

**DEPARTMENT OF TRANSPORTATION****DISTRICT 3**

703 B STREET  
MARYSVILLE, CA 95901  
PHONE (530) 741-4161  
TTY 711  
www.dot.ca.gov/dist3



*Serious Drought  
Serious drought  
Help save water*

August 26, 2015

Mr. Andrew Cooper  
State Water Resources Control Board  
1001 I Street, 16<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Mr. Cooper

**COMMENT LETTER – HILLTOP GAS UST CASE CLOSURE SUMMARY**

The California Department of Transportation is commenting on the State Water Resources Control Board (SWRCB) proposed closure of the underground storage tank (UST) case for Hilltop Gas (T0608918443), located at 722 East Cypress Avenue, Redding, CA. The SWRCB's UST Case Closure Review Summary Report signed July 6, 2015 does not mention and fails to consider soil and groundwater contamination on adjacent, down gradient State of California right-of-way at the intersection of Interstate 5 and East Cypress Avenue.

During widening of the northbound East Cypress Avenue bridge on Interstate 5 in 2011, Caltrans' highway and bridge construction contractors encountered previously unknown soil and groundwater contamination. During pile foundation excavation, gasoline-contaminated soil and groundwater was discovered. Caltrans paid its contractors \$66,000 in contract change orders in order to mitigate and remove contamination during bridge construction. Please refer to the enclosures (six total pages) documenting these contract change order costs. Caltrans is considering its legal options to recover costs related to the contamination.

The contamination discovered during bridge construction is hydraulically downgradient of the Hilltop Gas source of contamination (USTs and former USTs). Please refer to the enclosed aerial photograph to locate the bridge site contamination in relation to Hilltop Gas. There are no known or likely other sources of contamination within the State of California right-of-way or near the bridge construction zone. Additional soil and groundwater contamination is likely to be present within State of California right-of-way, but the Hilltop Gas responsible party has not investigated in this vicinity. Caltrans and its contractors are likely to encounter contamination and incur additional mitigation costs in the event of future subsurface highway construction, utility, or related work.

In addition to the soil and groundwater contamination discovered at the bridge construction zone in 2011, the SWRCB's UST Case Closure Review Summary Report does not mention and fails to consider soil and groundwater contamination along the AT&T utility trench and in vault 79

Mr. Andrew Cooper  
August 26, 2015  
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within State of California right-of-way between the northbound onramp and Interstate 5. Please refer to the enclosed aerial photograph to locate AT&T's utility vault 79 in relation to Hilltop Gas. AT&T reportedly continues to incur costs associated with mitigating the contamination that is likely sourced from Hilltop Gas.

Caltrans is concerned that, in the event of future subsurface construction or work, the Department will incur costs to mitigate soil and groundwater contamination as a result of contamination originating from the Hilltop Gas, particularly if the case is closed by the SWRCB. Please let Caltrans know the SWRCB's rationale for closing Hilltop Gas without consideration of contamination on State of California right-of-way.

Sincerely,



Arron Rambach, PE  
North Region Environmental Engineering Office South

Enclosures

- (1) Contract Change Order documents (six total pages)
- (2) Aerial photograph

c: Melissa Buciak, RWQCB Redding Office (email .pdf)  
Susan Hipley, AT&T Risk Manager (email .pdf)



**CONTRACT CHANGE ORDER**

CEM-4900 (REV 05/2001) CT# 7541-3501-0

Change Requested by:  engineer  contractor

CCO NUMBER	SUPL. NUMBER	CONTRACT NUMBER	ROAD	FEDERAL NUMBER(S)
019	0	02-4C4014	02-SHA-R10.5/R17.5	N/A

TO

Tullis, Inc.

**contractor**

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

Description of work to be done, estimate of quantities and prices to be paid. (Segregate between additional work at contract price, agreed price and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the engineer's estimate.

**EXTRA WORK AT AGREED LUMP SUM:**

In accordance with Section 5-1.146, "Potential Claims and Dispute Resolution," of the Amendments to the May 2006 Standard Specifications, compensate the Contractor for additional costs incurred during the completion of Bent 3R CIDH pile mitigation work. This constitutes full and complete compensation, including all markups, for this work and no additional payment will be made.

The Contractor will receive and agrees to accept the lump sum of \$ 5,946.52 for this change.

This change order provides full and final compensation for and resolves all aspects of the Full and Final Potential Claim Record No. 1, dated January 13, 2012, described as Differing Site Condition, Contaminated Soil and Water Bent 3R CIDH pile mitigation work.

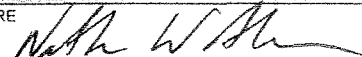
Extra Work at Agreed Lump Sum = \$ **5,946.52**

There will be no time adjustment by reason of this change since the work involved did not affect the controlling operation.


Estimated Cost:  Increase  Decrease \$ 5,946.52

By reason of this order the time of completion will be adjusted as follows: No Adjustment of Contract Time


**SUBMITTED BY**

SIGNATURE 	(PRINT NAME & TITLE) Nathan W. Alexander, Resident Engineer	DATE 06/06/2013 <sup>7/16/13</sup>
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**APPROVAL RECOMMENDED BY**

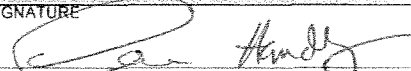
SIGNATURE 	(PRINT NAME & TITLE) James R. Wood, Construction Engineer	DATE 10/2/13
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**ENGINEER APPROVAL BY**

SIGNATURE 	(PRINT NAME & TITLE) Chris Cummings, Area Construction Manager	DATE 10/2/13
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We the undersigned contractor, have given careful consideration to the change proposed and agree, if this proposal is approved, that we will provide all equipment, furnish the materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above. **NOTE: If you, the contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specification as to proceeding with the ordered work and filing a written protest within the time therein specified.**

**CONTRACTOR ACCEPTANCE BY**

SIGNATURE 	(PRINT NAME & TITLE) Chris Handley, Project Manager	DATE 8/13/13
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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**CONTRACT CHANGE ORDER MEMORANDUM**

CEM-4903 (REV 06/2006)

DATE: **08/05/2011**

TO John Rodrigues, North Region Construction			FILE E. A. 02-4C4014	
FROM Nathan W. Alexander, Resident Engineer			CO-RTE-PM 02-SHA-5-R10.5/R17.5	
CCO NO. 016	SUPPLEMENT NO. 0	CATEGORY CODE AGZZ	CONTINGENCY BALANCE (Including this change): \$ 1,467,344.45	
CCO AMOUNT \$ 15,000.00 <input checked="" type="checkbox"/> INCREASE <input type="checkbox"/> DECREASE			HEADQUARTERS APPROVAL REQUIRED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
SUPPLEMENTAL FUNDS PROVIDED \$ 0.00			IS THIS REQUEST IN ACCORDANCE WITH ENVIRONMENTAL DOCUMENTS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
ORIGINAL CONTRACT TIME: 170 DAY(S)	TIME ADJUSTMENT THIS CHANGE: 0 DAY(S)	PREVIOUSLY APPROVED CCO TIME ADJUSTMENTS: 0 DAY(S)	PERCENTAGE TIME ADJUSTED (Including this change) 0 %	TOTAL # OF UNRECONCILED DEFERRED TIME CCOs (Including this change) 0

THIS CHANGE ORDER PROVIDES FOR (Use additional pages as needed):

in accordance with section 8-1.09, "Right of Way Delays" and section 4-1.03D, "Extra Work" of the Standard Specifications and as approved by the Engineer, compensate the contractor for the delay and other impacts associated with drilling of Pile No. 3R located at Cypress St. UC (Widen), not paid for separately or shown on the contract plans. All work shall be performed in accordance with applicable sections of the Standard Specifications, Standard Plans, and Contract Special Provision.

**Due to an unknown subsurface contamination of the soil with hydrocarbons immediately adjacent to the pile location a delay in the completion of pile 3R was incurred by the Contractor until the Department was able to analyze and mitigate the impacts to the operation.** This change was concurred with by the Project Manager, Phil Baker, the Project Engineer, Chris Gaido, District Hazardous Waste Coordinator, Tom Graves and the Construction Manager, Chris Cummings.

There are no established bid items for this work. Therefore, the contractor will be compensated at force account estimated to be **\$15,000.00** for the delay to completion of this work. A force account analysis of costs for this change is filed with the contract records.

There is no adjustment of contract time as a result of this change as it does not affect the controlling operation.

<b>CONCURRED BY:</b>		<b>ESTIMATE OF COST</b>	
CONSTRUCTION ENGINEER/BRIDGE ENGINEER	DATE	THIS REQUEST	TOTAL TO DATE
Jim Wood, P.E.	<b>08/05/2011</b>	ITEMS	
PROJECT ENGINEER	DATE	FORCE ACCOUNT	\$15,000.00
Chris Gaido, P.E.	08/05/2011	AGREED PRICE	
PROJECT MANAGER	DATE	ADJUSTMENT	
Phil Baker, P.E.	08/05/2011	<b>TOTAL</b>	<b>\$15,000.00</b>
FHWA REP.	DATE	<b>FEDERAL PARTICIPATION</b>	
ENVIRONMENTAL	DATE	<input type="checkbox"/> PARTICIPATING <input type="checkbox"/> PARTICIPATING IN PART <input type="checkbox"/> NONE <input type="checkbox"/> NON-PARTICIPATING (Maintenance) <input checked="" type="checkbox"/> NON-PARTICIPATING	
Tom Graves, D2 Hazardous Waste Coord	08/05/2011	<b>FEDERAL SEGREGATION (if more than one funding source or P.I.P. type)</b>	
OTHER (SPECIFY)	DATE	<input checked="" type="checkbox"/> CCO FUNDED PER CONTRACT <input type="checkbox"/> CCO FUNDED AS FOLLOWS FEDERAL FUNDING SOURCE PERCENT	
HQ OR DISTRICT PRIOR APPROVAL BY	DATE		
RESIDENT ENGINEER SIGNATURE	DATE		
Nathan W. Alexander, P.E.	08/05/2011		

Change Requested by  engineer  contractor

CONTRACT NUMBER	SUPPL. NUMBER	CONTRACT NUMBER	ROAD	FEDERAL NUMBER
016	0	02-404014	02-571A-R10.3/R17.5	NA

To Tullin, Inc. contractor

You are directed to make the following changes from the plans and specifications or do the following described work, not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

Description of work to be done, estimate of quantities and prices to be paid. (Segregate between additional work at contract price, agreed price and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the engineer's estimate.

**EXTRA WORK AT FORCE ACCOUNT:**

In accordance with section 8-1.09, "Right of Way Delays" and section 4-1.05D, "Extra Work" of the Standard Specifications and as approved by the Engineer, compensate the contractor for the delay and other impacts associated with drilling of Pile No. 3R located at Cypress St./UC (Widened), not paid for separately, or shown on the contract plans.

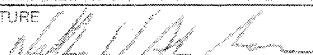
All work shall be performed in accordance with applicable sections of the *Standard Specifications, Standard Plans, and Contract Special Provisions.*

Estimate of Extra Work at Force Account = \$ 15,000.00

Estimated Cost:  Increase  Decrease \$ 15,000.00

By reason of this order the time of completion will be adjusted as follows: No Adjustment


**SUBMITTED BY**

SIGNATURE 	(PRINT NAME & TITLE) Nathan W. Alexander, Resident Engineer	DATE 08/04/2011
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**APPROVAL RECOMMENDED BY**


SIGNATURE	(PRINT NAME & TITLE)	DATE
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**ENGINEER APPROVAL BY**

SIGNATURE 	(PRINT NAME & TITLE) James R. Wood, Construction Engineer	DATE 8/5/11
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We the undersigned contractor, have given careful consideration to the change proposed and agree, if this proposal is approved, that we will provide all equipment, furnish the materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above. **NOTE: If you, the contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specification as to proceeding with the ordered work and filing a written protest within the time therein specified.**

**CONTRACTOR ACCEPTANCE BY**

SIGNATURE 	(PRINT NAME & TITLE) Chris Handley, Project Manager	DATE 8/5/11
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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**CONTRACT CHANGE ORDER MEMORANDUM**

CEM-4903 (REV 06/2006)

DATE  
02/21/2012

TO John Rodrigues, North Region Construction			FILE E. A. <u>02-4C4014</u>		
FROM Nathan W. Alexander, Resident Engineer			CO-RTE-PM <u>02-SHA-5-R10.5/R17.5</u>		
CCO NO. 016			FED NO.		
SUPPLEMENT NO. 001		CATEGORY CODE AGZZ	CONTINGENCY BALANCE (Including this change): \$ 685,665.92		
CCO AMOUNT \$ 45,000.00			HEADQUARTERS APPROVAL REQUIRED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
SUPPLEMENTAL FUNDS PROVIDED \$ 0.00			IS THIS REQUEST IN ACCORDANCE WITH ENVIRONMENTAL DOCUMENTS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
ORIGINAL CONTRACT TIME: <u>170</u> DAY(S)	TIME ADJUSTMENT THIS CHANGE: <u>0</u> DAY(S)	PREVIOUSLY APPROVED CCO TIME ADJUSTMENTS: <u>0</u> DAY(S)	PERCENTAGE TIME ADJUSTED (Including this change) <u>0</u> %	TOTAL # OF UNRECONCILED DEFERRED TIME CCOs (Including this change) <u>0</u>	

THIS CHANGE ORDER PROVIDES FOR (Use additional pages as needed):

**PROVIDE ADDITIONAL FUNDS**

In accordance with section 8-1.09, "Right of Way Delays" and section 4-1.03D, "Extra Work" of the Standard Specifications and as approved by the Engineer, compensate the contractor for the delay and other impacts associated with drilling of Pile No. 3R located at Cypress St. UC (Widen), not paid for separately or shown on the contract plans. All work shall be performed in accordance with applicable sections of the Standard Specifications, Standard Plans, and Contract Special Provision.

Additional funds are needed due to additional costs incurred during the delay in completing contract work that was not anticipated nor included in the original force account analysis. The development and implementation of a comprehensive Health and Safety Plan was an addition to the original change order. This change was concurred with by the Project Manager, Phil Baker, the Project Engineer, Chris Gaido, District Hazardous Waste Coordinator, Tom Graves, and the Construction Manager, Chris Cummings.

There are no established bid items for this work. Therefore, the contractor will be compensated at force account estimated to be \$45,000.00 for the delay to completion of this work. A force account analysis of costs for this change is filed with the contract records.

There is no adjustment of contract time as a result of this change as it does not affect the controlling operation.

<b>CONCURRED BY:</b>		<b>ESTIMATE OF COST</b>	
CONSTRUCTION ENGINEER/BRIDGE ENGINEER	DATE	THIS REQUEST	TOTAL TO DATE
Nathan Alexander, ACE	<u>02/21/2012</u>	FORCE ACCOUNT \$45,000.00	\$60,000.00
PROJECT ENGINEER	DATE	AGREED PRICE	
Chris Gaido, P.E.	07/18/2011	ADJUSTMENT	
PROJECT MANAGER	DATE	<b>TOTAL</b>	<b>\$60,000.00</b>
Phil Baker, P.E.	02/21/2012	<b>FEDERAL PARTICIPATION</b>	
FHWA REP.	DATE	<input type="checkbox"/> PARTICIPATING <input type="checkbox"/> PARTICIPATING IN PART <input type="checkbox"/> NONE <input type="checkbox"/> NON-PARTICIPATING (Maintenance) <input checked="" type="checkbox"/> NON-PARTICIPATING	
ENVIRONMENTAL	DATE	<b>FEDERAL SEGREGATION (If more than one funding source or P.I.P. type)</b>	
OTHER (SPECIFY)	DATE	<input checked="" type="checkbox"/> CCO FUNDED PER CONTRACT <input type="checkbox"/> CCO FUNDED AS FOLLOWS FEDERAL FUNDING SOURCE      PERCENT	
HQ OR DISTRICT PRIOR APPROVAL BY	DATE		
RESIDENT ENGINEER SIGNATURE	DATE		
Nathan W. Alexander, P.E.	02/21/2012		

**CONTRACT CHANGE ORDER**

CEM-4900 (REV 05/2001) CT# 7541-3501-0

Change Requested by:  engineer  contractor

CCO NUMBER	SUPL. NUMBER	CONTRACT NUMBER	ROAD	FEDERAL NUMBER(S)
016	001	02-4C4014	02-SHA-R10.5/R17.5	N/A

TO

Tullis, Inc.

**contractor**


You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

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**PROVIDE ADDITIONAL FUNDS FOR RIGHT OF WAY DELAY:****= \$ 45,000.00**Estimated Cost:  Increase  Decrease \$ 45,000.00

By reason of this order the time of completion will be adjusted as follows: No Adjustment


**SUBMITTED BY**

SIGNATURE	(PRINT NAME & TITLE)	DATE
	Nathan W. Alexander, Construction Engineer	02/17/2012

**APPROVAL RECOMMENDED BY**

SIGNATURE	(PRINT NAME & TITLE)	DATE
	Nathan W. Alexander, Construction Engineer	02/17/2012

**ENGINEER APPROVAL BY**

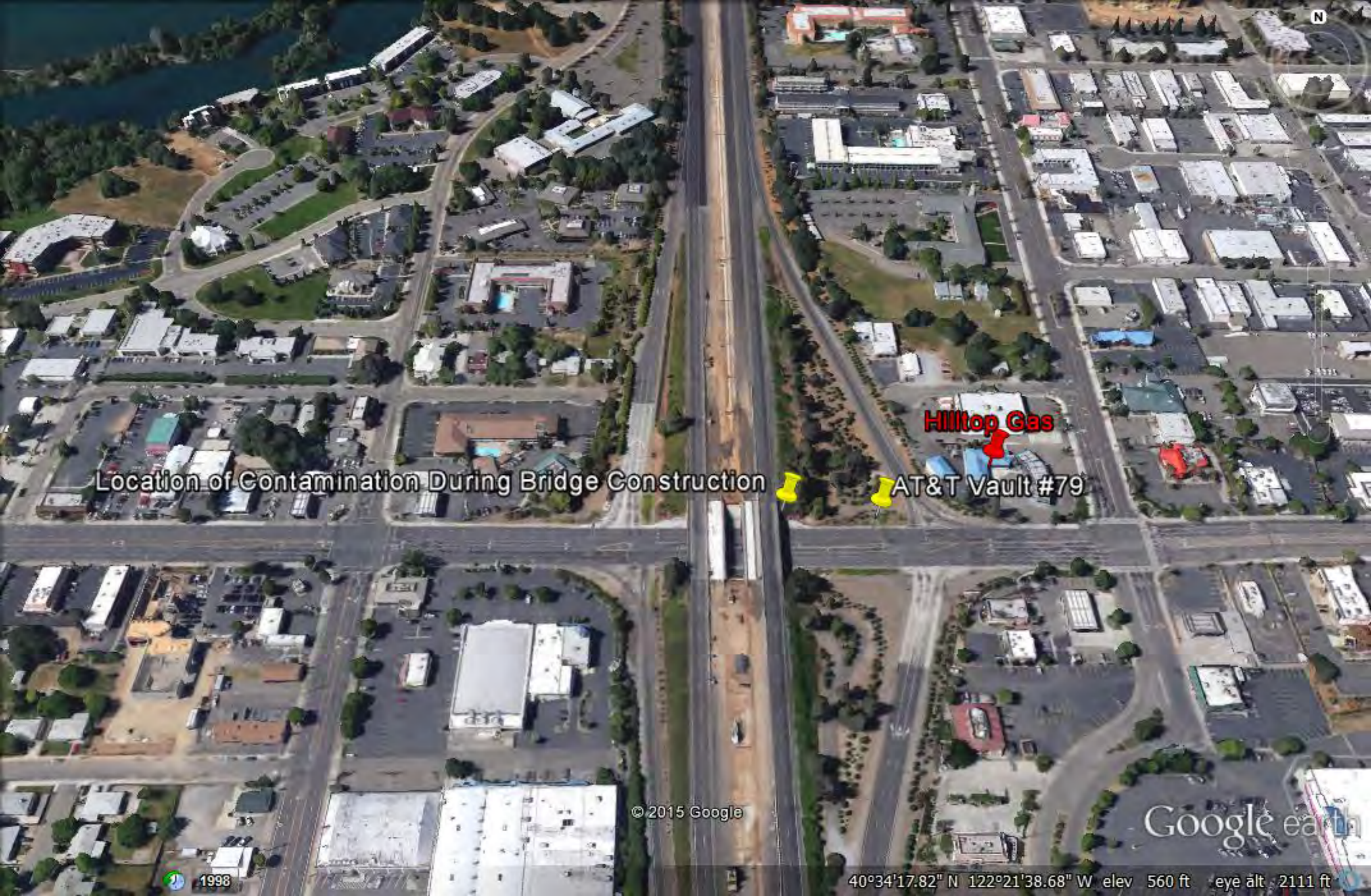
SIGNATURE	(PRINT NAME & TITLE)	DATE
	Chris Cummings, Area Construction Manager	02/21/2012

We the undersigned contractor, have given careful consideration to the change proposed and agree, if this proposal is approved, that we will provide all equipment, furnish the materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above. **NOTE: If you, the contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specification as to proceeding with the ordered work and filing a written protest within the time therein specified.**

**CONTRACTOR ACCEPTANCE BY**

SIGNATURE	(PRINT NAME & TITLE)	DATE
	Issued Unilaterally	





Location of Contamination During Bridge Construction

Hilltop Gas

AT&T Vault #79

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Google earth

1998

40°34'17.82" N 122°21'38.68" W elev 560 ft eye alt 2111 ft