

From: Marty Strauss <MStrauss@cityofsacramento.org>
To: 'Wendy Wyels' <wwyels@waterboards.ca.gov>
CC: 'Todd Del Frate' <TDelFrate@waterboards.ca.gov>, "Jeffery J. Scharff" ...
Date: 1/7/2011 3:15 PM
Subject: RE: Meeting follow-up: Dellar Landfill

Wendy:

I looked at our record and sent copies of the signed status reports requested in your Email below and the signed PDF June letter requesting the extension to Todd Del Frate.

We have been sending status reports as required and all communication to Todd Del Frate via EMAIL as PDFs. I do not know why he is not receiving them. They have not been bouncing back to us.

I have asked our division secretary to look up the requested documents and Email dates we sent them, and to resend them to yourself and Todd.

Marty

-----Original Message-----

From: Wendy Wyels [mailto:wwyels@waterboards.ca.gov]
Sent: Friday, January 07, 2011 3:07 PM
To: Jerry Hicks; Marty Strauss; jscharff@scharff.us; kraugh@scharff.us
Cc: Anne Olson; David Boyers; Todd Del Frate
Subject: Meeting follow-up: Dellar Landfill

Marty and Jeff,

Thank you for meeting with staff yesterday to discuss the issues at the Dellar Landfill. As discussed, the parties will provide a proposed schedule showing the steps needed to close the landfill during the 2011 construction season. The parties will also provide documentation regarding mitigation costs, if the elderberry bushes were to be removed. We understand that these documents will be submitted by January 13th.

A review of our file also shows that we have no record of receipt of the May 2010, August 2010, or November 2010 quarterly progress reports. We suggest that these documents be re-created and submitted as soon as possible, in order to stop any potential penalties under California Water Code section 13268.

During the meeting, the dischargers represented that Water Board staff had granted a four-year extension to the deadlines contained in the Cleanup and Abatement Order. Our subsequent review of the case file shows that this is not correct. A 14 June 2010 e-mail from Marty Strauss to Anne Olson and Rick Moss states that a draft letter requesting a four year extension is currently being reviewed by the Dellar attorney, and will be submitted shortly. However, our file does not contain any such letter, nor does it contain any response by Board staff allowing an extension. A 12 July 2010 letter from Mr. Scharff states "we understand that an accommodation was reached that will allow for time to work with the jurisdictional agencies regarding the elderberry bushes." However, our file does not contain any information regarding a time extension. Therefore, the due dates found in Cleanup and Abatement Order R5-2008-0705 are in effect and enforceable. However, as stated during the meeting, staff will propose not to take additional enforcement actions if the landfill is fully closed during the 2011 construction season.

Please feel free to contact me if you have any questions.

Wendy

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