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Via email

May 13, 2011

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

Re: Sylvia Dellar Survivor's Trust
Former City of Sacramento Landfill

Dear Mr. Del Frate:

On behalf of Douglas M. Daggs, Trustee of the Sylvia Dellar Survivor's Trust we would like to thank you for your time last week. We had a number of items that we wanted to discuss with you and appreciate your accommodation of our request.

As you know, we have identified an opportunity for a CalRecycle Grant to the City of Sacramento to be used to defray the cost of compliance with the requirements of the Clean Up and Abatement Order. As you heard from Wes Mindermann of CalRecycle they consider the City's application to be of high priority and will be up for consideration at their next funding cycle in September 2011.

The application is for \$720,000 all of which would go towards compliance with the CAO. The City would, as part of the Grant requirements, put a matching amount of \$720,000. That is a total of \$1.4 million towards the work to be done. Unfortunately, as you also heard the Grant program does not provide for reimbursement, unlike say for example the Underground Storage Tank Clean Up Fund. Instead, the Grant must issue before the costs are incurred.

With the next Grant award consideration in September 2011, Mr. Mindermann explained the actual award would not be confirmed until sometime in November 2011. Recall he did say that the City's request was of high priority and while he could not say with absolute certainty that the full amount would be awarded, he indicated that it was likely. However, the timing of the Grant consideration in September 2011 does not coincide with the schedule that was agreed to in our meeting of January 6, 2011 for completion of the revised grading plan and cap during the 2011 construction season.

Todd Del Frate
May 13, 2011
Page 2

In the meantime, Trust agrees to continue with completion of the design work through their engineer's at Kleinfelder. One of the things that we had committed to was an update on submission of the revised plan. However, as you know Mr. Crandall had a family medical emergency. I was finally able to speak with him on Thursday May 12, 2011 and update him concerning our May 5, 2011 meeting. Based on our conversation, it is my understanding that Mr. Crandall attempted, unsuccessfully to reach you. Once he has that discussion he will be in a position to provide a firm date for submission of the revised Final Closure Plan for your consideration.

During the meeting we briefly touched on the possibility of other items that can be completed before the September Grant consideration cycle. We plan to discuss this question with our engineer, Tim Crandall. As you heard from Mr. Daggs if there are things that can be identified to be done to while waiting for CalRecycle consideration of the Grant the Trust will not only do them but commit to doing so in writing.

For all the reasons stated, we join with the City of Sacramento to request a one-year extension in the present schedule for completion of the Final Closure Plan to allow the parties time to pursue the CalRecycle Grant of \$720,000. Given the current economic climate, the state of the City's \$39 million deficit, the losses and expenses that the Trust has incurred not to mention the anticipated compliance costs. We respectfully request your favorable consideration of this joint request.

Mr. Daggs greatly appreciated your willingness to consider our request. Thank you and if you have any questions please do not hesitate to call.

Sincerely,

Jeffory J. Scharff, Esq.

Cc: Wendy Wyles
David Boyers, Esq.
Jerry Hicks
Marty Strauss
Douglas M. Daggs
Tim Crandall