

EXHIBIT

G

Declaration of Julie Macedo

**Prosecution Team Case-in-Chief
Confusion Hill Bypass Project**

DEPARTMENT OF TRANSPORTATION

NORTH REGION CONSTRUCTION

PO BOX 699

GARBERVILLE CA 95542

PHONE (707) 925-6218

FAX (707) 925-6391

*Flex your power!
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285 fig 8.0

Date: 06/12/07

Contract: 01-397514

MEN-101-KP 159.6/162.0

REALIGN ROADWAY - CONFUSION HILL

Mr. Evan Paine

MCM Construction, Inc.

PO Box 620

North Highlands, CA 95660

RE: Sandblasting - Letter#107

Faxed: (916) 334-0562 and mailed

Evan:

Effective today, 06/12/07, no additional sandblasting operations will be allowed on the project. The suspension of this activity is effective until an acceptable SWPPP amendment has been submitted (SWPPP Amendment #8). The amendment, at a minimum, must illustrate how proper and adequate sandblasting operations will be conducted and how appropriate BMP measures will be initiated and maintained. Note that the BMP measures must meet or exceed those that are necessary to meet permit compliance.

To date, there have been several verbal and written communications between the State and MCM regarding sandblasting operations, what BMPs are appropriate, and who has the responsibility to implement them. The State has written two letters, dated 05/24/07 and 05/31/07, where we have requested an amendment to the SWPPP for sandblasting operations. The 05/31/07 letter gave a conditional approval for planned sandblasting operations for the remainder of that week, as the State did not want to delay the Contractor's operations. The letter indicated that no additional sandblasting operations were considered acceptable until such a time that an approved SWPPP amendment had been submitted and processed. As of today, no SWPPP amendments have been submitted, and therefore no additional sandblasting operations will be allowed.

As previously discussed, the use of appropriate BMPs to meet permit compliance, for all item work on the project, is considered to be the responsibility of the Contractor. MCM has requested that direction be given in terms of what BMP measures are necessary and that a Change Order be issued for implementation of the BMP work. Again, no Change Order will be issued, but guidance in terms of what type of measures would seem appropriate and have been implemented on other projects will be conveyed. If MCM feels that the use of BMPs for this work is inappropriate or excessive, please utilize the NOPC process to protest. Lack of meeting all requirements and obligations under the existing permits is not an option.

JUN 18 2007

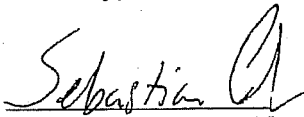
MCM MAIL ROOM

As previously mentioned in the 05/31/07 letter, options for your SWPPP amendment includes the following, where viable and appropriate:

- Placement of toe kick boards (plywood or 2x6 boards or other),
- Placement of visquine and/or filter fabric as horizontal and vertical barriers
- Minimization of environmentally friendly sand
- Operations during non-windy conditions
- In sensitive operations, such as immediately above rivers or other protected areas, use of horizontal platforms directly below the work area have also been utilized.

Please call with any questions regarding this matter.
Office: (707) 925-6403 Cell: (707) 496-4096.

Sincerely,



SEBASTIAN COHEN
Resident Engineer

cc: Project Records 5.5
MCM/JHam
TDavis
DStiles
DThomas

EXHIBIT

H

Declaration of Julie Macedo

**Prosecution Team Case-in-Chief
Confusion Hill Bypass Project**

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION

ON AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

NORTH REGION CONSTRUCTION

PO BOX 699

GARBERVILLE CA 95542

PHONE (707) 925-6218

FAX (707) 925-6391

28- Feb 8.0

285 Feb 9.3

Attn: Ruby S.O.I.

faxed 408 281 9301 ✓

1:05 pm

1/8/08

Flex your power!
Be energy efficient!

January 8, 2008

cc: J. Ham

Contract 01-397514

MEN-101-KP 159.6/162.0

REALIGN ROADWAY @ CONFUSION HILL

Faxed (916) 334-0562 and mailed

Mr. Evan Paine

MCM Construction, Inc.

PO Box 620

North Highlands, CA 95660

Dear Mr. Paine:

Bridge 10-300 Grouting Operation

Due to current methods being utilized; current weather conditions; and subsequent concerns regarding the quality of the product being provided, the immediate termination of grouting operations on this Bridge has been implemented.

The existing field conditions indicate that the grout tubes contain a substantial amount of water from ongoing precipitation events. During the current grouting operations being utilized, the vent tubes are spilling and depositing cementitious material onto the bridge deck and subsequently into "Water of the State", a definite permit violation. The lack of containment of cementitious material during grouting operations at the vent locations is unacceptable.

As you probably know, the ducts that haven't been grouted are completely full of water, which is out of compliance with Standard Specification 50-1.07. Your sub-contractor, Schwager Davis, has indicated that they believe it would be acceptable to displace the water during grouting. This will not be acceptable. The ducts will be free of water and debris prior to grouting in accordance with Standard Specification 50-1.09.

Furthermore, due to the submerged state of the tendons, proof shall be provided by MCM Construction that rusting of the prestressing steel is not occurring. Rejection of the tendons is eminent in accordance with Section 50-1.05.

Lastly, the grout pump used by your subcontractor has an oil leak that leaks continuously while the pump is running. This equipment must be repaired or removed and replaced prior to further grouting.

We are available to discuss this situation at your earliest convenience.

Items were addressed
and verbal approval from Dave Stiles
was given ~ 3:00 pm to resume work.
Last two tubes were grouted last night
on the North Bridge 10-0300.
J. Ham

RECEIVED TIME JAN. 8. 1:12PM

STATE OFF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

NORTH REGION CONSTRUCTION

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FAX (707) 925-6391



*Flex your power!
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Bridge 10-300 Grouting Operation

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Stiles".

DAN STILES

Structures Representative

A handwritten signature in cursive script, appearing to read "Sebastian Cohen".

SEBASTIAN COHEN

Resident Engineer

cc: Project Records 5
OSC

EXHIBIT



Declaration of Julie Macedo

**Prosecution Team Case-in-Chief
Confusion Hill Bypass Project**

185 Feb 8.0

PARTNERING

Highway 101 Garberville

EXECUTIVE TEAM SESSION

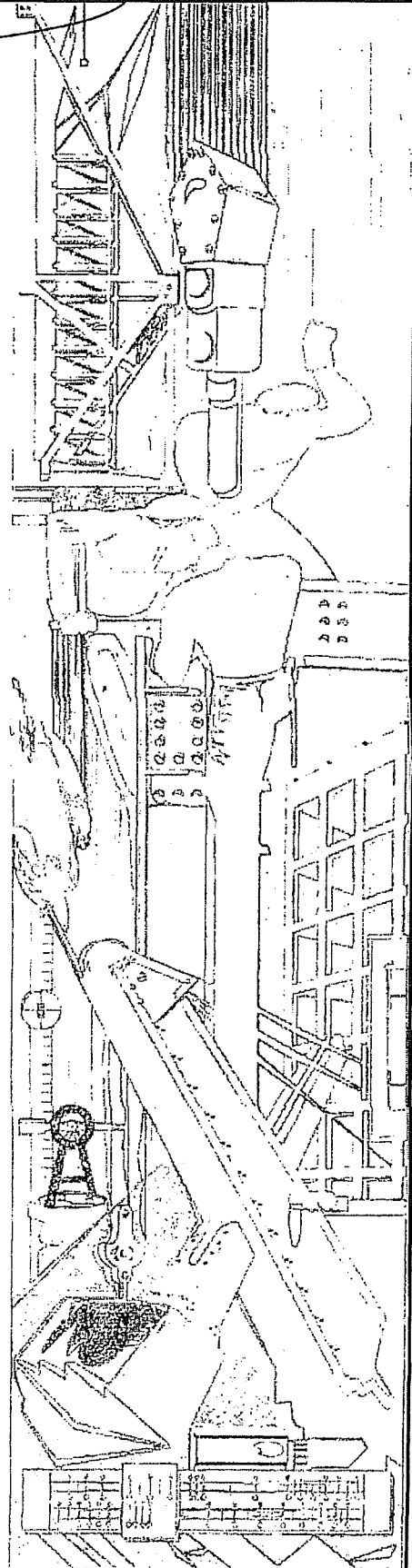
MCM Construction
Caltrans

SESSION REPORT

Facilitated by
Sue Dyer

ORG•METRICS

291 McLeod Street
Livermore, CA 94550
(925) 449-8300



MCM Construction, Inc. and Caltrans
Highway 101 Garberville Project
Executive Team Partnering Session
Ukiah Conference Center
January 4, 2007

As recorded on the flip charts

WHAT'S WORKING? WHAT'S HINDERING?

What's Working?

- Production
- Trestle and falsework in the river on time
- Communication
- Things go well when we can work
- Getting constructed on schedule
- Construction crews get work done when work is available
- Crews are working – it looks good
- Able to work through the winter
- Response to notice of violation
- Good support from RE
- Ladd comes each week
- Mobilization paid
- Paved the lower road

What's Hindering?

- Not meeting each other's needs
- Permit compliance (agency expectations)
- Submittal concerns
- Geological conditions (cave-in – costs)
- Commitments to respond
- Decisions not made fast enough
- Slide made things worse
- Timeliness of decisions
- Communication is the biggest hindrance (internal and external)
- Commitments not followed through
- Communication and follow through on commitments
- Lack of cooperation between MCM and Caltrans
- Environmental awareness
- Caltrans' ability to deal with agencies
- Slide areas
- Difficult to work in river during the rain
- Difficult to bridge gap between agencies and project
- Water drafting (no water, no compensation)
- Footing investigation (CCO not what was expected)
- Submittals
- Slide (1 month and still no answers)
- Extra material from slide –marooned on peninsula
- Rock at abutment #4
- 5 NOPCs and 2 more coming for total of \$200K
 - LD's are \$25K/day
- North end of trestle – how to protect?
- S bridge plans
- Attitudes!

OUTSTANDING PROJECT ISSUES

Group 1

- Slide at 21+70
 - North bridge abutment #1
 - Brush disposal
- Redesign of abutment #1 north of bridge
- Redesign of abutment #1 south of bridge
- Submittals
- Water drafting
- Access road runoff
- Crane parking on trestle – loading
- Compliance with environmental permit conditions

Group 2

- Pier 3 north falsework submittal/approval
- Pier 2 south falsework platform approval
- Slide's abutment #1 north
- Water
- Permit compliance November's Cal-OSHA
- Slide material disposal

CRITICAL ISSUES

1. Water (Need 80K/day at peak)
2. Slide
 - a. Redesign abutment
 - b. Deal with slide material
 - c. Where to put material
 - d. Water control
3. Falsework at Pier 3N and Pier 2S – work platform
4. Shaft at slope failure Pier 3N
5. Attitudes toward permit compliance and being "fair"
6. Submittals

COMMITMENTS AND AGREEMENTS

Environmental Permits

1. We will move the crane off the bridge before it rains so that no oil (or potential oil) can flow into the river. We will develop a protocol for monitoring and cleaning drips.
2. MCM and Caltrans will be sensitive to the requirements of the permits.

Water

3. Caltrans will write a CCO and pay for the water that has been used so far.
4. We will elevate the water issue
Who: Terry will take the lead

Slide

5. Slide Material – We will temporarily move the material to the meadow area on top of pier 3. Brush and timber will be moved to highway 101 and a sign will be placed in it indicating that it belongs to the state. We will haul the material offsite when the water permits. We agree that this is “extra” material and Caltrans will pay for its disposal. Melinda will check to see if we can punch a road under the NE quadrant of Bear Pin undercrossing.
6. Water Control – We will redirect the water off the access road using a ditch and the appropriate BMP's. We will amend the SWPPP.
7. Due to the slide we must redesign the abutment #1 on the north side (larger slide). Caltrans will work to redesign the abutment and will immediately develop a remediation plan by 1/5/07. Caltrans will then issue a NTP and CCO.
8. Pier #2 is not safe (smaller slide). Once it is safe (when upper slide material has been removed), we will start working. GeoTech will provide a “fix”. In two weeks GeoTech will make recommendations and then redesign.

Falsework at Pier 3N and Pier 2S

9. Pier 3N – Structures are approved. MCM will write a letter saying it is OK to haul across the bridge. MCM will address the comments received on Pier 3N by 1/5/07.
10. CCO #12 – 1/4/07
11. Crane Platform Pier 2 South Bridge – MCM will give Caltrans their calculations and procedure for the crane operation on 1/4/07. If the calculations are correct, we are in agreement.

Shaft at Slope Failure Pier 3N

12. Pier 3 North – The slide filled the shaft with approximately 500 yards of material. We estimate that it will take two weeks or 8-10 sifts to remove. We will need to stabilize the slope, clean above, dewater and clean the shaft, and export the material. We will resolve this issue quickly.

Attitudes Toward Permit Compliance and Being "Fair"

13. Our goal is to be proactive in complying with permit requirements. We will also be proactive in writing CCO's for changes being required to meet environmental needs so that it is fair.
14. To meet the project needs, Caltrans will have the proper staffing for the Field office so they can respond in a timely manner.
15. We will improve our project meetings so that they are more productive. Weekly meetings may be implemented.

Submittals

16. The following submittals are at issue:

<i>Submittal/CCO</i>	<i>Status/Agreement</i>
Trestle	Approved
Pier 3 NB	Dan and Evan will handle this in one week
Pier 2S platform	Crane platform OK if MCM writes a letter stating it is OK
AB form travelers	First part of next week
CCO #12	Rewrite using MCM's # - Abt. #1 SB rock face reinforcement
CCO for welding	Will be issued

NEXT STEPS

We will elevate these issues to the Executive Level in 30 days if we don't see the Field Team able to resolve these issues.

Mitch and Ron will act as the Partnering Champions for the project. They are charged with watching to make sure that working relationships are constructive and productive. If they are not they will take action.

PARTNERING – A MEDIATIVE PROCESS

California Evidence Code

§ 1119. Mediation confidentiality

1119. Except as otherwise provided in this chapter:

(a) No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation is admissible or subject to discovery, and disclosure of the evidence shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.

(b) No writing, as defined in Section 250, that is prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation, is admissible or subject to discovery, and disclosure of the writing shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.

(c) All communications, negotiations, or settlement discussions by and between participants in the course of a mediation or a mediation consultation shall remain confidential.

THANK YOU FOR LETTING ME BE OF SERVICE

Please visit the International Partnering Institute on the web at

www.PartneringInstitute.com

The International Partnering Institute (a division of ORG-METRICS) was founded by Sue Dyer as an educational organization dedicated to teaching and reinforcing partnering concepts worldwide.

Partnering and dispute prevention skills are key to being better players in today's economy. Fortunately, these skills can be learned. The Institute offers training programs and materials for the construction and design industries - and the public agencies they serve.

IPI has an extensive selection of books, booklets, special reports and white papers that teach the concepts necessary to make partnering a business reality. The institute also acts as an advocate

A Division of ORG-METRICS



Please call if I can help in any way



Sue Dyer

ORG•METRICS

291 McLeod Street
Livermore, CA 94550

(925) 449-8300 FAX (925) 449-0945
email: SueDyer@orgmet.com

www.orgmet.com
www.PartneringInstitute.com
www.ConstructionScorecard.com

MCM Construction and Caltrans
Highway 101 Garberville Project
Executive Team Partnering Session
Ukiah Conference Center
January 4th, 2006

AGENDA

9:00 am	Welcome and Partnering Ground Rules
	How is the project going?
	Review of the December Construction Scorecard
	Are you committed to success?
	Where do we have any outstanding issues?
	Core Project Issues
	Issue Resolution
	Commitments/Actions
	Are we doing what we said we would do? Do we need to adjust?
	Goals, Vision, Partnering Commitments
	Dispute Resolution Ladder Update
	Do we want to change any other measures?
	Do we want to meet again (Exec and Team?)
	Final Thoughts and Thanks
Noon	Session Ends

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J

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Confusion Hill Bypass Project**

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NORTH REGION CONSTRUCTION

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April 19, 2007

Contract 01-397514

MEN-101-KP 159.6/162.0

REALIGN ROADWAY@CONFUSION HILL

Mr. Evan Paine
Jim Carter
MCM Construction Inc.
6413 32nd Street
P.O. Box 620
North Highlands, CA 95660

Faxed (916) 334-0562 and mailed.

Safety and Permit Compliance Enforcement

Dear Messrs. Paine & Carter:

Attached is a draft letter we are planning to send addressing the lack of consistent enforcement of environmental and safety requirements on the Confusion Hill project. As agreed at previous partnering meetings, we want to meet with you to discuss these issues prior to sending this letter. Please plan on meeting with us after our next biweekly meeting on Tuesday, April 24, 2007 to discuss this letter and how MCM will deal with these issues to prevent them from occurring in the future.

If you have comments or questions, please contact me at (707) 925-6217

Sincerely,

Ronald J. den Heyer
Resident Engineer

Cc; Terry Davis
John Rodrigues
Project Records

RECEIVED
RJD

APR 23 2007

MCM MAIN OFFICE

DEPARTMENT OF TRANSPORTATION

NORTH REGION CONSTRUCTION

PO BOX 699

GARBERVILLE CA 95542

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April 19, 2007

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REALIGN ROADWAY @ CONFUSION HILL

Faxed (916) 334-0562 and mailed

Mr. Evan Paine
Mr. Jim Carter
MCM Construction, Inc.
PO Box 620
North Highlands, CA 95660

Dear Messrs. Paine & Carter:

Lack of Consistent Enforcement of Environmental and Safety Requirements

There has been an ongoing lack of consistent enforcement of both environmental permit requirements and safety requirements on this project. Reference Caltrans' letter dated December 1, 2006, regarding fall protection, safety, permit compliance and superintendence. The following examples are representative of the ongoing problems.

Fall Protection

- A. Caltrans has observed workers on the span 2 lower level falsework working beyond the handrailing while wearing harness but without being attached to a safety line, and who, when something is said to them, will tie off to something where they are, then release and walk back to a safe area without fall protection.
- B. Caltrans has observed workers improperly using their "Y" lanyards—they hook only one lanyard hook while climbing, so they are not protected when re-hooking the lanyard.
- C. There is temporary compliance when we bring this to the attention of the worker, a foreman, or Supt. James Ham. Mr. Ham's reaction to our notifications is that he tells them every day and he gets tired of telling them.

Permit Compliance

- A. Last Wednesday Supt. James Ham's reaction to Mr. Richard Thompson's notification to him of sawdust on a steep access road was that he didn't care, that it was far from the river, and Justin Porteous, standing with Mr. Ham, said that there are three silt fences between the sawdust and the river. Mr. Thompson said that wasn't the point of the permit, the point was that the sawdust was to be cleaned up so it couldn't wash down the hill to the silt fence. The sawdust has not been cleaned up.
- B. Another example from last week is the lack of attempt to contain weld splatter and oxy-acetylene cutting slag/debris at Pier 3, Br. No. 10-0300, and ignoring Caltrans' requests to clean it up from the rock below the pier.

April 19, 2007
Mr. Evan Paine
MCM Construction, Inc.
Page 2 of 2

C. On Friday, April 13, or Monday morning, April 16, a wood form was sprayed with form oil while on the trestle, noticeable by the pattern of overspray on the filter fabric covering the deck. Another example of the lack of concern. The oil laden filter fabric was removed and replaced this afternoon, only after it was brought to the attention of Mr. Ham.

Mr. Francisco Cordero is one of the major fall protection violators. He has been observed climbing up and down the column cage at Pier 3, Br. 10-0300, wearing a harness but without using the lanyard. He has also been observed using only one of the two lanyard ends when climbing around, leaving himself unprotected while rehooking the one lanyard end. Because of this behavior and his position as a labor foreman, he should be enforcing safety practices not being a bad example to subordinate employees.

The Engineer directs that Mr. Cordero be discharged from the project in accordance with Section 5-1.12, "Character of Workers," of the Standard Specifications for his lack of attention to and enforcement of permit and safety requirements. This is to be effective by end of business on Friday April 20, 2007.

In addition, if Supt. James Ham, MCM's full time representative at the project having responsibility for compliance with project environmental permits and MCM's Illness & Injury Prevention Program, cannot establish and maintain compliance with these requirements, then Caltrans will be forced to direct Mr. Ham's discharge in accordance with Section 5-1.12, "Character of Workers".

If you desire a meeting to discuss the criteria to be used in evaluating Mr. Ham's ability to enforce and maintain compliance with these requirements, please call Mr. Ron den Heyer at (707) 925-6217, or cell phone (707) 496-6608.

Sincerely,

RONALD J. DEN HEYER
Resident Engineer

GARRY TOLEN
Structure Representative

cc: Project Records 5.5; 6.0
MCM/EOrsi
ec: OSC/DThomas/RMelko
NRC/TDavis/EYarbrough/TStrahan



STATE OFF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

NORTH REGION CONSTRUCTION

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April 19, 2007

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Mr. Evan Paine
Jim Carter
MCM Construction Inc.
6413 32nd Street
P.O. Box 620
North Highlands, CA 95660

Faxed (916) 334-0562 and mailed.

[Retracted
per 4/24/07 mtg]**Safety and Permit Compliance Enforcement**

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Sincerely,

Ronald J. den Heyer
Resident Engineer

Cc; Terry Davis
John Rodrigues
Project Records

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REALIGN ROADWAY @ CONFUSION HILL

Mr. Evan Paine
Mr. Jim Carter
MCM Construction, Inc.
PO Box 620
North Highlands, CA 95660

Faxed (916) 334-0562 and mailed

Dear Messrs. Paine & Carter:

Refracted
Per 4/24/07
Mtg w/ T. Davis, R. de la Hoya
B. Tolson, Ed Fackie
Evan Paine

Lack of Consistent Enforcement of Environmental and Safety Requirements

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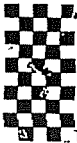
RECEIVED TIME APR. 19. 9:32AM

EXHIBIT

K

Declaration of Julie Macedo

**Prosecution Team Case-in-Chief
Confusion Hill Bypass Project**



STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

285 Feb 5
285 Feb 14.13

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

NORTH REGION CONSTRUCTION

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PHONE (707) 925-6218

FAX (707) 925-6391

cc: JC
HOM
RM
James H.
Joe C.
Nick K.Flex your power!
Be energy efficient!

Date: 05/24/07

Blow dust
Carpent whike
River bar

Contract: 01-397514

MEN-101-KP 159.6/162.0

REALIGN ROADWAY - CONFUSION HILL

Mr. Evan Paine

Mr. James Ham

MCM Construction, Inc.

PO Box 620

North Highlands, CA 95660

RE: **Sandblasting - Letter#100**

Faxed: (916) 334-0562 and mailed

Gentlemen:

Responded
MCM letter
5/29/07
EP

Regarding yesterday's events surrounding the sandblasting operation at the Pier 3 location of the north bridge, I am writing to inform you that both the Regional Water Quality Control Board (RWQCB) and the California Department of Fish & Game (CDFG) have been contacted and told that sandblasting material was deposited upon the river bar. A formal report stating the permit violations and the subsequent result will be forthcoming.

The disturbing aspect of yesterday's events are that MCM staff was directly informed that the sandblasting operations, as being planned during the end of the day on Tuesday, 5/22/07, were going to require appropriate BMPs to minimize the impacts of the sandblasting operation. No specific BMPs were discussed at the time and no direction was given in writing, but clear indication that some measures were needed was given, and was apparently received, as MCM staff apparently stated that the issue would be put off until the next day. Upon arrival at the north bridge early Wednesday, 5/23/07, Caltrans staff found that the sandblasting operation had taken place with no BMPs of any kind in place. No action or even a good-faith effort was attempted to contain the material. The fact that the operation took place with no measures to minimize deposition of material, and the fact that it took place prior to the presence of Caltrans staff appears to have been a deliberate attempt to violate the permit. MCM staff had clear direction that the operations, as initially planned, were not to take place.

The requirement for minimization of impacts and requirement to comply with all permits on this project are clearly stated both within the project Special Provisions and in the project SWPPP. Full permit compliance, including all methods that meet and fulfill the appropriate level of compliance is MCM's responsibility.

Due to the events that have taken place and based upon the past level of compliance with the permits, as interpreted by Caltrans, no further sandblasting operations will be allowed until a revised plan regarding sandblasting operations and minimization of the impact from the operations is submitted to

RECEIVED TIME MAY. 24. 8:48AM

this office, and approved. This request should be considered to be a request for an amendment to the SWPPP (SWPPP amendment #8).

Additionally, if further disregard and/or intentional violation of any of the permits on this project occur, immediate personnel changes will be required and project suspension will be contemplated until such a time that adequate measures are taken to ensure that no future violations will occur. If MCM has the position that inappropriate interpretation of the permits is taking place, or that BMPs that are being required by the contract are excessive or are not an industry standard practice, the Notice of Potential Claim process is the appropriate avenue to pursue such disagreements. Disregard for direction given from Caltrans staff, regarding any contractual or compliance issue, will not be tolerated on this project.

I understand that MCM is concerned with setting a precedent for future projects or for future work on this project; specifically, how future sandblasting work on the superstructure will occur and what the necessary BMPs will be. My immediate response to such issues or concerns is that proposed measures for the work should be contemplated and appropriate BMPs proposed and reviewed with Caltrans staff, regarding their effectiveness. At a minimum, a good faith effort is required.

As previously discussed in various conversations, it my position that permit compliance can be obtained via a constructive and proactive approach. MCM and Caltrans have partnered to cooperatively bring Joe Cartwright on-board as an assistant or Co-Superintendent to assist with project SWPPP oversight and BMP installation. This effort appears to have been in vain, as Mr. Cartwright's job is to oversee all contractor operations and make sure that appropriate measures are in place to minimize impacts and ensure permit compliance. It is necessary that he is aware of all proposed operations and that necessary measures are in place to minimize impacts. If it is unclear as to whether a proposed BMP is appropriate or will be effective, Caltrans staff are available to meet and confer. I am available and more than willing to meet with any contractor staff.

If it is not MCM's intent to give Mr. Cartwright the appropriate level of oversight and input as to affect a proactive approach to comply with all permits, it is my position that the cost of having him on the project is not cost-effective.

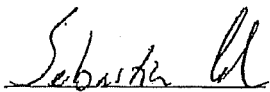
I plan to meet today with Joe Cartwright and James Ham to discuss the operations that took place, how future communication of operations will happen, and how appropriate BMPs will be implemented.

Please call with any questions regarding this matter.

Office: (707) 925-6403

Cell: (707) 496-4096.

Sincerely,



SEBASTIAN COHEN
Resident Engineer

cc: Project Records 5.5
MCM/JHam
TDavis

EXHIBIT

L

Declaration of Julie Macedo

**Prosecution Team Case-in-Chief
Confusion Hill Bypass Project**

Evan Paine (epaine@mcmconstructioninc.com) - Wed, 08/30/06 07:28:04 -0700

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From: Ron Den Heyer <ron_den_heyder@dot.ca.gov>
To: epaine@mcmconstructioninc.com
Subject: Fw: SWPPP Issues at Confusion Hill
Date: Tue 08/29/06 05:53 PM

Evan,

I thought you might be interested in this email from Walt. Check out who he cc it to. I had a long discussion with him today about sending anything pertaining to the project only to me and his direct supervision (he reports directly to Terry Davis).

RdH

----- Forwarded by Ron Den Heyer/D01/Caltrans/CAGov on 08/29/2006 05:48 PM -----

Walt Dragaloski

To: Ron Den
eyer/D01/Caltrans/CAGov@DOT, Gene Leo/D01/Caltrans/CAGov@DOT
08/25/2006 01:07
cc: Terry
Davis/D01/Caltrans/CAGov@DOT, Alex
PM
Arevalo/D01/Caltrans/CAGov@DOT, Melinda L Molnar/D01/Caltrans/CAGov@DOT
Subject: SWPPP issues at
Confusion Hill

Ron,

On Tuesday, August 22, 2006, I performed a site inspection for SWPPP compliance. The following deficiencies were observed:

Equipment is being fueled on the riverbar at the north bridge. Our permit with the Regional Water Quality Control Board explicitly states that fueling must only occur outside of waters of the United States. At the PDT James Hamm acknowledged that they were fueling a compressor, generator, man-lift and backhoe. A discharge of oil occurred from the backhoe directly onto the riverbar.

Equipment that has even minor leaks must not be allowed to operate in sensitive areas such as the riverbar. This discharge should have been reported to the RE and cleanup up immediately. There were no BMP's in

285 fi 6 8.0

cc: Justin Porteous MF

Tom Copenore UOR

James Ham (707) 925-6096

Jim Carter

place to prevent the discharged oil from reaching the riverbar.
Careless discarding of welding rods is occurring onto the riverbar.
A temporary sedimentation basin has been constructed and used within
100 feet of the live stream channel. Page 144 of the Special Provisions
states, "temporary sedimentation basins for dewatering...shall be
located a minimum of 32 meters away from the live stream channel."
Fueling is occurring in the TCE near the RE's office without use of
ANY BMP's. Ladd personnel were fueling the tracked hoe and claimed they
had no training or knowledge of required fueling practices and have been
fueling their equipment for weeks in such a manner.
There is no stabilized construction entrance at the south bridge
approach where dirt is tracking onto the highway due to trucks
entering and leaving the work site. The stabilized entrance should be
constructed prior to dirt hauling activities in the area.
Linear sediment barriers should be constructed along highway 271
where disturbed soil areas exist.

In addition to the above described deficiencies, please consider the
following requests and recommendations:

The Water Pollution Control Manager (WPCM) should amend the SWPPP by
submitting the information described on Page 144 of the Special
Provisions to graphically depict the dewatering process that the
contractor is using to construct the temporary trestle at the north
bridge. The graphic needs to show a sectional and plan view that
details the removal techniques for pumping groundwater. It should define the
flow path and placement of pipes, hoses, pumps, and other equipment
used to convey the discharge. The graphic shall also show the general
position of the apparatus relative to the pile or cofferdam, the
point of pumped groundwater discharge, and the distance to the live river
channel. The description should also include an estimate of the
discharge volume, flow rate, and frequency; location of the
discharge;
and the inspection and monitoring procedures related to the
discharge.

[During a phone conversation on Thursday, August 24, 2006, Mr. Hamm
indicated that pumped groundwater that had come into contact with wet
cement would be treated and then sprayed on the riverbar as a dust
palliative. This is unacceptable and would be a violation of the
RWQCB permit since the water would most likely still contain cementitious
material. If the pH were adjusted to be within tolerance and no
cementitious material were present in the water, this procedure would
be unnecessary since dust emissions are not a problem on the riverbar
for this work.
I strongly urge you to re-evaluate your decision to use aggregate
base

for both the stabilized construction entrance and the stabilized construction roadways. The access roads are steep and there will be a high probability that fines will be washed out of the aggregate base during heavy rainfall leading to concentrated flows, higher flow velocity, and increased erosion after leaving the roadway. In addition, using base for the construction entrance may exacerbate tracking problems during the winter. Although the BMP manual calls for 1 foot thick of 3-inch to 6-inch cobbles, I recommend that you use 1-inch to 2-inch crushed rock, a minimum of 3-inches thick. The crushed rock will stay in place under equipment loading on steep roads and the lack of fines will allow surface water to penetrate the surface, thus reducing it's velocity and allowing sheet flow along the out-sloped edge.

Walt Dragaloski, P.E.
District 1 Construction Stormwater Coordinator
5601 South Broadway, Eureka, CA 95503
(707) 445-6697 office
(707) 496-6356 cell

Evan Paine (epaine@mcmconstructioninc.com) - Wed, 08/30/06 07:28:04 -0700

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