



Main Office

P.O. BOX 620 / 6413 32nd Street / North Highlands / CA 95660
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Oakland Touchdown – Site Office
450 Burma Road / Oakland CA 94607

26-Feb-2008

MCM-LTR-000322

Mr. Ben Ghafghazi
Resident Engineer
California Department of Transportation
333 Burma Road,
Oakland, CA 94607, USA

**PROJECT: Oakland Touchdown
Caltrans Contract No. 04-0120L4
MCM Job No. 307**

SUBJECT: Response to Caltrans Ltr - 504 Re: NOPC #4

Gentlemen:

Caltrans Comment #1a: In your NOPC #4 you have stated “An unwarranted Notice of Suspension of Work was presented to MCM after supposedly minute amount of sediment entered the Bay even though open water excavation has been approved for this project.” This statement is not correct. Open water excavation was allowed under an approved dredging plan, which MCM elected not to submit. The excavation operations you are performing at the Piers, at your option, are performed under an approved “Inside Cofferdam Excavation Plan” which is an amendment to your SWPPP. Therefore, all requirements of the SWPPP apply to these operations, including the deployment of appropriate BMPs to prevent the discharge of sediments and other pollutants into the Bay or leaving the project limits.

MCM Response #1a: MCM disagrees with Caltrans. Please refer to the Turbidity Control Plan which was approved by Caltrans Ltr – 149, which clearly states in section A-2.03.01, Removal of Obstructions, that rock slope protection would need to be removed in order to accommodate cofferdam and false work construction, this work takes place in open water and has been approved by Caltrans. Also, appropriate BMP measures per the Caltrans BMP Manual and MCM’s approved SWPPP under WM-3 were implemented for stockpile mangement.

Caltrans Comment #2a: Additionally, Section 500.03.1, page 500-3, fifth bullet from top page, states: “Structural Excavation for Bridge Foundations. This will be performed inside sealed cofferdams. Type H and Class II materials will be immediately removed from the site and disposed of at a permitted receiving facility. Clean materials will be either removed from the site or stored in designated materials storage area.

MCM Response #2a: Please refer to the Marine Based Structural Excavation Work Plan which was approved by Caltrans Ltr – 250, which clearly states that excavated material if deemed too wet will be stockpiled nearby and allowed to dry until it is suitable for transport. Also, please refer to SWPPP Amendment #3 that clearly shows the stockpiling of structure excavated material including Class II materials.



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Caltrans Comment #3a: You did not remove Class II material at Piers 19L and 20L immediately from the site as stated in your approved SWPPP. Instead, you elected to store the material onsite without deploying appropriate BMPs and without amending your SWPPP. For excavated material at Pier 18L, you elected to store the excavated material onsite without deploying proper appropriate BMPs and without indicating a designated storage area on your Water Pollution Control Drawings, Attachment B, as stated in your approved SWPPP. As a result, your approved SWPPP did not reflect the actual field operations. This is a violation of the requirements of the permit and the contract.

MCM Response #3a: Once again please refer to the Marine Based Structural Excavation Work Plan which was approved by Caltrans Ltr – 250, which clearly states that excavated material if deemed too wet will be stockpiled nearby and allowed to dry until it is suitable for transport. Also, please refer to SWPPP Amendment #3 that clearly shows (in a drawing) the stockpiling of structure excavated material including Class II materials. It is quite obvious that our approved SWPPP did reflect the actual field operations. It is also quite obvious that there was no violation of the requirements of the permit or the contract.

Caltrans Comment #4a:

WANT ME TO COMMENT ON THIS PARAGRAPH ??????????

Caltrans Comment #5a: The “Notice of Suspension of Work” issued by State Letter – 473 was due to lack of implementation of appropriate BMPs necessary to prevent leakage from stockpiled excavated material which eventually caused tracking and/or discharge of sediment into the Bay. Caltrans storm water inspectors perform their own parallel inspections and prepare their own inspection reports. The decision to suspend your excavation operations at 18L had no bearing on the inspection results by the Task Force and was based on findings by Caltrans storm water inspectors and deficiencies documented by their reports and photographic evidence.

MCM Response #5a: It is quite clear to MCM that Caltrans does not fully understand the SWPPP and other related plans, since it is obvious that MCM is in complete compliance with the Turbidity Plan, The Marine Based Structural Excavation Plan and the approved SWPPP and all of its amendments as is clearly proven above. It is obvious that the Notice of Suspension of Work was unfounded and that MCM has clear merit for filing NOPC #4



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Sincerely,

MCM CONSTRUCTION, INC.

<<< ORIGINAL SIGNED >>>

Justyn Webster
Project Engineer

cc:

File: