

## **EXHIBIT 5**

### **Case Closures**

- Letter from Bruce E. Myers, Assoc. Eng'g Geologist, RWQCB, to Frank Volanti (Dec. 1, 1999) (FCDEH-FRESNO-044287-44289) (Chevron #9-4374);
- Letter from Pamela C. Creedon, Executive Officer, RWQCB, to Gilbert Romero (May 1, 2009) (RWQCB-FRESNO-043537) (Gilbert's Exxon);
- Letter from Bert E. Van Voris, Supervising Eng'r, RWQCB, to Robert J. Cochran, Chevron USA Prods. Co. (May 14, 2002) (RWQCB-FRESNO-030714) (Chevron #9-9093);
- Letter from Pamela C. Creedon, Executive Officer, RWQCB, to Ted Moise, ConocoPhillips (Apr. 12, 2011) (RWQCB2-FRESNO-000308) (Tosco #39118);
- Letter from Bert E. Van Voris, Supervising Eng'r, RWQCB, to Bob DeNinno, The Southland Corp. (Aug. 5, 1998) (RWQCB-FRESNO-021553) (7-Eleven #13917);
- Letter from Lisa Smoot, Env'tl. Health Analyst, County of Fresno Cmty. Health Dep't (Nov. 4, 1998) (FCDEH-FRESNO-030027) (Tosco #30587);
- Letter from Bert E. Van Voris, Supervising Eng'r, RWQCB, to Joseph Aldridge, Ultramar, Inc. (Sept. 25, 2003) (RWQCB-FRESNO-015737) (Beacon-Arco #615); and
- Jim R. Armstrong, Telephone Call Record (June 5, 2006) (FCDEH-FRESNO-025763-25764) (Unocal #6353).

UST FILE



Whisper H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

Steven T. Butler, Chair



Gray Davis  
Governor

Fresno Branch Office

Internet Address: <http://www.rwqcb5.com>  
3614 East Ashlan Avenue, Fresno, California 93726  
Phone (559) 445-5116 • FAX (559) 445-5910

1 December 1999

RECEIVED

RWQCB Case No. 5T10000117

DEC 03 1999

Mr. Frank Volanti  
1931 W. Fairmont, No. 102  
Fresno, CA 93705

DEPARTMENT OF COMMUNITY HEALTH  
ENVIRONMENTAL HEALTH SYSTEM

045803 6202

## **COMMENT ON CLOSURE REQUEST, FORMER CHEVRON STATION 9-4374, 1160 FRESNO STREET, FRESNO COUNTY**

We received your 17 September 1999 letter requesting closure of the subject site. At this time, we cannot approve site closure. Our reasoning for this decision is presented below.

Prior to site closure, certain criteria must be met. The purpose of the criteria is to insure the present and future threats to groundwater quality, and to groundwater resources, are minimized. The most important of these criteria are set forth in *Staff Recommendations for No Further Action Requests (October 1996 Draft Revision)* by the Central Valley Regional Water Quality Control Board. To be convinced that site closure is in the public interest, the proponent must demonstrate:

1. Contaminants remaining in the vadose zone do not reverse or threaten to reverse the mass reduction rate of groundwater pollutants discussed in #4 below.
2. Separate phase product has been removed to the extent practicable.
3. No existing water supply wells, deeper aquifers, surface waters or other receptors are threatened by pollutants remaining in the aquifer.
4. The total pollutant mass remaining in the groundwater is decreasing at predicted rates and neither creates, nor threatens to create, a risk to human health and safety or future beneficial use(s) of the aquifer.

Your 17 September letter contained a discussion by DK Engineering describing how in its judgment these criteria had been met. Following are our comments relative to these same criteria.

### Comment to Criteria No. 1

As you mentioned in your letter, Chevron stated it has removed approximately 300,000 pounds of hydrocarbons from below this site between 1994 and 1996 using a soil vapor extraction remediation system. However, Board staff were not supportive of Chevron's decision to shut down the vapor extraction system in 1996. System shut down occurred while a significant amount of hydrocarbons continued to be removed from the subsurface. It is unknown whether system operation removed the majority of residual hydrocarbons from beneath the Chevron site.

*California Environmental Protection Agency*

Recycled Paper

FCDEH-FRESNO-044287

Chevron recently proposed to drill two soil borings to "further evaluate residual petroleum hydrocarbons in soil beneath the Chevron site." Our review of the analytical data from previous exploratory or monitoring well borings causes us to conclude that hydrocarbons cannot be anticipated to exist near the proposed boreholes, so the proposed borings would be of little benefit. Hydrocarbons are more prevalent over a larger vertical soil profile at the location of well MW-E, and are present at higher concentrations at well MW-G. We stated in our comment letter that if part of the purpose of the proposed borings was to determine residual soil hydrocarbon concentrations after soil vapor extraction at the site, proposed boring locations near MW-E and MW-G (located on the northeastern side of the subject site) would be more appropriate. We did not approve the borings as proposed, as they will not help with the closure decision.

Compliance with Criteria No. 1 requires knowledge of the mass and distribution of hydrocarbons remaining in the subsurface. Without current representative soil concentration data, at a minimum for zones initially most heavily impacted by hydrocarbon releases, determination of the contaminant mass remaining cannot be made.

#### Comment to Criteria No. 2

Chevron has not demonstrated that this criterion has been met. Additional remediation appears necessary within the framework of our current understanding of site conditions.

#### Comment to Criteria No. 3

Current unconfirmed analytical data from subject site monitoring wells show methyl tertiary butyl ether (MtBE) may be present at concentrations exceeding 1000 µg/L. Lateral and vertical definition of gasoline constituents in groundwater has not been completed at the Chevron site. This situation makes it impossible to show, as required by the criterion, that pollutants remaining in the aquifer do not pose a threat to water supply wells or deeper aquifers.

#### Comment to Criteria No. 4

The first part of Criteria No. 4 requires total pollutant mass remaining in groundwater to be decreasing at predictable rates. Historical groundwater quality data for the Chevron site shows that certain monitoring wells (MW-E, MW-F and MW-H) have exhibited significant and sustained concentration decreases, especially following operation of the soil vapor extraction system. However, other wells (MW-L, MW-M and MW-N) have shown order of magnitude increases in hydrocarbon concentrations from 1997 to 1998. These wells are currently paved over and are inaccessible until Chevron contractors conduct work in Fresno Street to uncover them. Verification that the most recent (and substantially higher) concentrations at these wells have returned to and stabilized at their former levels is required before Criteria No. 4 can be demonstrated.

Additional Comment

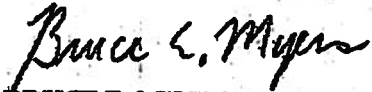
Chevron has yet to confirm with a more reliable analytical method that MtBB is actually present at the site. If MtBB is confirmed to be present, this would suggest there is an additional off-site source of petroleum hydrocarbons. This could result in shifting the burden for additional cleanup to another responsible party; however, it will take time for the parties to develop a working agreement and it is likely that Chevron will have a continuing role.

Conclusions

This site is not ready for closure. Significant petroleum hydrocarbon contamination remains in the soil beneath the site. Groundwater has been, and continues to be, impacted by those contaminants. The extent of contamination is not defined. Community water supply wells may be at risk. In addition, it is possible that the Chevron plume has contaminated with another as yet unknown source of petroleum hydrocarbons. This has the potential to complicate further investigation, remediation, and ultimately closure of the site.

We recently verbally approved a revised Chevron work plan for drilling additional wells and borings at the site, which would be conducted before the end of the year. We anticipate this investigation will yield data that will support, but probably not completely satisfy, our closure information requirements. After we review the report summarizing the upcoming investigation, we will be better able to specify those site-specific data requirements and conditions that would allow us to grant site closure.

Should you have any questions regarding this matter, please contact me at (559) 445-5504.



BRUCE E. MYERS  
Associate Engineering Geologist  
CEG No. 2102

- cc: Mr. Paul Mennacci, 1336 W. Brown, Fresno 93705  
Ms. Geraldine M. Mennacci, 3424 N. Howard, Fresno 93726  
Ms. Helen Bitter, 1741 W. Cortland, Fresno 93705  
Ms. Florence Crilly, 3794 E. Farrin, Fresno 93726  
Assemblyman James Costa, 16<sup>th</sup> State Assembly District  
Councilman Chris Mathys, 2<sup>nd</sup> District, City of Fresno  
Councilman Dan Ronquillo, 3<sup>rd</sup> District, City of Fresno  
Mr. Jerry Freeman, City of Fresno Development Department, Fresno  
Mr. Robert Cochran, Chevron USA Products Co., San Ramon  
Mr. G. Thomas Caswell, Jr., Caswell, Bell, Hillison, Burnside & Greer LLP, Fresno  
Mr. Jim Armstrong, Fresno County Environmental Health System, Fresno





# California Regional Water Quality Control Board

## Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>



Arnold Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental  
Protection

1 May 2009

FILE

Mr. Gilbert Romero  
Gilbert's Towing  
4142 East Church Avenue  
Fresno, California 93725

### CASE CLOSURE, FORMER GILBERT'S EXXON, 4142 E. CHURCH AVE., FRESNO, FRESNO COUNTY CASA NO. 5T10000326

Dear Mr. Romero,

This letter confirms the completion of a site investigation and corrective action for the underground storage tanks formerly at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground tanks are greatly appreciated.

Based on the information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code. Please contact Warren Gross at (559) 445-5128 if you have any questions regarding this matter.

  
for Pamela C. Creedon

Executive Officer

Enclosure: Case Closure Summary

cc: Barbara Rempel, SWRCB, UST Cleanup Fund, Sacramento  
Steven Rhodes, Fresno County Environmental Health System, Fresno  
Scott Jackson, HerSchy Environmental, Bass Lake

*Environmental Protection Agency*



RWQCB-FRESNO-043537



**California Regional Water Quality Control Board**  
**Central Valley Region**

**Robert Schneider, Chair**

**FILE**



Winston H. Hickey  
 Secretary for  
 Environmental  
 Protection

Fresno Branch Office  
 Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>  
 3614 East Ashlan Avenue, Fresno, California 93726  
 Phone (559) 445-5116 • FAX (559) 445-5910

Gray Davis  
 Governor

14 May 2002

Regional Board Case No. 5T10000334

Mr. Robert J. Cochran  
 Chevron USA Products Co.  
 P.O. Box 6004  
 San Ramon, California 94583-0804

**CASE CLOSURE - LEAKING UNDERGROUND STORAGE TANK SITE, CHEVRON #9-9093,  
 3996 N. PARKWAY DR., FRESNO, FRESNO COUNTY**

This letter confirms the completion of a site investigation and remedial action for the underground storage tank site referenced by Regional Board Case No. 5T10000334 and formerly located at the above described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the case are greatly appreciated.

Based on the information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank site is in compliance with the requirements of subdivisions (a) and (b) of Section 25299.37 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.77 of the Health and Safety Code and that no further action related to the petroleum release at the site is required. A summary of the information in the above-referenced file is included in the enclosed *Case Closure Summary*.

The groundwater monitoring and vapor extraction wells are no longer required. Accordingly, unless you choose to maintain the wells for further use, they must be properly destroyed in accordance with City of Fresno and Fresno County Environmental Health System requirements.

This notice is issued pursuant to subdivision (h) of Section 25299.37 of the Health and Safety Code. If you have any questions regarding this matter, please contact Mr. Dane A. Mathis at (559) 488-4287.

Sincerely,

  
 BERT E. VAN VORIS  
 Supervising Engineer  
 RCE No. 24105

**Enclosure**

- cc: Ms. Barbara Rempel, SWRCB, UST Cleanup Fund, Sacramento  
 Mr. Jim Armstrong, Fresno County Environmental Health System, Fresno  
 Mr. Russell D. Keil, Jr., Fifth Keil Company, San Francisco  
 Mr. Scott Gable, SECOR, Rancho Cordova

**California Environmental Protection Agency**



The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov/rwqcb5>

RWQCB-FRESNO-030714



**California Regional Water Quality Control Board  
Central Valley Region  
Katherine Hart, Chair**



Linda S. Adams  
Acting Secretary for  
Environmental Protection

1885 E Street, Fresno, California 93708  
(559) 446-5116 • FAX (559) 446-5910  
<http://www.waterboards.ca.gov/centralvalley>

**FILE**

Edmund G. Brown Jr.  
Governor

12 April 2011

Ted Moise  
ConocoPhillips  
76 Broadway  
Sacramento, CA 95818

**CASE CLOSURE, UNDERGROUND STORAGE TANK RELEASE, TOSCO #39118, 1605 N. CEDAR AVE., FRESNO, FRESNO COUNTY, CASE NO. 5T10000188**

Dear Mr. Moise,

This letter confirms the completion of a site investigation and corrective action for the underground storage tanks formerly at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground tanks are greatly appreciated.

Based on the information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code. Please contact Ken Jones at (559) 488-4391 or [kjones@waterboards.ca.gov](mailto:kjones@waterboards.ca.gov) if you have any questions regarding this matter.

*for* Pamela C. Creedon  
Executive Officer

Enclosure: Case Closure Summary

cc: Barbara Rempel, SWRCB, UST Cleanup Fund, Sacramento  
Steven Rhodes, Fresno County Environmental Health System, Fresno  
Mark Bare, Stantec Consulting Corporation, Rancho Cordova  
Surinder Singh, Fresno



**California Environmental Protection Agency**



RWQCB2-FRESNO-000308



**Peter M. Rooney**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

**FILE**



**Ed J. Schnabel**  
Chair

## Fresno Branch Office

Internet Address: <http://www.swrcb.ca.gov/~rwqcb5/home.html>  
3614 East Ashlan Avenue, Fresno, California 93726  
Phone (209) 445-5116 • FAX (209) 445-5910

5 August 1998

Mr. Bob DeNinno  
The Southland Corporation  
555 S. Renton Village Place, Suite 700  
Renton, WA 98055

### **CASE CLOSURE - 7-ELEVEN SITE NO. 13917, 3645 EAST OLIVE AVENUE, FRESNO, FRESNO COUNTY**

Dear Mr. Bob DeNinno,

This letter confirms the completion of a site investigation and remedial action for the underground storage tank(s) formerly located at the above described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on the information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the underground tank release is required.

This notice is issued pursuant to a regulation contained in Section 2721(e) of Title 23 of the California Code of Regulations.

The groundwater monitoring wells that were used to investigate the release and the soil vapor extraction wells used to remediate it are no longer required. Accordingly, unless you choose to maintain the monitoring wells for future use, they must be properly abandoned in accordance with Fresno County Environmental Health Department requirements.

If you have any questions regarding this matter, please telephone Ray Bruun at (209) 445-5504.

Sincerely,

  
**BERT E. VAN VORIS**  
Supervising Engineer  
RCE No. 24105

Enclosure

cc: Mr. Jim Armstrong, Fresno County Environmental Health System, Fresno  
Ms. Shelby Lathrop, Fluor Daniel GTI, Martinez

*California Environmental Protection Agency*



071699A.CLS

RWQCB-FRESNO-021553





Human Services System  
Community Health Department  
Gary M. Carozza, Director

Adult Services Department  
Children & Family Services Department  
Employment & Temporary Assistance Department

November 4, 1998

Tosco Marketing Company  
Licensing Department-D 36  
P. O. Box 52085  
Phoenix, Arizona 85072-2085

Dear Sir or Madam:

Subject: Underground Storage Tank Abandonment Completion  
Location: Unocal #30587 - 1610 North Palm, Fresno, CA

This letter confirms the permanent closure of underground storage tanks at the above site as required by the California Code of Regulations, Title 23, Article 7. The closure occurred on June 2, 1998, with the removal of three (3) underground storage tanks. With the provision that the information provided to this office is accurate and representative of existing conditions, no further action is required at this time. The site should now be properly closed, including backfilling as necessary.

This letter does not relieve you of any liability under the California Health and Safety Code or Water Code for past, present, or future operations at the site. Nor, does it relieve you of the responsibility to clean up existing, additional, or previously unidentified conditions at the site which cause or threaten to cause pollution, or nuisance, or otherwise pose a threat to water quality or public health. Please call me at (209) 445-3271 if you have any questions.

Sincerely,

Lisa Smoot  
Environmental Health Analyst  
Environmental Health System

LMS:pw

cc: Balch Petroleum

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / (209) 445-3271 / FAX (209) 445-3301

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FCDEH-FRESNO-030027



**California Regional Water Quality Control Board**  
**Central Valley Region**



**Winston H. Hickox**  
 Secretary for  
 Environmental  
 Protection

**Robert Schneider, Chair**

**Gray Davis**  
 Governor

**Fresno Branch Office**  
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 1685 B Street, Fresno, California 93706-2020  
 Phone (559) 445-5116 • FAX (559) 445-5910

25 September 2003

Regional Board Case No. 5T10000684

Mr. Joseph Aldridge  
 Ultramar, Inc.  
 685 West Third Street  
 Hanford, California 93230

***CASE CLOSURE - LEAKING UNDERGROUND STORAGE TANK SITE, BEACON/ARCO #3615,  
 1625 N. CHESTNUT AVE., FRESNO, FRESNO COUNTY***

This letter confirms the completion of a site investigation and corrective action for the underground storage tank(s) formerly at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground tank(s) are greatly appreciated.

Based on the information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required. A summary of the information in the above-referenced file is included in the *Case Closure Summary*, a copy of which is enclosed.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code. Please contact Mr. Dane A. Mathis at (559) 488-4287 if you have any questions regarding this matter.

Sincerely,

**BERT E. VAN VORIS**  
 Supervising Engineer  
 RCE No. 24105

Enclosure

cc: Ms. Barbara Rempel, SWRCB, UST Cleanup Fund, Sacramento  
 Mr. Jim Armstrong, Fresno County Environmental Health System, Fresno  
 Martin Enterprises, 776 E. Shaw Ave., #205, Fresno 93710

***California Environmental Protection Agency***



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RWQCB-FRESNO-015737



Department of Community Health  
ENVIRONMENTAL HEALTH DIVISION  
1221 Fulton Mall, Third Floor / P.O. Box 11867  
Fresno, California 93775-1867  
Telephone: (559) 445-3357 Fax: (559) 445-3379  
www.fresnohumanservices.org

FA 0286887 \_\_\_\_\_  
Record ID#: PR0046084\_ \_\_\_\_\_  
PE 6701 \_\_\_\_\_  
FNCR

## TELEPHONE CALL RECORD

Unocal SS #31155-256353  
(Facility Name)

1418 East Shaw Avenue  
(Facility Address)

Fresno, California  
(City, ZIP)

Mr. Ed Ralston, ConocoPhillips  
(Person Called)

(916) 558-7633  
(Phone Number)

June 5, 2006  
(Date)

3:40pm  
(Time)

### Summary of Discussion

I telephoned Ed Ralston of ConocoPhillips regarding the May 8, 2006 report of investigation and the May 22, 2006 Waste Disposal Update both submitted by Secor International, Incorporated.

The May 8, 2006 did not include all the information which had been required by the February 2, 2005 fax sent to Mr. Clint Harms of Secor and so it was necessary for this office to make an additional request for information which should have been submitted in the first report. The language of the May 22, 2006 report that "Additional information was requested by Fresno County Department of Community Health in electronic correspondence dated May 17, 2006" did not reflect that this office was asking for information which should have been provided in the first report. I told Ed Ralston that the wording in the May 22, 2006 report could be misinterpreted as this office had only made this request.

I indicated to Ed Ralston that the sample analysis for the leachable fraction of petroleum hydrocarbons which was reported by Secor was excessive. Ten samples had been analyzed for leachable fraction of petroleum hydrocarbons which in fact probably none of the samples had really needed this analysis.

I reminded Ed Ralston that this office had required a meeting in this office in our original directive. ConocoPhillips had declined to take advantage of the office meeting. The purpose of such an office meeting would be so that the need for any special analysis of soil samples could be determined and explained. Also the circumstances (such as in this case) where no special analysis needs to be performed could be explained in detail.

I explained to Ed Ralston that an entity such as ConocoPhillips might not mind paying for analyses which were not needed but that a large number of responsible parties would not want to pay for any extra analyses. I told Ed Ralston that regardless of the size of the entity I still felt it was needed to notify them of the circumstances.

I told Ed Ralston that this site investigation proved that this was a very simple "low risk" situation and that he could expect a letter of "no further action" from this office.

1418shaw7

FCDEH-FRESNO-025763