### DEPARTMENT OF TRANSPORTATION

DISTRICT 3 703 B STREET MARYSVILLE, CA 95901 PHONE (530) 741-4161 TTY 711 www.dot.ca.gov/dist3



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 Page 2

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)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

Page CONTRACT CHANGE ORDER MEMORANDUM DATE CEM-4903 (REV 06/2006) 03/04/2013 TO FILE 02-4C4014 E.A. John Rodrigues, North Region Construction 02-SHA-5-R10.5/R17.5 CO-RTF-PM FED NO N/A Nathan W. Alexander, Resident Engineer CCO NO. SUPPLEMENT NO CATEGORY CODE CONTINGENCY BALANCE (Including this change) 19 0 GXFB \$ 382,907.29 CCO AMOUNT NO INCREASE DECREASE HEADQUARTERS APPROVAL REQUIRED? YES \$ 5,946.52 SUPPLEMENTAL FUNDS PROVIDED IS THIS REQUEST IN ACCORDANCE YES NO \$ 0.00 WITH ENVIRONMENTAL DOCUMENTS? ORIGINAL CONTRACT TIME ADJUSTMENT PREVIOUSLY APPROVED PERCENTAGE TIME ADJUSTED TOTAL # OF UNRECONCILED TIME: THIS CHANGE: CCO TIME ADJUSTMENTS: (Including this change) **DEFERRED TIME** CCOs (Including this change) 410 DAY(S) 0DAY(S) -240 DAY(S) -58 %

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

This change order provides full and final compensation for and resolves all aspects of the Supplemental Potential Claim Record No. 1, dated January 13, 2013, described as Differing Site Condition, Contaminated Soil and Water Bent 3R CIDH pile mitigation work.

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 during excavation for pile anomaly mitigation work. This constitutes full and complete compensation, including all markups, for this work and no additional payment will be made.

During acceptance testing of pile 3R an anomaly was encountered during the gamma-gamma testing. The contractor claimed that additional work for amending the Health and Safety Plan (HSP) for working in the area of hydrocarbon contaminated soil was not their responsibility. The Engineer agreed and issued this change in order to compensate the Contractor for the HSP amendments. This change was concurred with by the Construction Engineer, Jim Wood, and Construction Manager, Chris Cummings.

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

CONCURRED BY:			ESTIMATE OF COST	
CONSTRUCTION ENGINEER/BRIDGE ENGINEER	DATE		THIS REQUEST	TOTAL TO DATE
Jim Wood, Area Construction Engineer	08/29/2013	ITEMS		
PROJECT ENGINEER	DATE	FORCE ACCOUNT		
John Martin	12/20/2012	AGREED PRICE	\$5,946.52	\$5,946.52
PROJECT MANAGER	DATE	ADJUSTMENT		
Phil Baker	12/20/2012	TOTAL	\$5,946.52	\$5,946.52
FHWA REP.	DATE	FEDERAL PARTICIPATION		
ENVIRONMENTAL	DATE	PARTICIPATING NON-PARTICIPATING (		ATING IN PART NONE
OTHER (SPECIFY)	DATE	FEDERAL SEGREGATION	ON (If more than one fundi	ng source or P.I.P. type)
Chris Cummings, Construction Manager	03/04/2013 DATE	CCO FUNDED PER CO	NTRACT CCO FUN	DED AS FOLLOWS
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HQ OR DISTRICT PRIOR APPROVAL BY	DATE			
RESIDENT ENGINEER SIGNATURE	DATE			
Nathan Alexander, Resident Engineer	09/16/2013		- I I I I I I I I I I I I I I I I I I I	

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CONTRACTOR ACCEPTANCE BY

SIGNATURE

(PRINT NAME & TITLE)

Chris Handley, Project Manager

(PRINT NAME & TITLE)

Chris Handley, Project Manager

ordered work and filing a written protest within the time therein specified.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

Page CONTRACT CHANGE ORDER MEMORANDUM DATE CEM-4903 (REV 06/2006) 08/05/2011 TO FILE E. A. 02-4C4014 John Rodrigues. North Region Construction 02-SHA-5-R10.5/R17.5 CO-RTE-PM FED NO Nathan W. Alexander, Resident Engineer CCO NO. SUPPLEMENT NO CATEGORY CODE CONTINGENCY BALANCE (Including this change): 016 0 AGZZ \$ 1,467.344.45 CCO AMOUNT | INCREASE DECREASE HEADQUARTERS APPROVAL REQUIRED? NO. \$ 15,000.00 SUPPLEMENTAL FUNDS PROVIDED IS THIS REQUEST IN ACCORDANCE  $\times$ YES NO \$ 0.00 WITH ENVIRONMENTAL DOCUMENTS? ORIGINAL CONTRACT TIME ADJUSTMENT PREVIOUSLY APPROVED PERCENTAGE TIME ADJUSTED TOTAL # OF UNRECONCILED TIME: THIS CHANGE: CCO TIME ADJUSTMENTS: (Including this change) **DEFERRED TIME** CCOs (Including this change) 170 0 0 0 0 DAY(S) DAY(S) DAY(S) %

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.

CONCURRED BY:	ESTIMATE OF COST			
CONSTRUCTION ENGINEER/BRIDGE ENGINEER	DATE		THIS REQUEST	TOTAL TO DATE
Jim Wood, P.E.	08/05/2011	ITEMS		
PROJECT ENGINEER	DATE	FORCE ACCOUNT	\$15.000.00	\$15,000.00
Chris Gaido, P.E.	08/05/2011	AGREED PRICE		
PROJECT MANAGER	DATE	ADJUSTMENT		
Phil Baker, P.E.	08/05/2011	TOTAL	\$15,000.00	\$15,000.00
FHWA REP.	DATE	FEDERAL PARTICIPATION		
ENVIRONMENTAL Tom Graves, D2 Hazardous Waste Coord	DATE 08/05/2011	PARTICIPATING PARTICIPATING IN PART NO NON-PARTICIPATING (Maintenance) NON-PARTICIPATING		
OTHER (SPECIFY)	DATE	FEDERAL SEGREGATION (If more than one funding source or P.I.P. typ		
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HQ OR DISTRICT PRIOR APPROVAL BY	DATE			
RESIDENT ENGINEER SIGNATURE Nathan W. Alexander, P.E.	DATE 08/05/2011			

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# EXTRA WORK AT FORCE ACCOUNT:

In accordance with section 8-1.00, "Right of Way Delays" and section 4-1.83D, "Extra Work" of the Standard Spec Treations and as approved by the Engineer, compensate the contractor for the delay and other impacts associated with drilling of Pile No. 2R 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 Provisions.

Estimate of Extra Work at Force Account

= \$ 15,000.00

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By reason of this order the time of completion will be		255
SUBMITTED BY		
SIGNATURE / / / / / / / / / / / / / / / / / / /	(PRINT NAME & TITLE) Nathan W. Alexander, Resident Engineer	DATE 08/04/2011
APPROVAL RECOMMENDED BY		
signature	(PRINT NAME & TITLE)	DATE
ENGINEER APPROVAL BY		DATE -
MININA MARINE	(PRINT NAME & TITLE) Jumes R. Wood. Construction Engineer	8/5/
we will provide all equipment, furnish the materials, e	onsideration to the change proposed and agree, if this pro except as may otherwise be noted above, and perform all ment therefor the prices shown above. NOTE: If you, the	services necessary for
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CONTRACTOR ACCEPTANCE BY	(PRINT NAME & TITLE)	DATE

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

### Page CONTRACT CHANGE ORDER MEMORANDUM DATE CEM-4903 (REV 06/2006) 02/21/2012 FILE E. A. 02-4C4014 John Rodrigues, North Region Construction 02-SHA-5-R10.5/R17.5 CO-RTE-PM FED NO Nathan W. Alexander, Resident Engineer CCO NO. SUPPLEMENT NO CATEGORY CODE CONTINGENCY BALANCE (Including this change): 016 001 AGZZ \$ 685,665.92 CCO AMOUNT INCREASE DECREASE HEADQUARTERS APPROVAL REQUIRED? NO s 45,000,00 SUPPLEMENTAL FUNDS PROVIDED IS THIS REQUEST IN ACCORDANCE YES NO WITH ENVIRONMENTAL DOCUMENTS? 0.00 ORIGINAL CONTRACT TIME ADJUSTMENT PREVIOUSLY APPROVED PERCENTAGE TIME ADJUSTED TOTAL # OF UNRECONCILED CCO TIME ADJUSTMENTS: THIS CHANGE: (Including this change) **DEFERRED TIME** CCOs (Including this change) 170 DAY(S) DAY(S) DAY(S) 0/2

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.

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

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION Sheet 1 of 1 **CONTRACT CHANGE ORDER** CEM-4900 (REV 05/2001) CT# 7541-3501-0 Change Requested by: engineer contractor CCO NUMBER FEDERAL NUMBER(S) SUPPL. NUMBER CONTRACT NUMBER ROAD 016 001 02-4C4014 02-SHA-R10.5/R17.5 N/A TO contractor Tullis, Inc. 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. 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 (PRINT NAME & TITLE) SIGNATURE DATE Nathan W. Alexander, Construction Engineer 02/17/2012 APPROVAL RECOMMENDED BY SIGNATURE (PRINT NAME & TITLE) DATE 02/17/2012 Nathan W. Alexander, Construction Engineer **ENGINEER APPROVAL BY** (PRINT NAME & TITLE) DATE SIGNATURE 02/21/2012 Chris Cummings, Area Construction Manager 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.

DATE

(PRINT NAME & TITLE)

Issued Unilaterally

**CONTRACTOR ACCEPTANCE BY** 

SIGNATURE

