

James Feenan

Mendocino County

From: Donald Hess <climatedon@icloud.com>
Sent: Tuesday, December 5, 2023 10:28 AM
To: pbscommissions
Subject: Comment on Faizan Corporation hearing December 7th
Attachments: CONGAS Letter - MCPC - Faizan.pdf

DEC 05 2023

Planning & Building Services

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Good Morning,

I would like to submit the attached letter as a Public Comment prior to the meeting. Thank you.

Don Hess
Gualala



Date: December 4, 2023

To: Diane Wiederman, Chair, Mendocino County Planning Commission
Planning Commissioners
501 Lowgap Rd., Ukiah, CA 95482 (via email: pbscommissions@mendocinocounty.gov)

From: Woody Hastings, Co-coordinator, Coalition Opposing New Gas Stations

Re: **Gas Station Proposal located at 9621 & 9601 North State St, Redwood Valley; APNs 162-100-58 & 162-100-59; Case # U_2021-0016/V_2021-0005 – FAIZAN CORPORATION & 898 MAIN STREET LLC**

Dear Chair Wiederman and Commissioners:

The Coalition Opposing New Gas Stations (CONGAS) is a not-for-profit, all-volunteer community-based organization founded in Sonoma County in 2019. Our mission is to halt the permitting of new gasoline/diesel fueling stations. We are motivated by the longstanding social and environmental injustice and harm wrought by extraction and use of fossil fuels, and by the rapidly deepening climate crisis that is upon us. Since 2019 CONGAS has succeeded in halting three new gas station proposals and has played a role in Sonoma County and six cities in the County adopting ordinances that impose a permanent prohibition on the construction of new gas stations. Thank you for the opportunity to comment.

We were shocked to learn that there is a possibility that this particular applicant may be granted a use permit to open a new gas station in Redwood Valley.

Faizan Corporation is not a trustworthy operator. Faizan and its owner Mahmood Alam, were ordered earlier this year to pay a \$500,000 settlement¹ based on findings that the corporation repeatedly failed to comply with state environmental laws related to monitoring, reporting, and remediating problems related to fuel storage at their gas stations.² Faizan, Inc. owns gas stations in Sonoma County and several other Bay Area counties. In Sonoma County, the judgment affected the Chevron gas station at 2225 Cleveland Ave. in Santa Rosa, a well-known location.

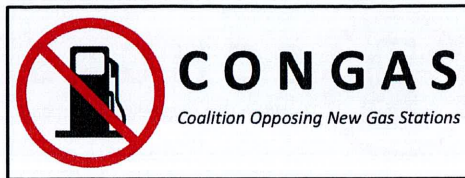
Alameda County Superior Court Judge Charles Smiley's ruling³ also affected stations in Alameda, Contra Costa, Lake, Marin, Yolo, and Mendocino counties. In Mendocino County, Faizan was fined for groundwater contamination at the gas station at 390 E. Gobbi Street in Ukiah.⁴

¹ The settlement was negotiated down from what would have been a multi-million dollar fine in exchange for a promise to play by the rules.

² <https://www.pressdemocrat.com/article/news/santa-rosa-gas-station-owner-ordered-to-pay-500k-for-environmental-violati/>

³ <https://da.sonomacounty.ca.gov/faizan-corporation-and-mahmoud-alam-to-pay-500000-to-settle-violations-at-numerous-retail-gas-stations-in-california>

⁴ <https://www.yellowpages.com/ukiah-ca/mip/ukiah-express-5873352>



Some specific findings in the case include that Faizan:

- *"failed to adequately install, monitor, operate and calibrate equipment on-site designed to detect leaks, and failed to comply with laws regulating hazardous waste and hazardous materials at certain stations"*
- *"failed to label fuel dispensers with the correct octane rating and price per gallon, and falsely advertised the sale of lower-octane gasoline as higher-octane at certain stations"*

This abominable track record alone is enough justification for the Planning Commission to use its discretionary authority and deny this use permit.

There is no need for a new gas station in this location. There are two operating gas stations, Redwood Valley and Coyote Valley Casino gas stations, within a five-mile radius of the proposal site (see map below), so there is no need for another one in this area as gasoline-powered cars are phased out over the coming two decades.

Underground storage tanks are designed to operate for at least 40 years, which, if this gas station is completed in 2025, would bring us to 2065, 20 years *after* the state of California's goal of total fossil fuel phaseout. This is not only a bad business investment, but it is also a bad investment on the part of the County.

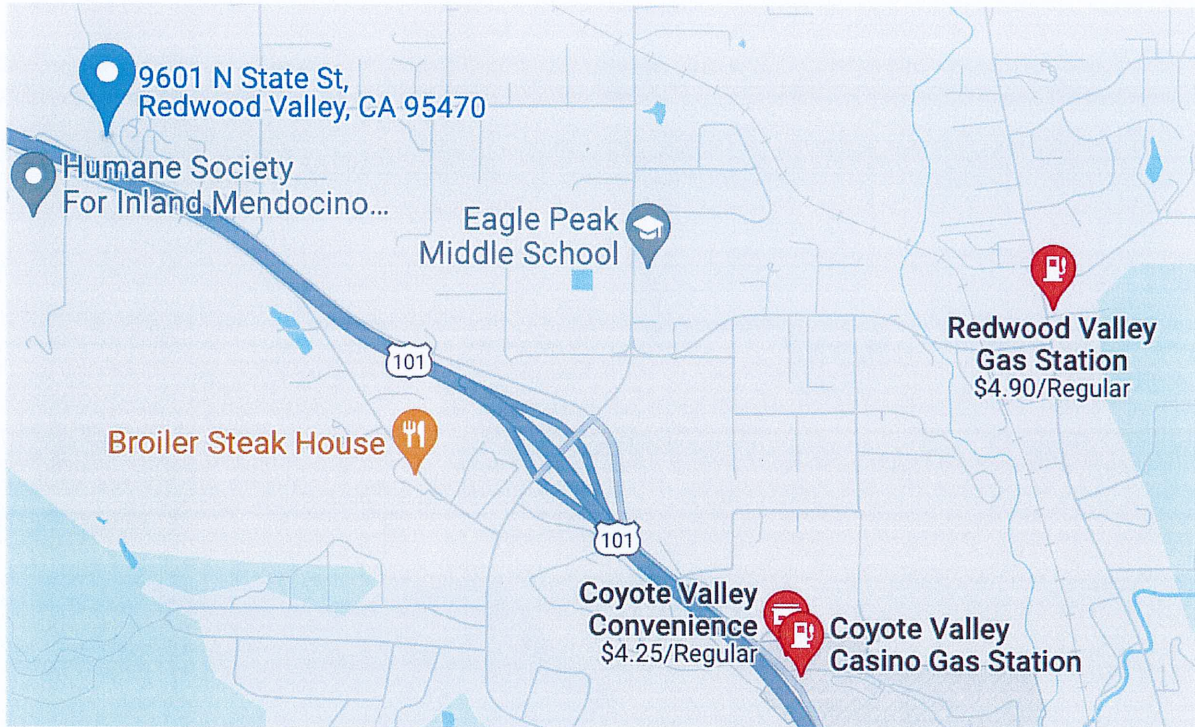
County resources are involved in any business operation. There are unique risks associated with gas stations because they are, by definition, hazardous sites where toxic materials are present. The risk, in addition to the real threat to public health, is that Mendocino County taxpayers will be left holding the bag to clean up the site. The County has the opportunity to avoid making the mistake of approving this use permit and it should exercise that authority wisely.

CONGAS strongly urges the Commission to recognize that this applicant is not to be trusted to play by the rules with a new gas station, abide by its 2020 Climate Emergency Declaration⁵ which calls for a rapid *"just transition away from fossil fuels,"* and deny the use permit.

Sincerely,

W. Woodland (Woody) Hastings, Co-coordinator, CONGAS

⁵ <https://www.cedamia.org/wp-content/uploads/2020/08/Mendocino-County-Declaration-of-Climate-Emergency.pdf>



The proposed site 9601 N. State St. is in blue text in the upper left. Two operating gas stations, Coyote Valley Casino and Redwood Valley are within a five-mile radius. There is no need for another station.

cc:

- Mendocino County Planning Commissioners: Alison Pernell, Clifford Paulin, Elora Babbini, Marie Jones
- Mendocino County Supervisors Glenn McGourty, Dan Gjerde, John Haschak, Ted Williams, Maureen Mulheren
- Julia Krog, Director Planning and Building Services