

ADMITTED IN:  
CALIFORNIA  
TEXAS

LAW OFFICES OF  
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July 2, 2014

**Via E-mail Only**

John Moody  
Permitting Section  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6111

Todd A. Del Frate, P.G.  
Compliance and Enforcement Section  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

Re: American River Flood Control District Encroachment Permit Application Status Update  
Tentative Waste Discharge Requirements  
Former City of Sacramento Landfill/Dellar Trust Property

Gentleman:

I am writing in follow up to the meeting of May 21, 2014, with regard to various issues and questions surrounding the former City of Sacramento landfill owned by the Sylvia Dellar Survivor's Trust. Among other things is the status and disposition of the application process for an Encroachment Permit through the American River Flood Control District (ARFCD). This Encroachment Permit is tied to the "No Construction Zone" established during compliance construction activities undertaken by the Trust in response to directives of the Board pursuant to Clean up and Abatement Order number R5-2008-0705.

As you are aware, the ARFCD raised concerns about the effect of an encroachment within the area of the levee including specifically potential destabilization of the levee structure. As a result, an accommodation was reached that is referred to as an exception in the tentative WDR's for the NCZ.

At the aforementioned meeting, there was a request by staff for the submission of an application for the Encroachment Permit concurrently with processing of the proposed WDR's. However, during the pendency of consideration of the tentative WDR's by the Board it is premature to

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make application with the ARFCD. As a result, the Trust will withhold application for an Encroachment Permit until such point in time as the matter has been fully aired and considered during the upcoming August meeting before the members of the Board.

Given prior discussions as well as the pending comments to the tentative Waste Discharge Requirements, we would like to further request acknowledgement of receipt of this notification and indication that the proposed response is acceptable to Board staff in advance of the August, 2014 hearing. Please advise if this advisory presents any issues, questions or concerns on or before July 18, 2014 with respect to the question of submitting an application for an Encroachment Permit to the ARFCD.

Thank you for your courtesy and consideration in this regard.

Sincerely,



Jeffery J. Scharff

JJS:adb

cc: (Via E-mail)  
Client  
Robert L. Bletcher, Esq.  
Kathleen Rogan, Esq.  
Tim Kerr, G.M., ARFCD