



DEPARTMENT OF  
UTILITIES

CITY OF SACRAMENTO  
CALIFORNIA

2812 Meadowview Road  
Sacramento, CA 95832

SOLID WASTE DIVISION

Phone: 916-808-4900  
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June 16, 2010

Todd A De Frate  
Engineering Geologist  
Title 27 Compliance and Enforcement Unit  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, # 200  
Rancho Cordova, CA 95670-6114

Ref: Request for Extension of Time Line to Close Dellar Landfill

Dear Mr. De Frate:

The City of Sacramento submit this letter requesting an extension of the schedule to complete closure of the Dellar Landfill as described in the Cleanup and Abatement Order (CAO).

The request for an extension at this late date is necessary to address the concerns expressed by the United States Fish and Wildlife Service (USFWS) in their Biological Survey regarding the property's Elder Berry bushes. We were not aware of the Elder Berry bushes until March 2010 when visiting the site with the Dellar Trust attorney. Until that time, all documents pertaining to the Dellar Landfill gave no indication of Elder Berry bushes or other listed species on the property. The chronology of events and actions taken to address the Elder Berry bushes is outlined below.

1. In late February/ early March 2010, the City was made aware of the Elder Berry bushes on the Dellar Landfill. This occurred when representatives of the Dellar Trust, the co-responsible party identified in the CAO, informed the City of the Elder Berry bushes and asked if a Biological Survey was being completed.
2. The City instructed SCS Engineers (SCS), consultant to the City for the landfill closure, to complete a Biological Survey of the Dellar site.
3. SCS sub-contracted with AECOM to complete the biological survey.
4. The field survey was completed on May 13, 2010. An earlier survey scheduled on April 29, 2010 was aborted due to homeless people who were camped beneath the Elder Berry bushes, making it impossible to complete the survey.
5. The City, with assistance from AECOM completing the Biological Survey, identified mitigation banks in the area that could be used to purchase credits or sites where the Elder Berry bushes could be transplanted prior to construction starting on July 6, 2010.
6. The Biological Survey was submitted to the USFWS on June 3, 2010.
7. On June 7, 2010, AECOM communicated that Mr. Eric Tattersall, USFWS Sacramento Office Conservation Planning and Recovery Division Chief, required a full Habitat Conservation Plan, pursuant to Section 10 of the Endangered Species Act. In further conversations, it was learned an Habitat Conservation Plan (HCP) will take up to three years to complete, and there may be no mitigation banks in the area with credits available today.
8. A low-impact HCP was discussed with USFWS, but due to the number of Elder Berry bushes on the site and the existence of exit holes, this was not recommended by USFWS.



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Upon receiving the decision from USFWS to complete an HCP, the City directed the SCS Engineers to review the construction plan to determine if closure work could proceed around the Elder Berry bushes. Because of the protective radius required around the Elder Berry bushes, it was determined this was not possible.

Due to the late discovery of the Elder Berry bushes on the site and the response from the USFWS, the City requests an extension of time to commence and complete construction of the closure of the Dellar Landfill. Because it is unknown how long it will take to complete the HCP, the City is unable at this time to provide a detailed time line to complete the HCP and commence closure of the Dellar Landfill. Therefore, the City requests an extension of up to four years. This will provide adequate time to complete the required HCP pursuant to Section 10 of the Endangered Species Act, and complete the approved closure plan for the Dellar Landfill. The City will push forward with the HCP as soon as possible and will work quickly to get it approved and implemented. However, the ultimate time table is dependent upon the USFWS and the availability of mitigation credits. We would commit to providing status reports on a semi-annual basis to inform you of our progress.

Sincerely,



Marty Strauss  
Integrated Waste Planning Superintendent

cc: Jeffery Scharff, Attorney at Law  
For Dellar Property Trust  
Michael Vinding, Attorney at Law  
Jerry Hicks, City of Sacramento Attorney's Office  
Marty Strauss, Integrated Waste Planning Superintendent  
Bill Busath, Supervising Engineering  
Dave Brent, Engineering Manager  
Edison Hicks, Integrated Waste General Manager  
Ambrose McCready, SCS Engineers  
Eric Tattersall, USFWS Sacramento Office Conservation Planning and Recovery Division Chief

From: Wendy Wyels  
To: Del Frate, Todd; Olson, Anne  
Date: 1/11/2011 11:48 AM  
Subject: Fwd: FW: Request For Extension of Time Line to Close Dellar Landfill  
Attachments: Signed Ltr for Extension of TimeLine to Close Dellar Landfill 6.16.10.pdf

Let's respond to this one. The response should include the fact that we just now received it.

>>> Melissa Mowry <[MMowry@cityofsacramento.org](mailto:MMowry@cityofsacramento.org)> 1/11/2011 11:33 AM >>>

Wendy,

Not sure if you needed this letter as well, so I thought I would send it to you just in case.

Melissa Mowry  
Division Secretary  
Solid Waste  
916-808-4931

From: Melissa Mowry  
Sent: Wednesday, June 16, 2010 4:07 PM  
To: [toddi@saccounty.net](mailto:toddi@saccounty.net)  
Cc: Edison Hicks; Dave Brent; Marty Strauss; Bill Busath; [Eric\\_Tattersall@FWS.gov](mailto:Eric_Tattersall@FWS.gov); [jscharff@scharff.us](mailto:jscharff@scharff.us); [mvinding@scharff.us](mailto:mvinding@scharff.us); [AMcCready@SCSEngineers.com](mailto:AMcCready@SCSEngineers.com)  
Subject: Request For Extension of Time Line to Close Dellar Landfill

Hello Todd,

Please see the attached letter requesting for extension of time line to close Dellar landfill. If you have any questions, please feel free to contact Marty Strauss at 916-808-4932.

Thank you,

Melissa Mowry  
Division Secretary  
Solid Waste  
Phone: 916-808-4931  
Fax: 916-808-4999  
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