

From: [Brian Kelleher](#)
To: [Laurie Sherwood](#)
Cc: [Joseph D. Ryan](#); [William L Nagle](#); [Kim Dince](#); [WARD, MARGARET G](#); [Barbara Holland](#); [Hal Reiland](#); [Jay Holland](#); [Guy Holland](#); frontdeskeem@yahoo.com; [matt kaempf](#); [Matt Paulus](#); [Plunkett, Steven, Env. Health](#)
Subject: Re: Pearce v Thompson et al: 900 Central Alameda: California Legislation - Bills Recently Sent to the Governor
Date: Tuesday, November 17, 2009 5:38:03 PM
Attachments: [revised_estimate_900_central.pdf](#)
[bkellehr.vcf](#)

To all:

I have attached RRM's preliminary T&M cost estimate for conducting the additional vapor sampling that the County tentatively indicated would be needed as a condition of CAP approval. Without knowing how many sampling points the County is going to ultimately ask for or approve, RRM is estimating the costs at about \$15,000.

It is my understanding, that RRM attempted to convince the County that the sampling was not really needed given site specific conditions, but to no avail.

Most of the local oversight programs are requesting soil gas sampling these days to support site closure petitions where the RP's consultants are proposing to leave levels of contamination in place that exceed risk based cleaned goals for soil and groundwater. That is not the case here. Remarkably, in some cases oversight agencies, presumably under pressure from the cash-strapped FUND, are requiring consultants to conduct soil gas sampling to prove that leaving relatively high levels of contamination in place creates a vapor intrusion hazard to defend an active remediation proposal. This is a somewhat controversial new development that has many environmental professionals like myself shaking their heads. In preparing the CAP, RRM had already taken this new development into consideration as well as the fact that the site is a residential setting and the contaminated interval potentially intercepts underground utilities. If RRM thought the testing was soil gas testing was needed they would have recommended it

At this point, we are still awaiting the County's preliminary approval letter for the CAP. Given that we still need to go through a 30-day public comment period before the County can issue its final approval, the CAP implementation work is going to have to take place next year if it takes place at all. The fact that the County is not returning calls or e-mails at this point is not a good sign

I did try hard, but to no avail. Its been that kind of year.

With respect to the Hollands, as far as I know, Jack Holland Jr is the only one who has sent tax info to the FUND so far. The last I heard from Hal Reiland, he was still holding Barbara Holland's tax returns but was going to forward them to the FUND. I cannot confirm he actually did . I placed a call to the FUND and expect to know by this Thursday if they have received Barbara's records. Mr. Reiland has not been returning calls of late.

At this point there is still significant uncertainty as to whether Anne Marie Holland is going to submit any records to the FUND. Mr. Martins, who is the attorney for the Jack Holland Sr estate, reportedly was scheduled to meet with Anne Marie last week. He has not returned my latest calls which is not a good sign.

In short, the case settlement remains in peril.

I already recently forwarded the good news that the governor signed AB 1188 increasing the UST maintenance fee for one year by 0.6 cents per gallon, so the FUND has a lease on life for the next year or two.

Hopefully the County will respond soon, Barbara Holland and the Holland Estate will cooperate by submitting tax records to the FUND, and the three carriers will agree to cover the increased costs if the County requires vapor sampling.

I will keep everyone posted.

Brian Kelleher
Court consultant/Project coordinator

Laurie Sherwood wrote:

Also, do we have an estimate for the additional work required by the County and/or is there any way to minimize this? Thank you. Laurie

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

From: Laurie Sherwood
Sent: Tuesday, November 17, 2009 1:58 PM
To: 'bkellehr@ix.netcom.com'; Joseph D. Ryan
Cc: William L Nagle; Kim Dincel; WARD, MARGARET G; Barbara Holland; Hal Reiland; Jay Holland; Guy Holland; frontdeskeem@yahoo.com; matt kaempf;
Matt Paulus; Plunkett, Steven, Env. Health
Subject: RE: Pearce v Thompson et al: 900 Central Alameda: California
Legislation - Bills Recently Sent to the Governor

Brian: Any update on the Holland parties? Thanks. Laurie

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

From: Brian Kelleher [<mailto:bkellehr@ix.netcom.com>]
Sent: Wednesday, November 04, 2009 11:47 AM
To: Joseph D. Ryan
Cc: William L Nagle; Laurie Sherwood; Kim Dincel; WARD, MARGARET G;
Barbara Holland; Hal Reiland; Jay Holland; Guy Holland;
frontdeskeem@yahoo.com; matt kaempf; Matt Paulus; Plunkett, Steven, Env. Health
Subject: Re: Pearce v Thompson et al: 900 Central Alameda: California
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To all:

All three Holland parties have contacted me since my last e-mail and all three have expressed a willingness to cooperate. I will provide an update at the end of the week.

Brian Kelleher
Project coordinator/court consultant

Joseph D. Ryan wrote:

What do we do about the Holland parties recalcitrance,
sue them for

declaratory relief? Comments?

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

From: Brian Kelleher [<mailto:bkellehr@ix.netcom.com>]
Sent: Wednesday, November 04, 2009 11:28 AM
To: William L Nagle; Laurie Sherwood; Kim Dincel; Joseph
D. Ryan; WARD,

MARGARET G; Barbara Holland; Hal Reiland; Jay Holland;
Guy Holland;
frontdeskeem@yahoo.com
Cc: matt kaempf; Matt Paulus; Plunkett, Steven, Env.
Health
Subject: Pearce v Thompson et al: 900 Central Alameda:
California
Legislation - Bills Recently Sent to the Governor

To all:

According to the attached, we are just the governor's
signature away

from a least a temporary resolution of the USTCF's current cash
flow
problems. Assuming he signs it, the one-year increase in the fuel
maintenance fee from 1.4 to 2 cents per gallon will go into effect
1/1/10.

Brian Kelleher

<http://www.aroundthecapitol.com/billtrack/enrolled.html>

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