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Attorneys for Settling Defendants

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

CENTER FOR ENVIRONMENTAL HEALTH,

Plaintiff,

v.

AERODYNAMIC AVIATION, *et al.*,

Defendants.

Case No. RG-11-600721

Hon. Somnath Raj Chatterjee

DECLARATION OF STEVEN E. RUBIN IN SUPPORT OF DEFENDANTS' OPPOSITION TO MOTION TO ENFORCE AND MODIFY CONSENT JUDGMENT

Date: February 25, 2025
Time: 2:30 p.m.
Reservation Number: 690015831804

Complaint Filed: October 20, 2011

DECLARATION OF STEVEN E. RUBIN

I, Steven E. Rubin, declare:

1. I am a general aviation ("GA") pilot and airplane owner. I submit this declaration in support of Settling Defendant's Opposition to Plaintiff Center for Environmental Health's ("CEH") Motion to Enforce and Modify Consent Judgment in the above-captioned matter. I have personal knowledge of the matters set forth herein. If called and sworn as a witness, I could and would testify competently thereto.

2. I have been a GA pilot since 1999 and hold a U.S. Federal Aviation Administration (FAA)-issued private pilot certificate, with single and multi-engine land and instrument endorsements. I am also owner of Rubin Broadcasting, Inc., which owns and operates a 1981 Cessna 421C, a twin-engine piston airplane, serial number 421C1087, registration number N6867L ("N6867L"). Attached hereto as **Exhibit A** is a true and correct copy of the registration details for N6867L, which is publicly available at: https://registry.faa.gov/aircraftinquiry/Search/. N6867L is equipped with two Continental Motors GTSIO-520-N piston engines. My N6867L is kept at Reid-Hillview Municipal Airport of Santa Clara County, CA ("Reid-Hillview").

3. In November 2024, I had the General Aviation Modifications, Inc., ("GAMI") G100UL unleaded aviation gasoline ("avgas") Supplemental Type Certificate installed on N6867L. On December 1, 2024, I purchased and fueled N6867L for the first time with approximately 100 gallons at Reid-Hillview.

4. On December 12, 2024, I visually observed what appeared to be fuel seeping around N6867L's wing access panels. The same areas appeared to have paint that was bubbled around the access panels. I noticed the same thing happening around the access panel on the top of the wing.

5. Photographs of N6867L's affected areas were taken for me by Michael Luvara, an aeronautical engineer and pilot with whom I know to have experience with the potential problems associated with G100UL. Attached hereto as **Exhibits B and C** are photographs, which I have reviewed and affirm are true and correct, of N6867L's wing access panels, showing the seeping and bubbled paint. On December 15, 2024, I took another picture of the affected area on

N6867L's left wing, which I annotated with "left wing dec 15" and circled the access panels; this image in attached hereto as **Exhibit D**, which I have reviewed and affirm is true and correct. On December 30, 2024, Mr. Luvara took additional pictures of the affected areas, which appeared to show the condition having worsened. I also annotated this photograph with "left wing dec 30" and again circled the affected areas; this image, which I have reviewed and affirm is true and correct, is attached hereto as **Exhibit E**.

6. On January 23, 2025, I emailed the aforementioned photographs the FAA San Jose Flight Standards District Office (FSDO). I was subsequently informed, via email, that the FSDO was investigating similar instances. A true and correct copy of this email is attached hereto as **Exhibit F**.

7. On February 2, 2025, GAMI co-founder George Braly, Esq., came to inspect N6867L. Another airplane owner with whom I am familiar at Reid-Hillview, Kristen McIntyre, who also experienced possible damage after the G100UL was first used in her Cirrus SR22T (registration number N155KM), was also present. During this interaction, Mr. Braly was defensive and argumentative with Ms. McIntyre and myself and stated that all the airplanes he had looked at (which I understood to be a reference to other airplanes have experienced problems after G100UL fuel was used) had poor maintenance performed or incorrect fuel tank sealant work. Additionally, he made utterances that indicated to me that he intended to send me new seals for N6867L. As of February 15, 2025, I have not received any follow-up, nor any seals or gaskets, from Mr. Braly or any other representative from GAMI.

8. As of February 15, 2025, N6867L has not yet been defueled. I desire to remove the G100UL from N6867L as soon as possible; however, several problems exist. First, I am not sure if Reid-Hillview will be able to properly defuel and store the G100UL-100LL mix—especially because it would be 160 gallons. Additionally, if I can indeed defuel the airplane, 100LL is no longer sold at Reid-Hillview; there is no other high-Octane fuel options at the airport. Of note, my airplane cannot use the other fuel available at Reid-Hillview, the Swift 94 Unleaded ("UL94") because it has a lower Octane. In short, I will have to find a logistical way to bring 100LL to the airport.

9. Conversely, I could fly N6867L, with the G100UL in the tanks, to another location where I can get the fuel tanks, fuel system, engine, etc., thoroughly inspected (as the full extent of damage has remained unknown); however, I would have to assume what I perceive to be a safety risk flying an airplane with active leaking, potentially compromised fuel gaskets, seals, and/or other unidentified safety issues.

10. As of February 15, 2025, the full extent of the damage to N6867L has remained unknown. If no damage exists beyond compromised gaskets, then it will cost approximately $10,000 to replace them and repair the affected areas of paint. However, because the rest of the fuel system and engines needs to be visually inspected (to include with the use of a borescope)—after the airplane has been defueled—the potential cost, to the best of my knowledge, could likely increase by $20-25,000.

11. I do not plan to purchase and use any G100UL in the future and will only use 100LL and/or other approved high-Octane fuels.

12. I am now familiar with Textron Aviation's *Multi-Engine Piston Communiqué ME-P-005*, dated December 19, 2024 ("Communiqué"), which states "Textron Aviation has not yet approved G100UL for use in its piston engine products[,]" which is attached hereto as **Exhibit G**. The Communiqué was not available to Cessna owners, including myself on December 1, 2024, when I first fueled N6867L with G100UL; however, I will adhere to the Communiqué's recommendations henceforth.

13. On February 16, 2025, upon my personal inspection of N6867L, I discovered another fuel-related deficiency with the airplane. When I attempted to conduct an operational check of my fuel crossfeed actuators, to include the emergency crossfeed shutoff tab, I discovered a problem with the system's normal operation. For reference, an airplane's crossfeed actuators allows the pilot to manually switch which tank from which the engine(s) will pull fuel while operating. In N6867L, which has two engines, each engine possesses an independent fuel crossfeed selector, which allows me to pull fuel for the right or left engines from either the left or right fuel tanks. The system also includes a red-colored emergency fuel crossfeed shutoff tab

("shutoff tab"), which is normally easy to operate, and designed to be lifted vertically with one hand using minimal pressure, by pulling the red tab up.

14. On February 16, 2025, I took a video of this on my personal cellular telephone and sent it to Carsten Hoyt, General Counsel, General Aviation Manufacturers Association, for review. On February 17, 2025, Mr. Hoyt took two screenshots from my video, which I have reviewed and affirm are true and correct and are attached hereto as **Exhibit H** (this screenshot depicts the right fuel crossfeed actuator with my finger pointing to it) and **Exhibit I** (this screenshot depicts the shutoff tab, with my finger pointing to it), for reference. When I attempted to operate the right fuel crossfeed actuator, for the right engine, it would not properly switch from the green-colored "right tank" selector position to the yellow-colored "left tank" position; it seemed the right actuator would not switch from the right tank to the left tank. Additionally, when I attempted to operate the shutoff tab, it required me to exert significant physical force to pull it up, which indicated to me that something was causing it to stick. It is noteworthy to mention that I was standing on the ground when I attempted to pull the shutoff tab, and that I do not think, based on the amount of physical force I had to exert, that I could operate the shutoff tab while seated in the airplane—especially while flying it. On February 16, 2025, I also spoke with my mechanic, who stated seals or gaskets in the fuel line, around the actuators, could be swollen or damaged, which has caused this problem.

15. As of February 17, 2025, N6867L is not in an airworthy condition and is not safe to fly.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 17th day of February, at San Jose, CA.

By: _____
Steven E. Rubin

EXHIBIT A

FAA REGISTRY

N-Number Inquiry Results

N-NUMBER ENTERED: 6867L

AIRCRAFT DESCRIPTION

Serial Number	421C1087	Status	Valid
Manufacturer Name	CESSNA	Certificate Issue Date	11/29/2023
Model	421C	Expiration Date	11/30/2030
Type Aircraft	Fixed Wing Multi-Engine	Type Engine	Reciprocating
Pending Number Change	None	Dealer	No
Date Change Authorized	None	Mode S Code (base 8 / Oct)	52216331
MFR Year	None	Mode S Code (Base 16 / Hex)	A91CD9
Type Registration	Corporation	Fractional Owner	NO

REGISTERED OWNER

Name	RUBIN BROADCASTING INC		
Street	556 N 16TH ST		
City	SAN JOSE	State	CALIFORNIA
County	SANTA CLARA	Zip Code	95112-1730
Country	UNITED STATES		

AIRWORTHINESS

INFORMATION PROVIDED HERE SHOULD NOT BE USED TO DETERMINE THE AIRWORTHINESS OF AN AIRCRAFT.

Refer to 14 CFR Parts 39, 43, 91, and FAA Order 8130.2 for airworthiness regulations and guidance.

Type Certificate Data Sheet	None	Type Certificate Holder	None
Engine Manufacturer	Unknown	Classification	Standard
Engine Model	Unknown	Category	Normal

A/W Date	07/29/1981	Exception Code	No

The information contained in this record should be the most current Airworthiness information available in the historical aircraft record. However, this data alone does not provide the basis for a determination regarding the airworthiness of an aircraft or the current aircraft configuration. For specific information, you may request a copy of the aircraft record at https://aircraft.faa.gov/e.gov/ND/

OTHER OWNER NAMES

None

TEMPORARY CERTIFICATES

Certificate Number	T233977	Issue Date	12/11/2023	Expiration Date	01/10/2024

FUEL MODIFICATIONS

None

DEREGISTERED AIRCRAFT

None

The duration of aircraft registration certificates has been extended up to 7 years. The Registry will be issuing revised certificates in batches based on the former expiration date. For verification purposes, even though the expiration date on the registration certificate may not match the expiration date in the FAA Aircraft Registration database, any registration certificate displaying an expiration date of January 31, 2023 or later is still valid. This applies to all foreign Civil Aviation Authorities or anyone else with a verification need.

- ***Any communications or data transiting or stored on this information system may be disclosed or used for any lawful Government purpose.***

EXHIBIT B

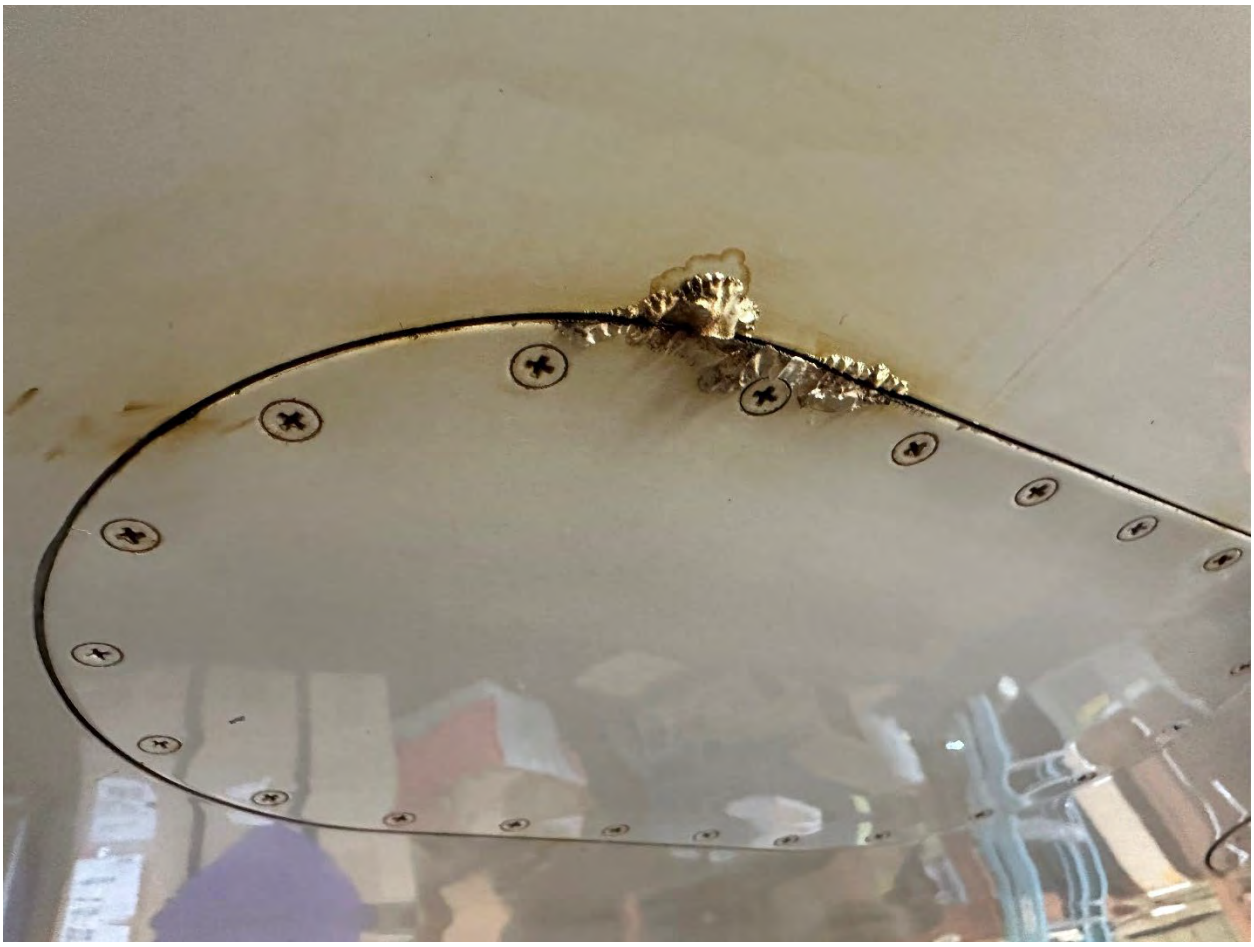


EXHIBIT C

EXHIBIT D


Left wing
Dec 15

EXHIBIT E


Left wing
Dec 30

EXHIBIT F

From: Steve Rubin
To: Carsten Hoyt
Subject: Fwd: Possible damage from G100UL on a Cessna 421C N6867L at KRHV
Date: Monday, February 10, 2025 3:50:53 PM
Attachments: [illegible]
[illegible]
[illegible]

You don't often get email from steverubin@gmail.com. Learn why this is important

-steve

Begin forwarded message:

From: "Straughn, David C (FAA)" <david.c.straughn@faa.gov>
Date: February 10, 2025 at 11:14:19 PST
To: steverubin@gmail.com
Cc: "7-AWP-SJC-FSDO (FAA)" <7-AWP-SJC-FSDO@faa.gov>
Subject: RE: Possible damage from G100UL on a Cessna 421C N6867L at KRHV

Dear Mr. Rubin,

Thank you for your follow-up. We are still investigating the reported items regarding G100UL.

We appreciate your patience, and we will be in touch as soon as we have more information.

Thank you for bringing this to our attention!

Best Regards,
David

David Claussen Straughn
Safety Inspector, San Jose Flight Standards District Office
1250 Aviation Avenue, Suite 295
San Jose, CA 95110
(O) 408-795-4021
General Office Email: 7-awp-sjc-fsdo@faa.gov

From: 7-AWP-SJC-FSDO (FAA) <7-AWP-SJC-FSDO@faa.gov>
Sent: Monday, February 10, 2025 11:03 AM
To: Straughn, David C (FAA) <david.c.straughn@faa.gov>
Subject: FW: Possible damage from G100UL on a Cessna 421C N6867L at KRHV

From: Steve Rubin <steverubin@gmail.com>
Sent: Monday, February 10, 2025 9:38 AM
To: 7-AWP-SJC-FSDO (FAA) <7-AWP-SJC-FSDO@faa.gov>
Subject: Re: Possible damage from G100UL on a Cessna 421C N6867L at KRHV

I just wanted to follow up on this. I am aware of another 421C at RHV with severe tank and gasket leaks after using G100UL now. The owner switched back to 100LL after replacing gaskets, but now the tank itself leaks.

From: "7-AWP-SJC-FSDO (FAA)" <7-AWP-SJC-FSDO@faa.gov>
Date: Thursday, January 23, 2025 at 12:02
To: Steve Rubin <steverubin@gmail.com>
Subject: RE: Possible damage from G100UL on a Cessna 421C N6867L at KRHV

Mr. Rubin,

Thank you for notifying this office communicating your concerns related to the subject fuel use.

This office is currently investigating similar occurrences. The information you have provided will be forwarded to the investigating team for their review and analysis.

Thanks again for you notification.

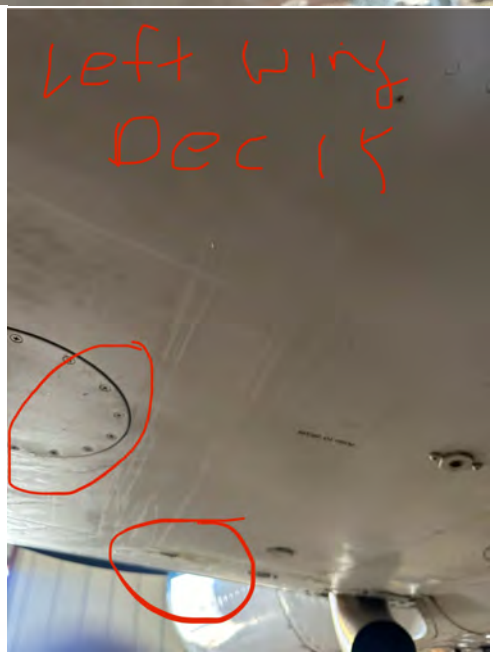
Regards,

San Jose Flight Standards Office

sdr

From: Steve Rubin <steverubin@gmail.com>
Sent: Thursday, January 23, 2025 10:35 AM
To: 7-AWP-SJC-FSDO (FAA) <7-AWP-SJC-FSDO@faa.gov>
Subject: Possible damage from G100UL on a Cessna 421C N6867L at KRHV

After seeing the various articles about G100UL and damage to fuel tanks, I wanted to reach out and report damage to my Cessna 421C, N6867L. After topping off the plane with G100UL shortly after the introduction at RHV, I found I was starting to get leaks in the tank inspection panels on the top and bottom of the wings. Following the tank leaks, the paint also started to get damaged in several locations.


Left Wing
Dec 15


Left wing
Dec 30

EXHIBIT G

Multi-Engine Piston Communiqué

Communiqué ME-P-005
December 19, 2024

ATA 28 – Use of Unleaded Fuels Not Yet Approved by Textron Aviation or Engine Manufacturers

Affected Models:
All Multi Engine Cessna and Beechcraft models that utilize aviation gasoline.

Textron Aviation has been working with FAA, fuel manufacturers and distributors, airports, and other Original Equipment Manufacturers for a number of years in an effort to identify, test and certify alternative fuels to replace leaded fuels in order to eliminate lead-based additives from aviation fuel. For example, Textron Aviation has previously approved UL91 and UL94 (manufactured under ASTM D7547) for use in certain Textron Aviation aircraft.

As a part of these ongoing efforts, Textron Aviation has been actively involved in and providing technical and in-kind support to both the FAA Piston Engine Aviation Fuels Initiative (PAFI) and in the Eliminate Aviation Gasoline Lead Emissions (EAGLE) programs. Each of these programs seeks to provide comprehensive testing of candidate replacement fuels for engine performance, materials compatibility, and operational safety.

Textron Aviation is aware that there are certain aviation fuels that have been granted Supplemental Type Certification (STC) for use in certain aircraft engines through the FAA in a process that is separate and apart from the PAFI and EAGLE programs. For example, the GAMI G100UL fuel received such an STC approval. Because the STC process, unlike the PAFI and EAGLE programs, does not involve broad aviation industry coalition participation, neither Textron Aviation nor its engine suppliers, Lycoming and Continental Motors, have had the opportunity to conduct the type of comprehensive and wide-ranging performance, compatibility and operational testing with respect to that fuel needed to provide a basis for approval of the fuel for use in Textron Aviation's current and legacy fleet of Cessna and Beechcraft aircraft.

Textron Aviation has been made aware that at least one other aircraft OEM has begun more comprehensive testing of GAMI G100UL in their airframes. Textron Aviation has also been made aware of reports indicating that two different OEMs have been advised of reported issues with fuel tank sealant degradation following exposure of those sealants to G100UL. These kinds of reported materials compatibility issues give rise to concerns about the continuing airworthiness of aircraft that may be operated on fuels that have not yet been comprehensively tested by Textron Aviation and/or by its engine suppliers.

The continued airworthiness and operational safety of our products and their reliable service to our customers and their passengers is of paramount importance to Textron Aviation. For these reasons, Textron Aviation has not yet approved G100UL for use in its piston engine products. Such approval can only be made by Textron Aviation if the fuel is approved by its engine

suppliers and has also undergone testing to confirm its airframe fuel systems performance, compatibility, and operational safety.

Please refer to applicable Textron Aviation approved Owner's Manuals, Pilot Operating Handbooks, Aircraft Flight Manuals, placards, and Service Bulletins SEB-28-04R1 or MEB-28-01 (or later revisions) for a listing of fuels that are Textron Aviation approved for use in your aircraft.

EXHIBIT H

RIGHT
MAIN
LEFT
MAIN
ERGENCY CROSSFEED
SHUTOFF VALVE
PULL
TO SHUT OFF
RIGHT
OFF

EXHIBIT I


EMERGENCY CROSSFEED
SHUTOFF VALVE
PULL
TO SHUT OFF