

EXHIBIT 12**Beacon #3519 (4591 E. Belmont Ave.)**

- Valero Defendants' Responses to Plaintiff City of Fresno's First Set of Interrogatories to Defendants, Rog No. 3, p. 7 (Nov. 5, 2008)
- Beacon Oil Company Intra-Company Memorandum (Dec. 3, 1971) (VLO-FRESNO-0010453)
- Email from Debbie Dirks to Julie Johns (Jan. 29, 2001) (VLO-FRESNO-0010454)
- Ultramar Diamond Shamrock Corp. Memorandum (Mar. 1, 2000) (VLO-FRESNO-0010455)
- Facsimile from Tim Mullen, Gasamat Oil Corp. to Ted, Fresno County Environmental (Aug. 27, 2002) (FCDEH-FRESNO-017903)
- Deposition of Gary Singh, pgs. 9-10, 20-21, 84 (Mar. 22, 2011)



UNITED STATES DISTRICT COURT)
SOUTHERN DISTRICT OF NEW YORK)

Master File No. 1:00-1898)
MDL No. 1358 (SAS))
M21-88)

In re Methyl Tertiary Butyl Ether)
("MTBE") Products Liability Litigation)

VALERO DEFENDANTS')
OBJECTIONS AND RESPONSES)
TO PLAINTIFF CITY OF)
FRESNO'S FIRST SET OF)
INTERROGATORIES TO)
DEFENDANTS)

This document relates to:)

*City of Fresno v. Chevron U.S.A., Inc., et)
al., No. 04 Civ. 4973*)

Pursuant to Federal Rule of Civil Procedure 33 and Local Rule 26.3, Ultramar Inc., Valero Marketing and Supply Company, and Valero Refining Company-California (collectively "Valero Defendants") answer and object to Plaintiff City of Fresno's ("Plaintiff" or "City of Fresno") First Set of Interrogatories served on September 2, 2008 as follows.

Dated: November 5, 2008.

J. Clifford Gunter III
M. Coy Connelly
Amy E. Parker
BRACEWELL & GIULIANI LLP
711 Louisiana St., Suite 2300
Houston, Texas 77002-2770
Telephone: (713) 221-1335
Telecopier: (713) 221-1212

Attorneys for Defendants
ULTRAMAR INC., VALERO MARKETING AND
SUPPLY COMPANY, AND VALERO REFINING
COMPANY-CALIFORNIA

Valero Defendants refer Plaintiff to their responses to Interrogatory Nos. 1 and 3 for information responsive to this request.

INTERROGATORY NO. 3:

IDENTIFY the address of all gasoline stations that YOU lease or have leased within the RELEVANT GEOGRAPHIC AREA since 1979.

- a. State the lease dates for each station YOU identified.

RESPONSE:

Valero Defendants object to this Interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. This Interrogatory is specifically overbroad both with respect to time, as explained in General Objections Nos. 6 and 7, and to the extent it calls for the identification of all gasoline stations owned by Valero Defendants in the RGA without regard to whether any of those stations is in the vicinity of any drinking water production well or whether any of those stations has ever been identified as the source of a release of gasoline containing MTBE. Subject to, and without waiving, the foregoing objections and the General Objections and Limitations set forth above, Valero Defendants answer as follows:

1. #3481: 6390 N. Blackstone, Fresno, CA 93710 (04/11/66—present)
2. #3615: 1625 N. Chestnut Ave., Fresno CA 93703 (07/24/98—present)
3. #3616: 4001 N. Marks Ave., Fresno, CA 93722 (01/22/85—present)
4. #3659: 4514 W. Shaw Ave., Fresno, CA 93722 (08/05/88—present)
5. #3519: 4591 E. Belmont, Fresno, CA 93702 (03/01/71—10/20/99)

In addition to the foregoing, Ultramar PLC acquired some retail stations leases when it purchased Beacon Oil Company through a stock purchase transaction in November, 1981.¹ To the best of Valero Defendants' current knowledge, most, if not all, of the acquired stations were leased and then sub-leased to third parties who actually operated the station in question. However, given the dates of the transactions at issue, the documentation necessary to confirm Valero Defendants' precise relationship with these stations as well as the dates of the leases is no longer available. Approximate dates have been provided where known.

Several of these leaseholds were terminated prior to 1995 when Ultramar Inc. merged with Diamond Shamrock Corporation. Most, if not all, of the leaseholds were terminated prior to the December 31, 2001 merger of Ultramar Diamond Shamrock Corporation with and into Valero Energy Corporation. Notwithstanding the foregoing, the following is the list of all such stations located within the RGA which may have been leased during the relevant time frame:

1. Beacon #77: B Street, Fresno CA (1935—Lease Termination Date Unknown)

¹ Beacon Oil Company changed its name to Ultramar Inc., effective September 18, 1989.

2. Beacon #78: Belmont at 12th Street, Fresno CA (1935—Closure Date Unknown)
3. Beacon #80: Tulare & Chestnut, Fresno CA (Dates of Leasehold Unknown)
4. Beacon #496: 4809 E. Kings Canyon, Fresno CA (Dates of Leasehold Unknown)
5. Beacon #595: 3768 S. Highway 99, Fresno CA (09/01/83—03/27/96)
6. Beacon #620: 4594 E. Tulare, Fresno CA (01/22/85—08/28/95)
7. Beacon #658: 1334 N. First St., Fresno CA (Lease terminated 11/01/96)
8. Beacon #257: 9th & McKenzie, Fresno CA (Site leased 10/46. Lease Termination Date Unknown)
9. Beacon #432: 2950 E. Ventura, Fresno CA (Dates of Leasehold Unknown)
10. Beacon #433: 1372 N. First St., Fresno CA (Dates of Leasehold Unknown)
11. Beacon #437: 4652 Belmont, Fresno CA (Dates of Leasehold Unknown)
12. Beacon #438: 4005 E. Jensen, Fresno CA (Dates of Leasehold Unknown)
13. Beacon #460: 603 G. Street, Fresno CA (04/28/75—04/30/90)
14. Beacon #472: 2295 S. Elm Ave., Fresno CA (Dates of Leasehold Unknown)
15. Beacon #516: 2430 E. Olive St., Fresno CA (07/15/85—10/31/91)
16. Beacon #538: 2139 S. Elm, Fresno CA (Lease terminated 11/01/91)
17. Beacon #579: 5190 E. Olive, Fresno CA (Lease terminated 11/01/91)
18. Beacon #619: 3076 E. Gettysburg, Fresno CA (01/22/85—08/03/89)
19. Beacon #9-1: 6900 N. Motel Dr., Fresno CA (Dates of Leasehold Unknown)

INTERROGATORY NO. 4:

IDENTIFY the address of all gasoline stations with which YOU have or have had a retail supply contract within the RELEVANT GEOGRAPHIC AREA since 1979.

- a. State the retail supply contract dates for each station YOU identified.

RESPONSE:

Valero Defendants object to this Interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. This Interrogatory is specifically overbroad both with respect to time, as explained in General Objections Nos. 6 and 7, and to the extent it calls for the identification of all gasoline stations owned by Valero Defendants in the RGA without regard to whether any of those stations is in the vicinity of any drinking water production well or whether any of those stations has ever been identified as the source of a release of gasoline containing MTBE. Valero Defendants further object to the extent this Interrogatory seeks information outside of Valero Defendants' possession, custody and control. Valero Defendants are not in possession of information pertaining to the operation, maintenance or environmental remediation which may be associated with any of the following stations. Notwithstanding the foregoing or the General Objections set forth above, Valero Defendants respond as follows:

1. #2339: 1919 W. Clinton Ave., Fresno, CA 93705 (06/13/03—present)
2. #2365: 603 G. Street, Fresno, CA 93722 (05/01/93—present)
3. #2516: 2837 N. Parkway Drive, Fresno, CA 93722 (07/18/03—present)

BEACON OIL COMPANY

INTRA-COMPANY MEMORANDUM

To: W. L. Marconi

Date: 12/3/71

cc: V. L. Anderson, R. C. Ingram, D. E. Bacigalupo, J. D. Robertson, G. W. Echols,
C. J. Sharbaugh, C. L. Davies, L. M. Lockhart, K. Walsh, J. Tash

LEASE INFORMATION

Lessor:	Irene Armey	Address:	3481 Mayfair Dr., South, Fresno 3, Calif.
Service Station No.:	519	Beacon Charge No.:	
Address of SS:	4591 E. Belmont, Fresno	Takeover Date:	October 11, 1971
Rent Payable:	\$165.00 per month *	Account:	18
Term:	15 years	Options:	one 5 year option
Tax Status:	Beacon pays all taxes	Agencies notified re mailing of Tax Statements:	<u>Fresno County Assessor</u> by John Tash

Rent Receivable:

Rent Payable	\$ 165.00
Improvements Depreciation	750.00
Land Amortized @ 6%	N/A
Maintenance	70.00
Insurance	10.00
Taxes	125.00
	<hr/>
	\$1,120.00

Company Operated: Yes Subleased: No

Insurance: Clancy Childs by this memo.

Remarks: * The lease calls for an increase of rent in the amount of 5% per month over the rental paid during the preceeding year for the duration of the lease and any extension. As an example, rental for the first year is \$165.00 and the 5th year it will be \$206.25, the 10th year \$247.50 and the 15th year \$288.75.



J. C. Montgomery

JCM:es

BH003663

VLO-FRESNO-0010453

Dirks, Debbie

From: Fishburn, Rob
Sent: Tuesday, January 30, 2001 12:45 PM
To: Dirks, Debbie
Cc: Johns, Julie
Subject: FW: Unit # 3519 - 4591 E. Belmont, Fresno, CA

Debbie Dirks,
We are in the early stages of assessment at the above-mentioned site. However, there appears to be hydrocarbon impacts to soil. Therefore, I anticipate being directed to do more assessment work in the future. At this point, I would predict a two to three year period of addressing the environmental issues at the site. Feel free to contact me if you have more specific questions regarding these matters. Thanks, Rob F.

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

From: Johns, Julie
Sent: Monday, January 29, 2001 8:59 AM
To: Fishburn, Rob
Subject: FW: Unit # 3519 - 4591 E. Belmont, Fresno, CA

Julie Johns:

Retail Environmental Services
Hanford CA
Phone 559-583-3251
Rightfax #210-370-5194

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

From: Dirks, Debbie
Sent: Monday, January 29, 2001 8:58 AM
To: Johns, Julie
Cc: Holeman, Tim; Miller, Doug (Real Estate)
Subject: Unit # 3519 - 4591 E. Belmont, Fresno, CA

We assigned this location to Gasamat and retained a remediation agreement at closing. Is this an ongoing remediation or to be followed for an extended length of time?

If we will be following for a while, do we have any idea for length of time? 3 years ?

Thanks

Debbie Dirks
Real Estate Dept. - Ext. 4523
Debbie_Dirks@udscorp.com

ULTRAMAR DIAMOND SHAMROCK
C O R P O R A T I O N

MEMORANDUM

TO: Distribution

FROM: Debbie Dirks

DATE: March 1, 2000

SUBJECT: UPDATED – Additional Money Received for Inventory
Final three of the five units sold to Gasamat

On October 20, 1999, UDS completed the sale of 5 branded operating gasoline convenience stores located in California. The Buyer was Gasamat Oil Corporation of Colorado. The properties were sold under the terms of a Purchase Agreement and Escrow Instructions between Ultramar Inc. and Gasamat Oil Corp. of Colorado dated August 20, 1999.

The owned equipment at each property was included in the sales price. This equipment was conveyed by Bill of Sale to Gasamat. The inventory of motor fuel and merchandise was conveyed under the same Bill of Sale. The inventory was conducted the evening of October 19, 1999 and the total inventory amount was \$224,406.79. This amount was escrowed to Tulare Title Company by wire transfer from American Title Company on October 20, 1999. This money is held in escrow until all the ABC licenses are transferred.

The ABC licenses are now being transferred one by one to Gasamat Oil Corporation. Attached is the information for closing of escrow on the inventory for the final 3 of the 5 locations.

Unit # 3361 – Tulare - \$76,513.83
Unit # 3519 – Fresno - \$68,869.90
Unit # 3638 – Fresno - \$71,774.99

The documents pertaining to this closing will be retained in the Real Estate files. Copies of select documents have been distributed as noted below as hard copies. If you have any questions or need additional documents, please contact Debbie Dirks or Doug Miller in the Real Estate Department at extension # 4523 or # 4346.

DISTRIBUTION

Cathy Lane	Sharon Kaltenbacher	Tom Austin
Chuck Weber	Cheryl Ornelas	Gary Rosa
Steve Blank	Cara Whiteside	Doug Miller
Peggy Gowans	Diane LaValley	Tim Holeman
Jan Williams	Ron Mechler	Debbie Dirks
Diane Allison	Connie Gannon	Shirley Myers
John Fitzgibbons	Cheryl Trevor	Marilyn York

M:dkd:Closing/documents/gasamat closing memo

VLO-FRESNO-0010455

Hard Copy Documents Sent to the Following Via Interoffice Mail:

Diane LaValley: Settlement Statement
Connie Gannon: Settlement Statement
Cheryl Ornelas: Settlement Statement
John Fitzgibbons: Settlement Statement
Cara Whiteside: Settlement Statement, checks

The properties sold with the ownership status and owning entity are as follows:

Unit #	Street Address	Fee/Lease	Entity
3361	610 West Inyo Tulare, California	Fee	Ultramar Inc.
3519	4591 East Belmont Fresno, California	Lease	Ultramar Inc.
3534	2519 Esplanade Chico, California	Fee	Ultramar Inc.
3638	525 South Clovis Avenue Fresno, California	Fee	Ultramar Inc.
3697	7282 Franklin Boulevard Sacramento, California	Fee	Ultramar Inc.

PREL

Gasumat Oil Corp
3223 Arapahoe Avenue
Boulder, Colorado 80303
Tel 303-442-2520
Fax 303-442-0930

facsimile transmittal

To: Ted Fresno County Environmental

From: Tim Mullen ext 224

Date: 08/27/02

Re: 4591 E Belmont Purchase & Sale Agreement

Pages: 2

CC:

For Review Please Comment Please Reply Please Recycle



Ted,

Reference is made to the subject matter. Included in this fax is page one of the referenced document. Paragraphs 1(b) and 1(c) clearly state that Mr. Gill purchased all improvements, buildings and equipment, the only exceptions being the computer system, software & credit card machine.

Please call if you need additional information.

Thanks,

Tim Mullen



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PURCHASE AND SALE AGREEMENT

Part I

THIS AGREEMENT made and entered into this 17 day of July, 2001 by and between Gasamat Oil Corp. of Colorado hereinafter referred to as ("Seller") and Nicole S. Gill (hereinafter referred to as "Purchaser")

Part II

1. Seller agrees to sell and convey and Purchaser agrees to purchase and accept conveyance of:

(a) The ~~real~~ ^{lease} Property ("Property") located at 4591 E. Belmont ESANO CA store # 201. The real Property is more fully described on Exhibit "A" attached hereto, and it is agreed that should the description set forth on Exhibit "A" not be the same as the legal description finally determined for the purposes of the title insurance or title opinion to be issued pursuant hereto, then the description set forth on Exhibit "A" shall be deemed to be amended to conform to the legal description finally determined for the purposes of such title insurance or title opinion, and the documents to be provided or executed at Closing shall contain, where necessary, such amended legal description.

(b) The improvements and buildings including, without limitation all electrical, mechanical, plumbing, security systems, as well as signs, sign posts, plants, trees and shrubbery, all rights, privileges, easements, right-of-way and appurtenances thereon or relating to the beneficial use thereof. Gasamat identity signs and logos are the property of the Seller and will be removed at closing. The Gasamat Trade name is the property of the Seller, and is not included with the Property. Purchaser must apply for all branding and licenses which include UDS, Cardlock Fuels, Beacon, Arco, and Smoker Friendly brands. Computer systems, proprietary software and credit card machines will be removed prior to closing. Lottery and ABC licenses are not transferable, and Purchaser must make its own applications.

(c) The personal property including those furniture, fixtures and equipment which are owned by Seller and located on Property.

(d) The merchandise and motor fuel inventory and supplies to be purchased separately at closing at 66% of retail price for merchandise, at Seller's cost for cigarettes and at Seller's landed cost for motor fuel including all applicable taxes. Deli and fountain ingredients and supplies shall be at Seller's cost.

(e) The sale is subject to the Terms and Conditions which have been provided to Purchaser in the sales brochure and PSP package. Should the Terms and Conditions conflict with this Agreement, this Agreement shall prevail.

2. PURCHASE PRICE The purchase price for the Property is \$ 300,000 ("Purchase Price"), payable all in cash as follows:

(a) Bid Deposit of \$ 7500 which is equal to 2.5% of the purchase price stated above.

(b) Additional Earnest Money \$ 22,500. This is the difference between ten percent (10%) of the Purchase Price and the Bid Deposit. The Additional Earnest Money is due

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK -oOo-</p> <p>In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation</p> <p style="text-align: right;">Master File No. 1:00-1898</p> <p>This Document Relates To: Case No. City of Fresno MDL 1358(SAS) v. Chevron U.S.A. Inc., et al., Case No. 04 Civ. 4973</p> <p style="text-align: center;">DEPOSITION OF GARY SINGH March 22, 2011 at 9:00 (9:09) a.m. Before: ERIC L. JOHNSON RPR, CSR #9771</p> <p>Taken at: Fresno, California</p>	<p style="text-align: right;">Page 3</p> <table border="0"> <thead> <tr> <th style="text-align: left;">1</th> <th style="text-align: left;">EXHIBITS MARKED</th> <th style="text-align: left;">PAGE</th> </tr> <tr> <th style="text-align: left;">2</th> <th style="text-align: left;">NUMBER</th> <th style="text-align: left;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>1</td> <td>List of service stations in Fresno..... 10</td> </tr> <tr> <td>4</td> <td>2</td> <td>Deposition Notice..... 14</td> </tr> <tr> <td>5</td> <td>3</td> <td>Map dated April 5th, 2001, Bates RWQCB-FRESNO 16239..... 39</td> </tr> <tr> <td>6</td> <td>4</td> <td>Underground Storage Tank Permit Application, Bates No. FCDEH-FRESNO 17103 - 17106..... 49</td> </tr> <tr> <td>7</td> <td>5</td> <td>List of jobbers, beginning with Ace Oil Company and ending with Yakima Oil Company..... 51</td> </tr> <tr> <td>8</td> <td>6</td> <td>Product Safety Bulletin for MTBE..... 55</td> </tr> <tr> <td>9</td> <td>7</td> <td>Exhibit 7 is an Underground Storage Tank Abandonment Inspection Report Bates numbered RWQCB-FRESNO-16344..... 62</td> </tr> <tr> <td>10</td> <td>8</td> <td>Letter dated February 18th, 1999, transmitting a Tank Removal/Closure Report, Bates RWQCB-FRESNO 16887 - 16913..... 69</td> </tr> <tr> <td>11</td> <td>9</td> <td>Letter dated July 22nd, 1999, Bates RWQCB-FRESNO 16323..... 73</td> </tr> <tr> <td>12</td> <td>10</td> <td>Letter dated November 24th, 1999, Bates RWQCB-FRESNO 16315 - 16316..... 75</td> </tr> <tr> <td>13</td> <td>11</td> <td>Letter dated September 7th, 2000, Bates RWQCB-FRESNO 16301..... 77</td> </tr> <tr> <td>14</td> <td>12</td> <td>Results of Soil and Groundwater Investigation dated April 6th, 2001, Bates RWQCB-FRESNO-16620 through 16760... 81</td> </tr> <tr> <td>15</td> <td>13</td> <td>Environmental Health Application dated January 9th, 2002, Bates FCDEH-FRESNO 17647..... 81</td> </tr> <tr> <td>16</td> <td></td> <td>////</td> </tr> </tbody> </table>	1	EXHIBITS MARKED	PAGE	2	NUMBER	DESCRIPTION	3	1	List of service stations in Fresno..... 10	4	2	Deposition Notice..... 14	5	3	Map dated April 5th, 2001, Bates RWQCB-FRESNO 16239..... 39	6	4	Underground Storage Tank Permit Application, Bates No. FCDEH-FRESNO 17103 - 17106..... 49	7	5	List of jobbers, beginning with Ace Oil Company and ending with Yakima Oil Company..... 51	8	6	Product Safety Bulletin for MTBE..... 55	9	7	Exhibit 7 is an Underground Storage Tank Abandonment Inspection Report Bates numbered RWQCB-FRESNO-16344..... 62	10	8	Letter dated February 18th, 1999, transmitting a Tank Removal/Closure Report, Bates RWQCB-FRESNO 16887 - 16913..... 69	11	9	Letter dated July 22nd, 1999, Bates RWQCB-FRESNO 16323..... 73	12	10	Letter dated November 24th, 1999, Bates RWQCB-FRESNO 16315 - 16316..... 75	13	11	Letter dated September 7th, 2000, Bates RWQCB-FRESNO 16301..... 77	14	12	Results of Soil and Groundwater Investigation dated April 6th, 2001, Bates RWQCB-FRESNO-16620 through 16760... 81	15	13	Environmental Health Application dated January 9th, 2002, Bates FCDEH-FRESNO 17647..... 81	16		////																																																																																																						
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1 No. 3519 that was located at 4591 East Belmont in
 2 Fresno. Did you operate that station for a period of
 3 time?
 4 A. No. When I -- when I purchased that place, it
 5 was ARCO, not the Beacon.
 6 Q. Okay. Did you operate a station -- a gas
 7 station at that address, 4591 East Belmont in Fresno?
 8 A. Yeah, I am still doing it.
 9 Q. Okay. And when did you start operating it?
 10 A. 2001.
 11 Q. Okay. Do you recall the month?
 12 A. In January.
 13 Q. Okay.
 14 A. I think January 10th.
 15 Q. And you have been operating it continuously --
 16 A. Yes.
 17 Q. -- since that time?
 18 A. Yes.
 19 Q. All right. And do you own the station?
 20 A. I own -- I'm not own the property, but I own
 21 the equipment and the building and everything.
 22 Q. Okay. And do you own the underground storage
 23 tanks?
 24 A. Yes.
 25 Q. And who owns the property?

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1 A. His name Melvin Armeey.
 2 MR. MASSEY: I have marked as Exhibit 1 a list
 3 of service stations in Fresno. And I want to give it to
 4 you and have you look at it and tell me if you have
 5 worked at any of the other stations that are on this
 6 list.
 7 (Deposition Exhibit 1 marked for
 8 identification)
 9 THE WITNESS: That's the one we have, 319245
 10 (sic), that's -- that's the one, we own it.
 11 MR. MASSEY: Q. Okay.
 12 A. Yes.
 13 Q. And that's the third or fourth one on the list?
 14 A. That's the third one.
 15 Q. Okay. So the only one is the one that we are
 16 here to talk about today?
 17 A. Yes.
 18 Q. Okay. And what do you call the station?
 19 A. Now? ARCO Gas and Food.
 20 Q. Okay. If I refer to it as "the station," will
 21 you understand what I am talking about?
 22 A. Yes.
 23 Q. Okay. And for exhibits, you want to keep them
 24 in front of you. You can just turn them over like that
 25 and stack them.

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1 A. Okay.
 2 Q. We may refer back --
 3 A. Okay.
 4 Q. -- to exhibits we have previously looked at
 5 during the course of the day. Have you ever had your
 6 deposition taken before?
 7 A. No.
 8 Q. Okay. I am going to go over some basic ground
 9 rules so you understand how we will proceed today.
 10 A. Yeah.
 11 Q. You understand that you just took an oath to
 12 tell the truth --
 13 A. Yes.
 14 Q. -- and your testimony here is under penalty of
 15 perjury as if we were in a court of law.
 16 A. Okay.
 17 Q. Okay. It is important that the court reporter
 18 can clearly type your testimony and any questions or
 19 objections that are made. So even if you know what I am
 20 going to ask you, allow me to finish my question before
 21 you give your answer.
 22 Do you understand that?
 23 A. Okay. Yes.
 24 Q. Okay. And from time to time counsel in the
 25 room or on the phone may object to the question being

Page 12

1 asked. If you would wait until those objections are
 2 made until you -- to give your answer, that will allow
 3 the court reporter to make a clear record.
 4 A. Okay.
 5 Q. It is also important that you give verbal
 6 responses. So if we were talking like a normal
 7 conversation, you might nod your head to say yes or no,
 8 but here you want to say yes or no, or otherwise give a
 9 verbal response to questions.
 10 Do you understand that?
 11 A. Yes.
 12 Q. You are doing great so far.
 13 A. Thanks.
 14 Q. It is also important that you understand my
 15 questions. If you don't, just let me know and I will
 16 restate or clarify.
 17 A. Okay.
 18 Q. We are entitled to your best recollection.
 19 That includes if you have partial information, an
 20 estimate of some type of information based on what you
 21 know. I don't want you to guess if you have no
 22 information.
 23 A. Okay.
 24 Q. I will draw the distinction this way: If I
 25 asked you to estimate the size of this table, you could

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1 Q. Okay. Have you ever studied chemistry?
 2 A. No, only -- we did but until in the 10th grade,
 3 not in college.
 4 Q. Do you have any specialized training in
 5 handling chemicals?
 6 A. No.
 7 Q. Do you have any specialized training in
 8 toxicology?
 9 A. No.
 10 Q. Do you have any specialized training in
 11 epidemiology?
 12 A. No.
 13 Q. Okay. Did you receive any specialized training
 14 in handling chemicals or gasoline at the time you
 15 started operating the station?
 16 A. Yes. I have the lady who does the monthly
 17 service, and she -- show her how to do it, if spill the
 18 gas and all that stuff. So we have that training.
 19 Q. And that was when you first started operating
 20 the station?
 21 A. Yes.
 22 Q. Okay. And do you recall the name of the lady?
 23 A. Her name is June, J-u-n-e.
 24 Q. Okay. Do you recall her last name?
 25 A. No, I don't remember.

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1 Q. And who does she work for?
 2 A. She have own company. They call J&J, so she
 3 does inspection monthly for the city, you know, so --
 4 Q. Okay. And how did you come to have training by
 5 her? Was it suggested to you by somebody or was it your
 6 own choice?
 7 A. No, we -- we don't have a choice, but we have
 8 to be hire somebody to do that, monthly service.
 9 Because if you want to do the monthly service you have
 10 to attend some kind of classes, and we don't have a
 11 time, but she did. So that we pay every month to her
 12 and she -- teach her how to do it, you know.
 13 Q. Okay. What do you mean by monthly service?
 14 A. That's for the health department. We have to
 15 be checked on all nozzles and everything, you know, and
 16 the buckets and everything is clean and all the
 17 paperwork and everything.
 18 Q. Okay. And so it was a requirement from the
 19 county?
 20 A. Yes. Because when we have the test, like every
 21 year so they see all the paperwork.
 22 Q. Okay. And so that training was designed to
 23 help you meet the regulations?
 24 A. The regulations, yes, sir.
 25 Q. Okay. Did anybody from ARCO provide you any

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1 training at the time you started operating the station?
 2 A. No.
 3 Q. Did anybody from Beacon or Ultramar or Valero
 4 provide you any training when you started operating the
 5 station?
 6 A. Yeah, they did -- because basically we ARCO but
 7 we through Valero. So when we bought, whatever the
 8 manager there, they like give us training like for a
 9 complete month, you know, do this, do that, you know,
 10 all the paperwork, and help us to -- how to run that,
 11 you know, gas station and all that stuff.
 12 Q. Okay. And did the gas station have a
 13 convenience store in it at the time you started --
 14 A. Yes, the little mini-market.
 15 Q. Okay. And was the training designed to help
 16 you run the accounts at the convenience store?
 17 A. Yes.
 18 Q. Okay. And also do the accounting for the
 19 gasoline sales?
 20 A. Yeah, but our bookkeeper does all that stuff.
 21 Q. Okay. And did the training include how to keep
 22 the station clean or how to maintain it?
 23 A. Yes. Because from ARCO we have every month --
 24 I mean, they call, check up every month, so they give us
 25 the point, you know, so they go through every single

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1 item.
 2 Q. So somebody comes out from ARCO each month?
 3 A. Each month to do the inspection, you know, all
 4 the pumps clean and all the -- you know, the trash cans
 5 properly in the right place and all that stuff.
 6 Q. And did the training that you got from Valero,
 7 as I recall it, when you started operating the station,
 8 include how to respond to a spill of gasoline, if one
 9 were to occur at the station?
 10 A. Yeah, but we don't have the big one like
 11 someone trying to fill up the tank, you know, they just
 12 overflow, you know, so -- so we have -- so they show us
 13 how to clean it, get the stuff, and just -- just that
 14 kind of basic stuff. So --
 15 Q. And then if there is a bigger one, you had
 16 instructions for how to respond to that, to call
 17 somebody, for example, or --
 18 A. Yes. Yes. We have the company who take care
 19 of that. So if we have that kind of problem so we call
 20 them and they came right away and --
 21 Q. Was the station branded ARCO when you started
 22 operating it?
 23 A. Yes.
 24 Q. So the price sign said ARCO on it?
 25 A. Yes.

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1 Q. And the fuel canopy said ARCO on it?
 2 A. Yes.
 3 Q. And the station building itself said ARCO on
 4 it?
 5 A. Yes.
 6 Q. Okay.
 7 A. When we -- when I purchased that gas station,
 8 it had been six years before I purchased, it was ARCO.
 9 Q. So going back six years prior to your purchase
 10 it had been an ARCO station?
 11 A. It was ARCO, yes.
 12 Q. Okay. And beginning in 2001 when you first
 13 started operating the station, did you purchase the
 14 buildings and the underground storage tanks at that
 15 time?
 16 A. Yes.
 17 Q. And has it been your responsibility during the
 18 time that you have operated the station to test the
 19 tanks for tightness, make sure that --
 20 A. Yes.
 21 Q. -- they are not leaking?
 22 A. Yes.
 23 Q. Is it also your responsibility to test the
 24 piping, the product lines that connect the tanks to the
 25 dispensers?

Page 22

1 A. Yes. Because I have a company from Sacramento,
 2 so they like three year they did the test and
 3 everything, because we have a double-walled tanks. So
 4 after that they said we don't have any problem, so we
 5 good for like at least 50 years, so --
 6 Q. Okay. How often are they -- how often are the
 7 tanks tested to see if they leak?
 8 A. I think that is from the -- I think they are
 9 from state, they came from, so they don't tell us, they
 10 just do automatically whenever they want. And they
 11 just -- probably they have some kind of period of time
 12 so they have to check. And they check, and after that
 13 they give us the final paper, hey, you good, you know,
 14 we don't have any problems. So --
 15 Q. And do you get a bill for that?
 16 A. No, we don't.
 17 Q. So you don't have a service that comes out --
 18 A. No.
 19 Q. -- periodically to test the tanks?
 20 A. No, we do have that. They have a different
 21 test, not for the tanks.
 22 Q. Okay. What about for the tanks and the product
 23 lines? Who comes out to test those to make sure that
 24 they are not leaking?
 25 A. It is underground, the tank?

Page 23

1 Q. Yes.
 2 A. They did, but they said we good for like almost
 3 30 years. I don't -- we don't have to do anything.
 4 Q. Who is "they"?
 5 A. That company from Sacramento who did the test.
 6 Q. Okay. And so they are not coming out regularly
 7 anymore?
 8 A. No, no more. They stop like when I purchased
 9 the place, they came like once or twice, and they said
 10 they don't have to come down here anymore. We are good,
 11 and there isn't any problem and all that stuff.
 12 Q. Okay. And was that in 2001 or 2002?
 13 A. I am not sure.
 14 Q. And are you responsible for maintaining the
 15 dispensers themselves?
 16 A. Yes.
 17 Q. Okay. That includes the nozzles and the hoses
 18 and the --
 19 A. Yes, everything.
 20 Q. Okay. And changing the fuel filters and the
 21 dispensers?
 22 A. Yes.
 23 Q. Regarding the training that you received when
 24 you first started operating the station, did you get
 25 anything in writing, with instructions or training for

Page 24

1 how to operate the station?
 2 A. Not really. Probably I don't remember if
 3 I did, because it has been like a while, ten, 11 years
 4 ago, so -- at that time we have too much stuff and
 5 headaches, you know, do this, do that, so I'm not
 6 remember if they give to us or not. So --
 7 Q. Let's talk a little bit more in detail. What
 8 was the instructions regarding keeping the station clean
 9 or maintaining the station?
 10 A. Just like now -- now it is totally different,
 11 like seven, eight years ago they changed the law. Every
 12 morning we have to go outside, check the nozzles, check
 13 the hoses and all that stuff. There isn't any spill or
 14 anything. If little holes, we have to change the
 15 nozzles or hose right away. If the air pollution guys
 16 come to our site, usually they call us to come down
 17 here, they can stop anytime they want. So if they find
 18 anything, you know, like nozzles breaking and hoses
 19 breaking, so we have to pay a fine for it. And, plus, I
 20 have to keep all the record, paperwork, whatever
 21 inspection I do every morning. When they do tests every
 22 six month or year, they look at all the paperwork.
 23 Q. And have you ever found in those daily
 24 inspections you do any of the nozzles leaking?
 25 A. If we find it we change right away.

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1 and Groundwater Investigation dated April 6th, 2001,
 2 Bates No. RWQCB-FRESNO-16620 through 16760.
 3 (Deposition Exhibit 12 marked for
 4 identification)
 5 MR. MASSEY: You were operating the station by
 6 April 6th, 2001; is that correct?
 7 A. I think so, yeah.
 8 Q. Okay.
 9 A. I think 2001 or 2002. I think it is 2001 or
 10 2002.
 11 Q. Okay.
 12 A. I am not pretty sure it was 2002 or 2001. I
 13 have to look at the date. Okay. I am not sure it is
 14 2001 or 2002, because it is in the paper, so --
 15 Q. Let's put this exhibit aside just for a second.
 16 A. Okay.
 17 Q. We are going to use it in a second. But I'll
 18 mark as Exhibit 13 an Environmental Health Application
 19 which is dated apparently January 9th, 2002.
 20 A. Yeah, so that's -- that's the date we probably
 21 purchased, 2002, then.
 22 (Deposition Exhibit 13 marked for
 23 identification)
 24 MR. MASSEY: And it has got Bates number
 25 FCDEH-FRESNO-17647.

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1 Q. Have you seen this document before?
 2 A. Yeah, that's my handwriting.
 3 Q. Okay. Is that your signature on this document?
 4 A. Yes.
 5 Q. All right. And is this a true and correct copy
 6 of the application that you filed on this date?
 7 A. Yes.
 8 Q. Okay. And it indicates at the bottom, about
 9 three-quarters of the page down, ownership change, and
 10 then business name change and billing address change.
 11 Do you see that?
 12 A. Billing address? You are talking about right
 13 here?
 14 Q. Little bit up a few -- like three lines up from
 15 there.
 16 A. Yes, this is the ownership change -- yeah,
 17 food, gas only, yes.
 18 Q. Okay. It says for food only; is that right?
 19 A. For food only, yes.
 20 Q. Okay. And then it says, "Gas-O-Mat Corp. is to
 21 remain UST owner." Do you see that?
 22 A. Yes.
 23 Q. Okay. Was there some point in your purchase of
 24 the equipment and starting operating the site that you
 25 were going to just operate the mini-mart and not operate

Page 83

1 the gas stations?
 2 A. No, we were going to operate the gas station,
 3 too, I think so, yeah. That's what we still doing since
 4 that.
 5 Q. Okay. And that was your -- as you recall it,
 6 that was the intention from the very beginning?
 7 A. Yeah, like it is.
 8 Q. Okay. Do you recall at any point in time that
 9 Gas-O-Mat Corporation was to remain the underground
 10 storage tank owner as is written here?
 11 A. I don't know. I am not sure because --
 12 whatever the paper say, so it might be this though.
 13 Q. Okay. It is your understanding that you bought
 14 the buildings and the underground storage tank at the
 15 same time to start operating the businesses?
 16 A. Yes, I think that's probably the agreement.
 17 Yeah.
 18 Q. All right. And then at that same time you
 19 started leasing the property from Melvin Armeey?
 20 A. Yeah, but I am not sure who is the owner of the
 21 underground tanks and all that because we purchased
 22 business from Valero, so I am not sure what comes with
 23 it, you know, so -- because before that property owner
 24 and Valero have the lease. I don't know how the lease
 25 there work. So --

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1 Q. You recall you purchased everything from
 2 Valero --
 3 A. Valero, yeah.
 4 Q. -- not from Gas-O-Mat?
 5 A. Yeah.
 6 Q. So not from Gas-O-Mat, from Valero?
 7 A. Yeah. From Beacon or Diamond Shamrock,
 8 whatever, no Gas-O-Mat, yes.
 9 Q. Okay. Does this document refresh your
 10 recollection as to the time frame of your taking over
 11 the business?
 12 A. Yes.
 13 Q. Okay. And what time frame was that?
 14 A. I think we take over on the 10th.
 15 Q. Of what year?
 16 A. 2002. Yeah, before we fill up the application
 17 here.
 18 Q. Okay. So let's put that aside for now and
 19 let's look back at Exhibit 12, which we were just
 20 looking at. And if you would turn to Figure 2, which is
 21 Bates Page 16633.
 22 A. 16663?
 23 Q. 16633. This map is similar to the one that we
 24 looked at earlier, correct?
 25 A. Yes.