15 November 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: November 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").

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 (October 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.
- Performed weed control activities on the temporary cap the week of 19 October 2009 and applied additional cap material in localized areas the week of 26 October 2009.
- 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.
- Installed piezometers in the vicinity of the Freshwater Lagoons in accordance with the work plan *Additional Piezometer Installation Work Plan, Lot 3, Campus Bay, Former Zeneca Facility, Richmond, California*, submitted to DTSC on 21 August 2009.
- Continued discussions with DTSC regarding the path forward for the Southeast Parcel.
- Performed the well repair/maintenance activities identified in the 2nd quarter groundwater and surface water monitoring report the week of 19 October 2009.
- Attended the monthly CAG meeting on 8 October 2009.
- Submitted to DTSC the draft soil gas analytical results for the July 2009 soil gas samples on 8 October 2009.
- Continued to implement the 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. Activities included the collection of baseline groundwater samples from areas in the vicinity of the pilot test activities.
- Submitted a revised version of the *Groundwater Treatability Pilot Study Work Plan, Lot 3, Campus Bay, Richmond, California* ("Lot 3 Pilot Study Work Plan") on 30 October 2009, which addresses comments provided by the DTSC in a 5 October 2009 letter.
- Submitted the 3rd Quarter 2009 Groundwater and Surface Water Quarterly Report, dated 30 October 2009, to the DTSC.
2. **Actions expected to be undertaken during the current calendar month**

The Respondents intend to complete the following activities this month (November 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. Per U.S. EPA requirements, Respondents submitted a soil sample collected from the Freshwater Lagoons to an analytical laboratory for analysis of PCB like congeners.
- 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 injections for the Lots 1 and 2 Pilot Study Work Plan.
- Pending regulatory approval and contractor availability, initiate Lot 3 Pilot Study Work Plan activities.
- Perform 4th quarter groundwater monitoring the week of 2 November 2009. In accordance with DTSC requirements, collect samples from the piezometers installed adjacent to the lagoons.
- Plan to attend the monthly CAG meeting on 12 November 2009.
- Pending regulatory approval and contractor availability, initiate implementation of the Time Critical Removal Action Work Plan for Lot 2 stockpile removal and grading, depending on approvals from DTSC (timing dependent on DTSC approval of the work plan).

3. **All planned activities for the next month**

The Respondents intend to conduct the following activities next 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).
- 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.
- Continue monitoring in accordance with the Lots 1 and 2 Pilot Study Work Plan.
• Continue implementation of the Lot 3 Pilot Study Work Plan activities (timing dependent on DTSC approval of the work plan).
• Respondents plan to attend the monthly CAG meeting on 10 December 2009.

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**

• Baseline groundwater samples were collected from the temporary monitoring wells located in the vicinity of the pilot tests scheduled on Lot 1. The analytical data will be submitted to the DTSC in draft form in the annual groundwater monitoring report to be submitted in January 2010. The data will be finalized for the pilot test report to be submitted upon completion of the pilot test monitoring activities.

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.**

[Signature]

Michelle Kriegman King, Ph.D.
Vice President

cc:  John D. Edgcomb, Edgcomb Law Group
     Doug Mosteller, Cherokee Simeon Venture I, LLC
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