/7/2011	0.024		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 54 <sup>2</sup>	BSK	2/8/2008	0.04		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 60	F&B	10/23/2008	0.02		ug/L	EPA 8260B SIM	F&B-FRESNO-001706
COF Well 62a	MWH	10/19/2010	0.08	J	ug/L	EPA 524.2	FRESNO-MTBE-015622 to FRESNO-MTBE-015645
COF Well 73	MWH	10/26/2010	0.12	J	ug/L	EPA 524.2	FRESNO-MTBE-015737 to FRESNO-MTBE-015755
COF Well 75	F&B	10/2/2008	0.03		ug/L	EPA 8260B SIM	F&B-FRESNO-000901
COF Well 75	MWH	10/19/2010	0.08	J	ug/L	EPA 524.2	FRESNO-MTBE-015622 to FRESNO-MTBE-015645
COF Well 75 <sup>2</sup>	F&B	2/8/2011	0.025		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 82-2 <sup>2</sup>	BSK	2/22/2008	0.02		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 101 <sup>2</sup>	BSK	3/17/2008	0.07		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 136 <sup>2</sup>	BSK	3/18/2008	0.06		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 141	BSK	2/7/2008	0.02		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 141 <sup>2</sup>	F&B	10/2/2008	0.02		ug/L	EPA 8260B SIM	F&B-FRESNO-000892
COF Well 154 <sup>2</sup>	BSK	2/7/2008	0.04		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 162	BSK	2/13/2008	0.03		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 162	F&B	10/2/2008	0.1		ug/L	EPA 8260B SIM	F&B-FRESNO-000914



Sample ID	Lab	Date Sampled	Result	Qualifier	Units	Method	Batch Number
COF Well 162	F&B	2/8/2011	0.038		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 162 <sup>2</sup>	BSK	3/13/2008	0.09		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 166 <sup>2</sup>	BSK	3/18/2008	0.07		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 205	F&B	10/2/2008	0.16		ug/L	EPA 8260B SIM	F&B-FRESNO-000908
COF Well 205	MWH	11/3/2010	0.28	J	ug/L	EPA 524.2	FRESNO-MTBE-015887 to FRESNO-MTBE-015908
COF Well 205 <sup>4</sup>	F&B	2/8/2011	0.2		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 205 <sup>4</sup>	BSK	3/13/2008	0.09		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 219	F&B	10/23/2008	1.2		ug/L	EPA 502.2	F&B-FRESNO-001704
COF Well 219	F&B	2/7/2011	0.1		ug/L	EPA 8260B SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 219 <sup>2</sup>	BSK	2/19/2008	0.46		ug/L	EPA 524.2 SIM	F&B-FRESNO-000516 to F&B-FRESNO-000889
COF Well 221	F&B	10/27/2008	0.03		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 271 <sup>2</sup>	BSK	2/7/2008	0.03		ug/L	EPA 8260B SIM	F&B-FRESNO-001865
COF Well 318 <sup>3</sup>	-	11/27/2001	18		ug/L	EPA 502.2	FRESNO-MTBE-000002
COF Well 318 <sup>3</sup>	-	3/4/2002	11		ug/L	EPA 502.2	FRESNO-MTBE-238942
COF Well 318 <sup>3</sup>	-	4/23/2002	7		ug/L	EPA 502.2	FRESNO-MTBE-238942
COF Well 318 <sup>3</sup>	-	5/15/2002	7.8		ug/L	EPA 502.2	FRESNO-MTBE-238942
MW 367-270 <sup>2</sup>	BSK	3/26/2008	0.03		ug/L	EPA 502.2	FRESNO-MTBE-238942
MW367-270 Static 101-9 <sup>3</sup>	BSK	3/26/2008	0.03		ug/L	EPA 502.2	FRESNO-MTBE-000008
PS 16	MWH	10/19/2010	0.1	J	ug/L	EPA 524.2	FRESNO-MTBE-000002
PS 205	MWH	10/20/2010	0.12	J	ug/L	EPA 524.2	FRESNO-MTBE-015646 to FRESNO-MTBE-015671 FRESNO-MTBE-015672 to FRESNO-MTBE-015689

Notes:

1. Table only includes samples with alleged results above the detection limit/reporting limit. Results reported as Non-detect or below detection limit/reporting limit have not been tabulated.
2. The source document reports final and trace results for these samples. The final results were non-detects and the trace results are reported here.
3. Nomenclature used for Sample ID is ambiguous in the source document.
4. COF = City of Fresno
5. F&B = Friedman & Bruya, Inc.
6. MWH = MWH Laboratories
7. BSK = BSK Analytical Laboratories
8. J = estimated values
9. ca = calibration standard did not pass for MTBE, the sample was reanalyzed after a passing MTBE calibration standard.

**Defendants reserve the right to challenge any of these alleged detections.**