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Alameda County
Environmental Health

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David Buccolo
General Manager

Richard Grigsby
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October 5, 2007

Mr. Jerry Wickham
Hazardous Materials Specialist
Alameda County Health Agency
1131 Harbor Bay Parkway
Alameda, California 94502

Re: Response to Additional Request for Work Plan for Site Investigation
Alameda Belt Line, 1925 Sherman Street, Alameda, CA 94501
SLIC Case RO0002487 and Geotracker Global ID T06019761967

Dear Mr. Wickham:

I declare under penalty of perjury that to the best of my knowledge the information and/or recommendations contained in the attached report is/are true and correct.

If you have any questions or need additional information, please contact me at (209) 466-6927.

Sincerely,



Dave Buccolo
General Manager
Central California Traction Company

Attachment

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October 5, 2007

TRC Project No. 151792

Mr. Jerry Wickham
Hazardous Materials Specialist
Alameda County Health Care Services
1131 Harbor Bay Parkway
Alameda, California 94502-6577

RE: Response to Additional Request for Work Plan for Site Investigation
California Central Traction Company / Oakland Terminal Railway
Alameda Belt Line, 1925 Sherman Street, Alameda, CA 94501
SLIC Case RO0002487 and Geotracker Global ID T06019761967

Dear Mr. Wickham:

On behalf of Alameda Belt Line (ABL), TRC is responding to the September 4, 2007 letter from the Alameda County Environmental Health (ACEH) issued in response to the August 7, 2007 Response to Request for Work Plan for Site Investigation. In our previous response letter (August 7, 2007), TRC requested the ACEH rescind the previous request for additional site investigation based on the fact that the existing site data did not, in our opinion, justify further site investigation for the reasons we stated in the response letter.

Response to Technical Comment 1 – Lack of a Perjury Statement

TRC was aware of the requirement for a perjury statement but neglected to include the statement upon submittal of the response letter. TRC will comply with this requirement and include a perjury statement with all future reports and correspondence.

Response to Technical Comment 2 - Invalid Assumption Regarding Site Characterization and Use of Screening Criteria

TRC did in fact compare the data sets from both the Phase II Environmental Site Assessment (ESA) (URSGWC, 1999) and the Report of Emergency Response and Remedial Action (CLS, 2007) to the current Environmental Screening Level (ESL) for lead in shallow soils for both residential and commercial/industrial land use. However, there was no discussion regarding the adequacy of the data set or conclusions regarding human health risks. At issue is not the adequacy or completeness of the data set, but whether the current data justifies the decision by the ACEH to request a site-wide investigation. During the Phase II ESA, a total of 30 soil samples were collected and analyzed from 12 boring locations and five surface sample locations across the 22-acre site. However, only one of the 30 samples reported a lead concentration above any screening level, and the remaining 29 samples were well below the most conservative residential ESL.

Is it the ACEH's intention to require a site-wide investigation of a commercial/industrial facility based on one elevated lead result in 30 samples, or is a residential standard being applied in this case based on potential future land use should the property be sold? The ultimate goal of the Phase II ESA prepared by Sun Country Partners, LLC was to "satisfy the requirements of the ACEH and the City of Alameda for residential development of the site." The ABL however has no plans for residential development or rezoning of the site and should therefore not be held to the residential standard.

Response to Technical Comment 3 – Statements Regarding Commercial/Industrial ESLs

TRC did not make any statement in the August 7, 2007 response regarding the adequacy of the current site characterization. However, the Phase II ESA did involve the collection and analysis of some 30 soil samples at 12 boring locations and five surface sample locations across the 22-acre site. At issue is the justification for requesting further site-wide investigation based on only one soil result above the commercial/industrial ESL. Two of the confirmation soil samples collected following the excavation of the hydrocarbon spill contained lead at concentrations above the residential ESL but were well below the commercial/industrial ESL. However, the ACEH response following submittal of the Report of Emergency Response and Remedial Action (CLS, 2007) was to require a full site-wide investigation.

The ABL has no issue with responding to specific ACEH questions regarding the Report of Emergency Response and Remedial Action submitted by CLS. However, the ABL does not feel the confirmation soil data obtained following the spill response justifies additional assessment considering the results did not exceed any commercial/industrial ESLs. Again, it appears a residential standard is being applied in this case, possibly to meet a "requirement by the ACEH and the City of Alameda for residential development" as stated clearly in the March 1999 Phase II ESA.

Response to Technical Comment 4 – Schedule Delays

The June 12, 2007 request for extension was to allow TRC to fully review the project and historical files and to allow for discussions with the ABL and their legal counsel regarding the ACEH's request for additional site-wide assessment. The extension period was necessary for TRC and ABL to formulate their position and provide an appropriate response to the ACEH's request for additional site-wide assessment. TRC does not feel the extension request, nor the period of time requested, was unreasonable. We regret your disappointment in the response; however, the response was submitted within the deadline granted by the ACEH and did not result in any perceived schedule delays.

If in fact the site-wide investigation is being requested primarily based on the results (one result) of the Phase II ESA submitted to the ACEH in March 1999, then a more significant delay in the project schedule occurred between submittal of the March 1999 Phase II ESA and issuance by the ACEH of the May 1, 2007 directive letter requesting the site-wide investigation.

At this point it would appear we have differing opinions regarding necessity and purpose for conducting a site-wide investigation of the 22-acre property. The ABL therefore requests a meeting with the ACEH to discuss the site investigation requirements.

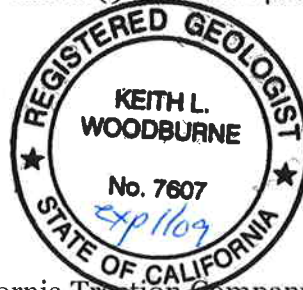
The ABL would propose a meeting be held at the ACEH offices, at a time deemed appropriate for both parties that would include representatives from the ABL and their consultant TRC, and the ACEH staff familiar with the case. It would be helpful if the proposed meeting could be used to discuss the application of residential standards to a commercial/industrial site. It would seem problematic to discuss the need for additional assessment without a clear understanding of the objectives of that assessment.

If you have any questions or comments, please contact me at (925) 688-2488.

Sincerely,



Keith Woodburne, P.G.
Senior Project Manager



- cc: Dave Buccolo, General Manager, Central California Traction Company
Bill Bitting, ABL Legal Counsel
Matt Graham, BNSF Environmental Manager
Russell Light, BNSF Legal Counsel
Mike Grant, UPRR Environmental Manager
Bob Blysmas, UPRR Legal Counsel
Christine Smith UPRR Legal Counsel
Peter Lee BNSF Legal Counsel