

Jim Ho

From: Jim Ho [jho@erscorp.us]
Sent: Thursday, April 02, 2009 8:01 AM
To: Paresh C Khatri
Subject: Request for the postpone of Soil and Groundwater Investigation Report due on May 4, 2009 (6600 Foothill Blvd, RO175)

Dear Paresh:

You have reviewed both the Work Plan and Work Plan Addendum for the 2009 data gap investigation (final site characterization) of the subject site. Your concurrence is included in the ACEH February 6, 2009 letter. The due date for the 2009 Soil and Groundwater Investigation Report is May 4, 2009. All the field activities and subcontractors have been arranged and identified. We had scheduled to perform the investigation in March 2009. Unfortunately, due to the following issues, I don't think ERS will be able to meet the above schedule:

1. The UST Cleanup Fund has decided to delay the reimbursement (payment) for 6 to 18 months. ERS has not received any payment for the consulting services conducted since July 2008. Thus, ERS encounters cash flow problem. I had a meeting with Ravi Sekhon, the Claimant of the Fund, on March 6, 2009. Mr. Sekhon could not pay any amount of money upfront to relieve ERS' financial stress. Thus, ERS cannot pay the permit fee and subcontractor costs upfront.
2. We have received off-site access permits from four property owners (four out of five). However, we have problem reaching the property owners (Harrison Huynh and Jeanette Kim) of 6601 Foothill Blvd. Thus, one off-site access permit is still not available.
3. In order to drill bores along the utility trenches and to install wells in Foothill Blvd and Heavenscourt Blvd, we need to apply an encroachment permit from the City of Oakland. Mr. Abdul Ghaffar, the property owner, has not been able to provide required documents to allow us submitting the application for an encroachment permit. I have contacted Mr. Ghaffar many times. He said he needs more time to gather the documents including the Liability Certificate and a copy of the Grand Deed.

Although there is still one month left, I don't think the above issues can be resolved in time, especially there is no time table set for Issue #1. It is very difficult for me to write this letter. I was hoping the situation could be changed so I did not have to make this request. I cannot wait any longer and have to write this letter. I cannot tell you how long we will postpone the 2009 investigation. Any ideas and assistance for solving any of the above issues are very appreciated.

Sincerely,

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