

**From:** [Brian Kelleher](#)  
**To:** [Plunkett, Steven, Env. Health](#)  
**Subject:** Re: 900 Central Ave Alaemda LUFT Site: Corrective Action Plan Needs County Approval  
**Date:** Monday, September 28, 2009 11:11:35 AM  
**Attachments:** [Hines Smith et al letter 9.10.09.PDF](#)  
[bkellehr.vcf](#)

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Hi Steve

I have attached a letter I recently received from the current owner of the above LUFT site who is very concerned with the lack progress in getting a cleanup plan approved. This property, a former corner gas station that was redeveloped for residential use in the 1980s, is involved in a highly complex lawsuit which has been settled in principal upon County approval of the CAP without substantive changes.

It is the ardent and urgent desire of all parties to the litigation and the Case Special Master, that the proposed remedial excavation work take place this year. As soon as the County approves the CAP, the litigating parties have agreed to advance \$330,000 to a corrective action account to fund the work. They are standing by waiting to write their checks.

While you were on vacation, Alameda County Superior Court Case Special Master William Nagle and I talked to your supervisor Donna Drogos who was kind enough to provide some very helpful suggestions that were intended to help ensure prompt CAP approval. RRM revised the CAP accordingly to include more detailed information on the costs and time tables for the three active remedial options that were considered. This includes several additional tables and an additional appendix. We submitted the revised CAP to your office last week.

The CAP provides a very sensible and cost effective remedial excavation approach that is virtually certain to lead to prompt regulatory closure. I say that with confidence in that just a year ago RRM completed very similar remedial excavation programs for LUFT sites in Newark and Daly City, and both are in the process of being closed after the conduct of four followup groundwater monitoring events that demonstrated that site groundwater was thoroughly and sufficiently remediated. I can send you the closure summary report for Newark which has just been finalized. You can also talk to the ACWD case worker for the Newark site who will confirm the viability and benefits of the approach of remediating groundwater by excavating saturated soils (see below). The closure summary for Daly City is due for submittal in December.

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Steve, we really need your help here. Please approve the CAP in time for us to get the work done this year. We are running out of time.

By copy of this letter, I am recommending that Special Master give you a call today or

otherwise ASAP. I plan to do the same. Steve's telephone number is 510-383-1767.

Brian Kelleher  
Court Consultant/Project Coordinator