15 December 2009

Barbara J. Cook, P.E.
Acting Assistant Deputy Director, Cleanup Program
Site Mitigation Branch
Attention: Lynn Nakashima
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

RE: December 2009 Monthly Summary Report
Site Investigation Order
Docket No.'s 04/05-006 and IS/E-RAO 06/07-005

Dear Barbara and Lynn,

Erler & Kalinowski, Inc. ("EKI") has prepared this letter on behalf of Cherokee Simeon Venture I, LLC ("CSV"), Zeneca Inc. ("Zeneca"), and Bayer CropScience Inc. ("Bayer"), collectively known as the Respondents to the Orders, to fulfill the monthly reporting requirements to the California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") for the former Zeneca property, now known as the Campus Bay Site ("Site"), that is the subject of Site Investigation Order, Docket No. 04/05-006 and Site Investigation and Remediation Order, Docket No. IS/E-RAO 06/07-005 (collectively the "Orders").¹ The Site is located between Meade Street, University of California - Richmond Field Station, South 49th Street, and East Stege Marsh, in Richmond, Contra Costa County, California 94804. The monthly reporting requirements are outlined in Section 6.4 of the Orders.

This summary report has been organized according to Section 6.4 of the Orders and contains a description of:

1. Specific actions taken by or on behalf of Respondents during the previous calendar month.
2. Actions expected to be undertaken during the current calendar month.
3. All planned activities for the next month.
4. Any requirements under the Orders that were not completed.
5. Any problems or anticipated problems in complying with the Orders.
6. All results of sample analyses, tests, and other data generated under the Order, Docket No. 04/05-006 during the previous calendar month, and any significant findings from these data.

¹ The Regents of the University of California is also a respondent to the DTSC Order, Docket No. IS/E-RAO 06/07-005.
1. **Specific actions taken by or on behalf of Respondents during the previous calendar month.**

The actions taken by or on behalf of Respondents this previous calendar month (November 2009) are as follows:

- Continued up-keep and maintenance activities associated with the HEA revegetation in accordance with the HEA Planting Plan summarized in Appendix A of the *Conceptual Remediation and Risk Management Plan for the Habitat Enhancement Area*, dated 4 October 2002.
- Continue weed control activities on the temporary cap (as necessary) and complete temporary cap inspection.
- Continued preparation of an ecological scoping assessment for the Freshwater Lagoons.
- Continued discussions with DTSC regarding potential remedial alternatives for the Freshwater Lagoons.
- Continued to work with the U.S. Environmental Protection Agency ("U.S. EPA") regarding the PCB risk analysis associated with the Freshwater Lagoons. Per U.S. EPA requirements, Respondents submitted a soil sample collected from the Freshwater Lagoons to an analytical laboratory for analysis of dioxin-like PCB congeners.
- Continued discussions with DTSC regarding the path forward for the Southeast Parcel.
- Attended the monthly CAG meeting on 12 November 2009.
- On 9 November 2009, started injections associated with field activities described in the *Second Addendum to the Treatability and Pilot Study Work Plan for Localized Occurrences of Volatile Organic Compounds in Groundwater, Lots 1 and 2*, dated 14 July 2009 ("Lots 1 and 2 Pilot Study Work Plan"), which was approved by DTSC in a letter dated 24 September 2009. Post-injection performance monitoring will be conducted on a quarterly basis for one year after injections.
- Following regulatory approval, initiated field activities described in the *Groundwater Treatability Pilot Study Work Plan, Lot 3, Campus Bay, Richmond, California* ("Lot 3 Pilot Study Work Plan") on 30 November 2009.
- Performed 4th quarter groundwater monitoring the week of 2 November 2009. In accordance with DTSC requirements, samples were collected from the piezometers installed adjacent to the lagoons.
- Met with the DTSC on 30 November 2009 to discuss next steps regarding the Draft Feasibility Study and Remedial Action Plan, dated 22 December 2008.

2. **Actions expected to be undertaken during the current calendar month**

The Respondents intend to complete the following activities this month (December 2009):

- Continue up-keep and maintenance activities associated with the HEA revegetation in accordance with the HEA Planting Plan summarized in the *Conceptual Remediation and Risk Management Plan for the Habitat Enhancement Area*, dated 4 October 2002.
• Continue weed control activities on the temporary cap (as necessary) and complete temporary cap inspection.
• Continue to work with the U.S. EPA regarding the PCB risk analysis associated with the Freshwater Lagoons.
• Continue preparation of an ecological scoping assessment for the Freshwater Lagoons.
• Continue discussions with DTSC regarding potential remedial alternatives for the Freshwater Lagoons.
• Submit Southeast Parcel clapper rail habitat evaluation to DTSC.
• Continue discussions with DTSC regarding the path forward for the Southeast Parcel.
• Complete field activities described in the Lots 1 and 2 Pilot Study Work Plan.
• Continue field activities described in the Lot 3 Pilot Study Work Plan.
• Respondents plan to attend the monthly CAG meeting on 10 December 2009.
• Pending regulatory approval and contractor availability, initiate implementation of the Time Critical Removal Action Work Plan for Lot 2 stockpile removal and grading the week of 21 December 2009.
• Initiate modifications to FS/RAP per 30 November 2009 meeting with DTSC.

3. All planned activities for the next month

The Respondents intend to conduct the following activities next month (January 2009).

• Continue up-keep and maintenance activities associated with the HEA revegetation in accordance with the HEA Planting Plan summarized in the Conceptual Remediation and Risk Management Plan for the Habitat Enhancement Area, dated 4 October 2002.
• Continue weed control activities on the temporary cap (as necessary).
• Continue to work with the U.S. EPA regarding the PCB risk analysis associated with the Freshwater Lagoons.
• Continue preparation of an ecological scoping assessment for the Freshwater Lagoons.
• Continue discussions with DTSC regarding potential remedial alternatives for the Freshwater Lagoons.
• Continue discussions with DTSC regarding the path forward for the Southeast Parcel.
• Complete implementation of the Lot 3 Pilot Study Work Plan activities.
• Respondents plan to attend the monthly CAG meeting on 14 January 2010.
• Submit the 2009 Annual Groundwater and Surface Water Monitoring Report by 31 January 2010.

4. Any requirements under the Order that were not completed

• None

5. Any problems or anticipated problems in complying with this Order

• None
6. All results of sample analyses, tests, and other data generated under this Order during the previous calendar month, and any significant findings from these data:

- Results from groundwater sampling performed during November 2009 will be discussed in the annual monitoring report, which will be submitted to the DTSC by 31 January 2010.
- Results of characterization sampling for Lots 1 and 2 pilot studies and Lot 3 pilot studies will be provided in the Annual Groundwater Monitoring Report and discussed in the respective treatability study reports.
- As part of the monthly reporting program, a schedule update is typically provided on a quarterly basis. The Respondents are requesting an extension to submit the 4th quarter schedule update with the January 2010 monthly report.

If you have any questions or comments regarding this report, please feel free to contact Douglas Mosteller of CSV at (303) 689-1476.

Very truly yours,

ERLER & KALINOWSKI, INC.

Michelle Kriegman King, Ph.D.
Vice President

cc: John D. Edgcomb, Edgcomb Law Group
    Doug Mosteller, Cherokee Simeon Venture I, LLC
    Lynn Nakashima, DTSC
    Andrew Romolo, LFR
    Brian A. Spiller, Zeneca Inc.
    Karl Hans, UC
    Anthony O. Garvin, Esq., UC Counsel
    Tracy Barreau, CDPH