

TELEPHONE  
(916) 485-6700

Jeffory J. Scharff, Esq  
SIERRA OAKS FINANCIAL CENTER  
2625 FAIR OAKS BLVD, SUITE 7  
SACRAMENTO, CALIFORNIA 95864  
[jisesq@scharff.us](mailto:jisesq@scharff.us)

FACSIMILE  
(916) 485-5912

May 31, 2011

Via E-Mail

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

Re: Former City of Sacramento Landfill

*Dellar LF*

Dear Mr. Del Frate:

Thank you for your letter of May 26, 2011.

You have requested a commitment from my client the Sylvia Dellar Survivor's Trust (Dellar Trust) for ongoing efforts in compliance with the provisions of Cleanup and Abatement Order No. R5-2008-0705 ("CAO"). We have joined in the request of the City of Sacramento for an extension in the time to comply with the directives of the aforementioned CAO. The request is for the purpose of pursuing a CalRecycle grant of approximately \$750,000 to assist in the costs of compliance with the CAO. Your agency has made demand for proof of expenditure of funds in the range of \$500,000 to \$750,000 during the 2011 construction season and the pendency of the consideration of the City of Sacramento CalRecycle grant application. Such a demand is seemingly inconsistent with the constraints of the Water Code, specifically section 13363 among other provisions.

As we stated in January and again two weeks ago on May 5, 2011, my client remains fully committed to compliance with the directives of your agency. However, I believe it violative of the provisions of the Water Code to specify a specific dollar amount to be expended by either my client or the City of Sacramento as to our collective efforts to comply with the provisions of the aforementioned CAO.

Further, as we discussed at our last meeting on May 5, 2011, we informed your agency that the extent of the apparent debris extends well beyond the limits of the Dellar Trust property to the west, south and east. As such, and as pointed out by the Trustee, Douglass M. Daggs, your directives are at best an incomplete remedy and in contravention of the provisions and requirements of the Water Code. We previously questioned in April of 2006, prior to the issuance of the CAO, whether the surrounding parcels should be part of the instant order. It is now without controversy that they should be yet are not. As such, the CAO is also inconsistent



Todd Del Frate  
May 31, 2011  
Page 2

with the statutory mandate of the Water Code with regard to inclusion of the responsible party dischargers.

The Dellar Trust will continue to develop the required modified grading plan. However, at our May 5 meeting I requested the assistance of the Board as to the expectations for the design specifications of the detention basins or at least examples of other facilities similarly situated. It has proven to be a lengthy process. As we discussed, I had hoped to avoid the submission of a closure plan that would generate comment and response, and revision, and resubmission, and comment, and revision prior to approval.

All of this also ignores the opportunity for the City and the Trust to secure matching funds from CalRecycle. As was pointed out in our May 5 meeting, the City is facing a budget deficit of millions. Your agency's demands place that opportunity in jeopardy if the parties' efforts are deemed insufficient or otherwise inadequate, thereby leading to a notice of violation, which, as your agency is aware, would render the application of the City of Sacramento – that, at the moment is, according to Mr. Mindermann of Cal Recycle, a high priority request – ineligible.

The Trust will continue as stated at our last meeting on May 5, 2011, to respond and comply with the requirements of the CAO but implores your agency to grant the request for an extension to determine that CalRecycle grant funds may be available to assist in defraying the compliance costs of your agency's order.

We would greatly appreciate a favorable consideration of my client's request.

Sincerely,

/s/ Jeffory J. Scharff

Jeffory J. Scharff

JJS:ket

Enclosure (April 21, 2006 Letter to Steve Rosenbaum)

cc: David Boyers, Esq.  
Jerry Hicks, Esq.  
Robert Bletcher, Esq.  
Marty Strauss

C

C

ADMITTED IN:  
CALIFORNIA  
TEXAS

LAW OFFICES OF  
**JEFFORY J. SCHARFF**  
2026 FAIR OAKS BOULEVARD, SUITE 7  
SACRAMENTO, CALIFORNIA 95804  
jscharff@scharff.us

TELEPHONE  
(916) 485-5892  
FACSIMILE  
(916) 485-5912

April 21, 2006

Via Email & U.S. Mail

Steve Rosenbaum  
Regional Water Quality Control Board-Central Valley  
11020 Sun Center Dr., #200  
Rancho Cordova, CA 95670-6114

Re: 28<sup>th</sup> Street Landfill  
Our Client: Sylvia Dellar Survivor's Trust  
Regional Water Quality Control Board Order No. R5-2004-0039

Dear Mr. Rosenbaum:

I am writing to you on behalf of the Sylvia Dellar Survivor's Trust in response to your correspondence of February 24, 2006. You have requested written comments on the Proposed Cleanup and Abatement Order. The Trustee appreciates the opportunity to submit the following comments for your consideration prior to issuance of the Cleanup and Abatement Order (CAO).

1. Cleanup and Abatement Order Caption

First, the Trustee has requested that the Board consider a revision to the caption as it pertains to the CAO. It is our belief that the caption should reflect the fact that the property is part of the former City of Sacramento Landfill as reflected in the 1957 agreements between the Trustee's predecessors-in-interest, Alva D. Lucas, Rufus J. Cannon and the City of Sacramento. The property owners and the City entered into an agreement for the City to conduct waste fill on the subject property. As such, we will request that the CAO caption be revised as follows:

Former City of Sacramento Landfill;  
Sylvia Dellar Survivor's Trust;  
Rufus Lucas; and,  
S. Scollan Credit Trust.

2. Failure to Include Adjacent Parcels in the Order

In addition to the parcels identified in paragraph one of the draft CAO, there are three additional parcels upon which the City of Sacramento conducted landfill operations which were also owned by the Trust's predecessors-in-interest that are not included in the order. These three parcels are to the south of the Dellar Trust property and were also within the boundaries of the City's disposal operations between 1957 and 1963, pursuant to the terms of City Agreements Nos. 1017 and 1018.

Steve Rosenbaum  
April 21, 2006  
Page 2

Records of ownership indicate that the current property owners of these parcels are R. Lucas, et al., (APN 003-0032-008, 003-0032-009) and the S. Scollan Credit Trust (APN 003-0041-003). These owners should be added as responsible parties.

The work of Alisto Engineering, as set forth in the December 2004 Site Summary Report, establishes that the aforementioned parcels were also part of the City of Sacramento Landfill activities. As such, it is the position and request of the Trust that the aforementioned parcels also be incorporated into the proposed CAO. These parcels are closer in proximity to monitoring wells C-14 and C-18. Under relevant and applicable decisions of the State Water Resources Control Board, as a matter of policy, all potential dischargers should be incorporated into the CAO. (State Water Board Resolution 92-49, Union Oil Company of California, Order No. 90-2 (SWRCB 90-2).)

Like the Dellar Trust property, these parcels were subject to differential settlement and degradation as a result of the City's landfill operations at that time. Failure to include these parcels and their respective owners in the draft Order will result in incomplete abatement of the nuisance and the accompanying threat to water quality.

### 3. Scope and Extent of Order

Paragraphs 8 through 17 contain a discussion of what has been captioned as the Dellar property. On behalf of the Trust, we are requesting that it be characterized as the former City of Sacramento Landfill since those operations extend from the railroad tracks to the river. The mandate, as set forth further in the CAO, is, among other things, for characterization of potential groundwater impacts. The operable units owned by the Scollan Credit Trust and R. Lucas are potential sources of discharges for which the CAO is seeking remedial investigation. As such, without their inclusion in the draft CAO, it would result in an incomplete determination as to potential dischargers.

### 4. Landfill Operational History

The landfill was in operation between 1957 and December 1963. The CAO states that operations on the Dellar Trust property began in 1957.

However, the City of Sacramento Landfill conducted its operations pursuant to City Agreements Nos. 1017 and 1018. These contracts should be specifically referenced in the order for the following reason. The Trust previously contacted the City requesting and demanding its participation in responding to the previous directives of the Regional Water Quality Control Board. The City did not agree with the request of the Trust. Thereafter, the Trust initiated legal proceedings against the City seeking to enforce the terms and conditions of the aforementioned agreements. In response thereto, the City has taken the position that it is not a responsible party and in fact denied the conduct of any operations on the property now held by the Trust. As a result, these agreements should be expressly referenced in the order anticipating the City's continued objection to any responsibility despite the existence of those agreements. Liability assumed by contract is an important factor in

Steve Rosenbaum  
April 21, 2006  
Page 3

the Regional Board and State Board's determination of potentially responsible parties and this should be reflected in the Regional Board's Cleanup and Abatement Order.

The Cleanup and Abatement order also refers to the agreements as a "lease." Instead, we believe they are more appropriately characterized as licenses to operate a landfill rather than a lease.

5. City Compliance Activities at the Dellar Trust Property

The CAO should reflect all of the City's actions to address the problems at the Dellar Trust property over the past decade. None of the history has been included regarding the City's activities at the site after landfilling was complete, including site assessments and corrective action plans. This history should be included in the factual recital of the CAO.

The City has admitted its responsibility to mitigate the condition of the Dellar Trust property in an October 27, 1995 memorandum relating to the subject, a copy of which is enclosed. The memo was submitted by Violet Chu, the City's Senior Engineer in the Solid Waste Division, for Bruce Alei, the City's supervising real estate agent. Shortly thereafter, on December 18, 1995, City consultant Harding Lawson prepared an amended closure plan for the City of Sacramento that incorporated detailed a grading plan for the Dellar Trust property, but the City has failed to implement it.

The completion of an environmental site assessment of the Dellar Trust property in June 2003 by the City's consultant, SCS Engineers, should also be mentioned. That document contains important information regarding the condition of the property and the cause of the degraded condition. It includes a discussion of findings and opinions regarding the state of the property, including observations of the water quality risk posed by the property and adjacent property, history of use of the property, current land use, regulatory activity, and a recommendation to better assess the environmental conditions of the property through additional investigation. The SCS report also recommends that "the Subject Site should be graded to drain in a manner that does not allow stormwater to leach beneath the refuse at the site."

6. Related Closure of the 28<sup>th</sup> Street Landfill

The City of Sacramento is under Waste Discharge Order No. R5-2004-0039 for the closure of the 28<sup>th</sup> Street Landfill. As a matter of state and federal law, the City's landfill operations at the Dellar Trust property were part of the City's overall disposal scheme. However, the draft CAO makes no provision for ensuring that closure activities on the Dellar Trust property are consistent with and do not conflict with closure on the parcels now owned by the City of Sacramento.

This need for conformance and consistency should be noted and made a requirement of the draft Cleanup and Abatement Order. The Regional Board has ordered that closure commence at other sites in the past. Closure of the Dellar Trust property should be ordered by the Regional Board, in an appropriate time frame.

Steve Rosenbaum  
April 21, 2006  
Page 4

7. Risk Assessment

The Trust believes that the requirement for a Risk Assessment (R/A) is premature. Instead, the order should be structured in such a way as to require an R/A if the results of the investigation so warrant. Typically, the R/A is a later-in-time portion of the RI/FS process. Yet, in this case, it is one of the very first deliverables requested by the order prior to completion of the evaluation and investigation of groundwater impacts. That data would be necessary for the preparation of an R/A which, depending on the results of the investigation, may or may not be warranted.

8. Water Quality

A. The Source of the Volatile Organic Compounds

The Trust also questions the contention of the Regional Board that the detection of volatile organic compounds (VOC) is a result of the City's waste disposal activities on the property.

It is the position of the Trust that the presence of the VOCs, detected downgradient of the property, may be the result of industrial operations that took place off of the Dellar Trust property. These industrial operations, which include automobile shops, salvage yards and a dry cleaner, are far more likely to be the source of the VOCs than the Dellar Trust property. The Trust requests that the owners and the operators of these facilities be named as responsible parties in the CAO.

B. Background Water Quality

With respect to background water quality, the background wells referred to by the City of Sacramento are located very near the American River, a major groundwater recharge area. These wells, adjacent to a body of high quality surface water, may not be representative of background water quality in the larger shallow groundwater basin in the area. This fact should be noted in the CAO as it is important in the evaluation of the degree of groundwater degradation caused by the City of Sacramento's larger landfill operations.

Thank you again for this opportunity to submit comments on the draft order. Should you have any questions, please do not hesitate to call.

Sincerely,



Jeffery J. Scharff

JJS/hv

Enclosures

cc: Client

Gerry Hicks, Esq.



DEPARTMENT OF  
PUBLIC WORKS  
SOLID WASTE DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

921 TENTH STREET  
SUITE 500  
SACRAMENTO, CA  
95814-2715

ADMINISTRATION  
PHONE 916-264-7043

CUSTOMER SERVICE  
PHONE 916-264-5757  
FAX 916-264-7771

MEMORANDUM

October 27, 1995

TO: Bruce Alel, Supervising Real Property Agent  
Landscape Architecture and Real Estate  
FROM: Violet Chu, Senior Engineer, Solid Waste *VZ*  
RE: **NON CITY OWNED AND LAND FILLED PROPERTY.**

As you know, the City's 28th Street Landfill stopped accepting waste last September and is presently undergoing closure design. The closure construction is planned for the summer of 1996. As part of the closure design, the Integrated Waste Management Board is mandating that the City grades and drains the land not owned but land filled by the City. This property is also known as the Dellard property. The APN numbers for this property are given for your information on the attached sketch.

The Solid Waste Division will perform the design of the necessary grading and drainage plans. However, without the owner's authorization, we will not be able to access the property to do the grading. Please perform a preliminary title search, so we can contact the legal owners for legal access to their property. The grading and drainage for this property will **NOT** be performed next summer.

Also, as indicated on the attached sketch with red markings, we placed waste and landfill gas related infrastructure outside of our boundary into the railroad and Caltrans owned land. We are in the process of delineating the exact size of the encroached parcels. Once we have the size and the legal description of the encroachments, I would like to know what is the next procedural step in acquiring a permanent easement from the owners. The feasibility of removing the waste is very unlikely.

New Federal regulations ( Subtitle D ) and our new Waste Discharge Requirements dated August 2, 1995 require that within sixty days after completing final closure the deed to the landfill facility

Non City Owned and Land Filled Property  
Page 2

property be modified to include, in perpetuity, a notation stating that:

- a. the parcel has been used as a municipal solid waste landfill
- b. land use options for the parcels are restricted in accordance with the postclosure land uses
- c. in the event the City defaults on carrying out either the postclosure maintenance plan or any corrective action needed to address release, the responsibility for carrying out such will be the owners responsibility

It is unlikely that either the railroad or Caltrans will agree to such a deed restriction for any part of their land. Also, we have to coordinate the placement of such deed restriction on the City owned and land filled parcels.

If you have any question, please call me at 264-7181.

cc: Reina J. Schwartz  
Bob Lee

**Phase I Environmental Site Assessment  
Report**

Parcels Numbered 001-0160-013-0000, 001-0160-008-0000,  
003-0032-013-0000, 001-0160-039-0000, 001-0160-009-0000,  
001-0160-038-0000  
Approximately 23rd And "A" Streets  
Sacramento, California 95816

*Prepared by:*

**MSC ENGINEERS**  
3050 Fite Circle, Suite 101  
Sacramento, California 95827  
(916) 361-1297

*Standard:*

ASTM E-1527-00

June 2003

File No. 01202248.00

**MSC ENGINEERS**  
01202248.00

23rd and "A" Streets Landfill  
July 2003

TABLE OF CONTENTS

1. INTRODUCTION.....1  
    Purpose.....1  
    Detailed Scope of Study.....2  
    Significant Assumptions.....2  
    Limitations and Exceptions.....2  
    Special Terms and Conditions.....3  
2. SITE DESCRIPTION.....4  
    Site Overview.....4  
    Site and Vicinity General Characteristics.....5  
    Current Use of the Site.....5  
    Utilities.....6  
    Current Use of Adjoining Property.....6  
3. USER PROVIDED INFORMATION.....7  
    Title Records.....7  
    Environmental Liens of Activity and Use Limitation.....7  
    Specialized Knowledge.....7  
4. RECORDS REVIEW.....8  
    Standard and Additional Environmental Record Sources.....8  
    Physical Setting Source(s).....9  
    Historical Use Information on the Property and Adjoining Properties.....11  
5. SITE RECONNAISSANCE.....12  
    Methodology and Limiting Conditions.....12  
    General Site Setting.....12  
6. INTERVIEWS.....14  
7. FINDINGS AND OPINIONS.....15  
8. CONCLUSIONS AND RECOMMENDATIONS.....17  
9. REFERENCES.....18  
10. SIGNATURE(S) OF ENVIRONMENTAL PROFESSIONAL(S).....19  
11. RESUMES OF ENVIRONMENTAL PROFESSIONALS.....20

---

**APPENDICES**

- A. Discussion of Abandoned Landfill on Dellar Property, Sacramento, California
- B. Discussion of Development of the Dellar Property, Sacramento, California
- C. Subject Site Map
- D. CVRWQCB Letter to Current Owners Dated March 2003
- E. Regulatory Records Documentation EDR Database Report
- F. USGS Sacramento East Quadrangle 7.5 Minute Series Topographic Map
- G. Subject Site Photographs

## 1. INTRODUCTION

This report presents the results of the Phase I Environmental Site Assessment (ESA) and landfill evaluation for the six parcels numbered 001-0160-013-0000, 001-0160-008-0000, 003-0032-013-0000, 001-0160-039-0000, 001-0160-009-0000, 001-0160-038-0000, located at approximately 23<sup>rd</sup> and "A" Streets in Sacramento, California and hereafter referred to as the Subject Site, the Site, or the Property.

### Purpose

The purpose of this investigation was to identify evidence of *recognized environmental conditions* that may have an adverse environmental impact on the subject property or in the immediate adjoining area. ASTM Standard B 1527-00 defines recognized environmental condition as:

"The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or material threat of a release of any hazardous substances or petroleum products into structures on the property or into ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with the law. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions."

The investigation was performed as part of the due diligence referred to in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA a.k.a. Superfund) and the Superfund Amendments and Reauthorization Act of 1986 (SARA). This assessment is intended to constitute an appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice, as part of the due diligence process required by CERCLA, SARA, and the Small Business Liability Relief and Brownfields Revitalization Act of 2002. This process satisfies one requirement to qualify for the innocent landowner defense to CERCLA liability. This investigation assists the owner and mortgage lender in establishing an "innocent landowner" defense as defined by CERCLA.

Additionally, an environmental investigation is a valuable risk assessment tool that will help a purchaser, owner, lending institution, buyer and investor identify asset management issues (business environmental risk) that may have a significant material impact on the property, value or use of the asset or its future marketability. This knowledge will allow for more informed negotiations in a real estate transaction. The assessment can also be the bases for preserving, creating, and adding value to the asset and at the same time eliminating or reducing future contingent liability for the owner. Consideration of business environmental risk may involve addressing one or more non-scope considerations.

#### Detailed Scope of Study

This ESA was performed by SCS Engineers in general accordance with the ASTM standards for environmental assessments (ASTM E 1527-00).

This ESA is based on:

- Field observations and interviews made during site reconnaissance's performed on February 22, 2003
- Review of available historical documents, examples include fire insurance maps, street directories, topographic maps, and available environmental reports and related documents.
- Review of federal, state, and local regulatory databases. The search distances are those specified by ASTM Standard E-1527-00.
- Review of applicable state and local regulatory files.
- Review of documentation produced by the City of Sacramento detailing historic and present landfill activities including closure and post closure maintenance of the landfill.

#### Significant Assumptions

Certain significant assumptions regarding any site that is the subject of an ESA can be made. Examples may include that a vent pipe on the side of a building could indicate the current or past presence of an underground storage tank. Another example may be that sprayed on insulation on steel beams in a 1968 building may contain asbestos.

Based on all documents reviewed, interviews with knowledgeable people and a site reconnaissance, the following significant assumptions can be made regarding the Subject Site;

- Unless obviously inaccurate or if information exists to the contrary, SCS Engineers assumes that information collected during this ESA is accurate and correct. Unless warranted, information collected has not been independently validated as part of this ESA.

#### Limitations and Exceptions

This investigation focused on potential sources of hazardous substances and petroleum products that could be considered a *recognized environmental condition* and a liability due to their presence in significant concentrations (e.g., above acceptable limits set by the Federal, State or local government) or due to the potential for contamination migration through exposure pathways (e.g., groundwater). Materials that contain substances that are not currently deemed hazardous by the U.S. EPA or the California EPA were not considered as part of this study.

Unless specifically included in our scope of services, consideration of building materials such as asbestos, lead-based paint, water supply plumbing, urea formaldehyde, and pressure-treated lumber are not considered in this report, nor are building issues such as fire safety, indoor air quality, mold, or similar matters. We did not evaluate the site for compliance with land use, zoning, wetlands, or similar laws. This report is not intended to be an environmental compliance audit.

Hazardous substances occurring naturally in plants, soils, and rocks; (e.g., heavy metals, naturally occurring asbestos, or radon) are not typically considered in these investigations. Similarly, construction

debris (e.g., discarded concrete, asphalt) is not considered unless observation suggests that hazardous substances are likely to be present in significant concentrations or likely to migrate.

*Business environmental risks* are not considered *recognized environmental conditions* but can have a material environmental or environmental-driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in accordance with ASTM Standard E-1527-00. Business environmental risks and asset management issues beyond the scope of the ASTM Standard are not generally addressed in this ESA. However, even though not required, SCS will normally advise their client of obvious and apparent concerns that may warrant immediate attention.

#### Special Terms and Conditions

This ESA report does not purport to address the safety concerns, if any, associated with the use of the Subject Site or exposure to safety concerns from adjoining facilities. It is the responsibility of the owner and/or the user of this ESA report to establish appropriate safety and health practices and determine the applicability of regulatory limitations. SCS Engineers is not required to identify safety concerns unless otherwise required in the scope of work. However, even though not required, SCS will normally advise their client of obvious and apparent concerns that may warrant immediate attention.

This ESA is not a compliance audit for regulatory compliance with Federal, State and local statutes, laws, rules or regulations unless otherwise required by the agreed upon scope of work. It is, however, SCS' normal procedure to advise their clients of major obvious and apparent non-compliance issues that are noted in the course of conducting the ESA.

## 2. SITE DESCRIPTION

The Subject Site, parcel numbers 001-0160-013-0000, 001-0160-008-0000, 003-0032-013-0000, 001-0160-039-0000, 001-0160-009-0000, 001-0160-038-0000, located approximately 23<sup>rd</sup> and "A" Streets in Sacramento, California, is a rectangular shaped property oriented with its longer side running approximately north-south. The six parcels make up a rectangular area with dimensions of approximately 1,100 feet (ft) by 800 ft. The northern edge of the property is bordered by the American River, the eastern edge by land owned by the City of Sacramento and Bell Marine Industries, the southern edge by the remnants of former "A" Street and the Western Edge by land owned by the California Almond Growers Exchange. A site plan constructed from the City of Sacramento's Assessor's Maps is provided in Appendix C which illustrates the shape and orientation of the property area. The Site Overview below provides location, legal description and other details regarding the Subject Site.

### Site Overview

Address	There are no known street addresses associated with the property other than its location between 23 <sup>rd</sup> and 25 <sup>th</sup> Streets at "A" Street
Legal Description	There is no legitimate legal description of the property. However, the property is referred to in some documents as the "Dellar Property" in reference to its current registered owners, Lincoln and Sylvia Dellar.
Zoning	The Subject Site is zoned M-2 for "Heavy Industrial" development which permits the manufacture or treatment of goods from raw materials.
Current Ownership	Lincoln and Sylvia Dellar
Land Area	The six parcels that make up the property comprise approximately 28.7 acres of land area.
Improvements	There is a radio tower and small structure associated with the radio tower surrounded by chain-link fencing. The total fenced in area covers approximately 3000 square feet (sq ft) of the property. The floor area of the small structure is approximately 100 sq ft.
Construction Date and Additions	The construction date of the current radio tower and associated structure on the property is not know. However, it is known that a previous radio tower on the property collapsed (most likely due to settling of terrain beneath it) and a new tower was built in its place.
Current Tenant and Premise Use	The current tenant and owner of the radio tower is Moon Broadcasting, Inc.
Past Tenants and Prior Site Use	Documentation shows that the site was previously used as a landfill prior to 1960 until 1963.

#### Site and Vicinity General Characteristics

The Site is located within the incorporated boundaries in the northern portion of the City of Sacramento which is in the County of Sacramento. The Subject Site is an approximately 28.7-acre rectangular shaped area with its longer edge running north/south. The Site is almost entirely comprised of open space except for a radio tower and small associated structure. The radio tower and structure are enclosed in a chain link fence encompassing an area of approximately 3000 sq. ft. There is a dirt road that leads from the southern edge to the northern edge through the apparent middle of the property. Except for the dirt road and the fenced area surrounding the radio tower, the ground surface is highly variable in elevation with sunken areas and undulations rising and falling through an estimated difference of 3 to 4 feet. This is a strong indication of major settling occurring in subterranean layers.

The northern edge of the Subject Site is bordered by the American River Parkway Floodplain Zone (ARP-FZ). The ARP-FZ terrain is sparsely wooded and slopes down from a height of approximately 20 feet above the river to the surface of the American River. The Eastern edge of the Site is bordered by property owned by Bell Marine Incorporated (Bell) and the City of Sacramento (the City). A chain link fence along the property boundary separates the Subject Site from the Bell and City property. Bell uses its property for a raw materials reclamation center and concrete crushing operation. There are several large mounds of soil ranging from 10 to 25 feet tall on Bell's property. The portion of the City's land that borders the Subject Site to the east is paved with asphalt and was empty at the time of site reconnaissance. There is a gate at the implied eastern terminus of former "A" Street leading onto the City's property. Although looked at the time of site reconnaissance, the gate could be used to gain access to former "A" Street and the Subject Property. Beyond the Bell property and the City's paved lot lies the City of Sacramento's 28<sup>th</sup> Street Landfill which is discussed in greater detail in Appendix A of this report.

The Subject Site is bordered by the remnants of former "A" Street to the south. A small degraded paved portion of "A" street still remains with the rest being overgrown by grasses and weeds. Beyond the remains of "A" Street to the south are piles of rock and other debris, overgrown weeds and eventually another dirt road and railroad tracks. Dense city residential development exists south of the railroad tracks. To the west of the Subject Site is property owned by the California Almond Growers Exchange (CAGE). The adjacent CAGE property is separated by a chain link fence and contains no structures or improvements. Further to the west, on property also owned by CAGE, a large equipment yard and shed structure exist.

The area of land between the American River and the residential development of Sacramento, which includes the Subject Site, is elevated approximately 15 to 20 feet above the river and the land surrounding it to the south. This area forms a levee between the American River and the City of Sacramento.

Based on Site reconnaissance and geological references there is no regional slope on the Subject Site or the surrounding area.

#### Current Use of the Site

The only current use of the Subject Site is as a location for a radio tower and associated buildings owned by Moon Broadcasting, Inc. There is a dirt road leading to the radio tower from the south edge of the Property roughly down the middle in a north-south orientation. The radio tower consists of a steel truss structure of estimated height of 75 ft, mounted on a concrete slab. Next to the tower sits machinery and a

~~small building-related to the tower. The tower, machinery, and building are surrounded by a chain link fence. The remainder of the Site is open land with no specific use.~~

#### Utilities

There are currently no known utilities (electrical service, water supply, sewage, etc.) installed on the Subject Site.

#### Current Use of Adjoining Property

Uses of adjoining property were identified during the Site reconnaissance visit on February 28<sup>th</sup>, 2003. The Subject Site is bordered the north by the American River across which the land is undisturbed riparian foliage. The subject site is bordered to the east by property owned by Bell, and the City. Bell uses its property for a raw materials reclamation center and concrete crushing operation. Raw materials are stripped from machinery and hauled off site. Concrete is crushed by a large weight dropped by a crane and the remains hauled off-site. At the time of the site reconnaissance, the property owned by the City was a vacant lot paved with asphalt. Beyond the Bell property to the east exist several large corrugated steel structures used by the City as equipment storage and office space. There are several large soil storage piles around the extents of the paved lot. Beyond the lot, directly to the east lies the City's 28<sup>th</sup> Street landfill which is discussed in more detail in Appendix A of this report.

The Subject Site is bordered by the remnants of former "A" Street to the south. A small degraded paved portion of "A" street still remains with the rest being overgrown by grasses and weeds. Beyond the remains of "A" Street to the south are piles of rock and other debris, overgrown weeds and eventually another dirt road and railroad tracks. Dense city residential development exists south of the railroad tracks. To the west of the Subject Site is property owned by CAGE. The adjacent CAGE property is separated by a chain link fence and contains no structures or improvements. Further to the west, on property also owned by CAGE, a large equipment yard and shed structure exist.

### 3. USER PROVIDED INFORMATION

Many times the representatives of the company requesting that the ESA be conducted, has knowledge and information that may be indicative of a *recognized environmental condition* at the Subject Site. Pursuant to ASTM Standard E 1527-00. The following information was provided to SCS Engineers prior to or during this ESA:

#### Title Records

A title review for the property conducted by The Chicago Title Company on February 7, 2003 was reviewed for this ESA. According to the title search, the title is currently vested in *Lincoln Dellar and Sylvia Dellar, Trustees U/D/T Dated April 21, 1988, F/B/O The Dellar Family Trust.*

There are numerous easements to the property granted to various parties stated in the title document. Several easements are granted to utility companies for the purpose of maintenance of equipment. The Sacramento and San Joaquin Drainage District is granted easement to maintain and repair levees of the American River. Sacramento Municipal Utility District is granted easement to maintain a pole line that crosses (or did cross at one time) the property. The County of Sacramento was granted easement for the purpose of public recreation including the right to construct, reconstruct, maintain and repair a public trail.

It is the opinion of SCS that none of these easements presents a liability to the Property owner with respect to environmental considerations, however, they could affect future development.

Also recorded on the title to the property is a statement proclaiming the fact that the Subject Property is included within a project area of the "Richards Boulevard Redevelopment Project." This statement was recorded July 19, 1990 and re-recorded August 7, 1990.

#### Environmental Liens of Activity and Use Limitation

According to the title search document produced by the Chicago Title Company no environmental liens have been recorded against the property limiting the nature of its use. However, the California Regional Water Quality Control Board (CRWQCB) sent a letter to the current owners of the Property in March of 2003 requesting the submission of a "Corrective Action Plan" to mitigate the degradation of groundwater from the Property.

The letter states that because the former landfill on the Property was inactive prior to 1984, it is not subject to the majority of the provisions promulgated as Title 27 by the State Water Resources Control Board (SWRCB) except for Section 20080. Section 20080 declares that if water quality impairment is found, persons responsible for discharges may be required to develop and implement a corrective action program. A copy of the said letter is attached in Appendix D of this report.

#### Specialized Knowledge

Several parties provided specialized information on the Subject Property through interviews and documentation. Such parties include the City of Sacramento Department of Public Works, the CRWQCB, and the Sacramento County Environmental Management Department. The provided information pertains to the history and current condition of the former landfill that exists on the Subject Property and is discussed in detail in Appendix A of this document.

#### 4. RECORDS REVIEW

##### Standard and Additional Environmental Record Sources

##### **National Environmental Policy Act Files**

The information search for the Subject Site included database records stemming from the National Environmental Policy Act of 1969 (NEPA) which requires that Federal agencies include in their decision-making processes appropriate and careful consideration of all environmental effects and actions. These government records compile data on such subjects as officially designated wilderness areas, threatened or endangered species critical habitat, registered historic places, flood plains, wetlands inventory, and radio tower locations. A summary of results that are relevant to the environmental condition of the Subject Site is provided below.

The lower American River, which borders the Subject Site to the north, is designated a "Wild and Scenic River" as provided for by the Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287. This stipulation mandates that the river shall be preserved in free-flowing condition, and that it and its immediate environments shall be protected for the benefit and enjoyment of present and future generations.

Habitat for the threatened or endangered species Valley Elderberry Longhorn Beetle, Burrowing Owl and Sanford's Arrowweed was identified on or near the Project Site. There are no historic sites with the potential to be affected by the Subject Site. The Subject Property lies in a 100-year floodplain, denoting that historically, the area has flooded once in one hundred years. There are several wetlands within the immediate vicinity of the property mostly along the shores of the American River. As previously stated, there is a radio tower present on the property.

The above environmental information does not prohibit or endorse development of the Subject Property. However, these environmental conditions would most likely need to be addressed in a site development scenario and could present difficulties in the development process including delays and the requirement of further investigations.

##### **Database Search and File Review**

Regulatory records were reviewed in order to obtain information that might identify potential *recognized environmental conditions* in connection with the subject property or nearby properties. SCS reviewed U.S. Environmental Protection Agency (U.S. EPA) and State of California environmental record sources obtained through Environmental Resources Data, Inc. (EDR).

This search was performed in accordance with ASTM approximate minimum search distance for the federal and state ASTM standard databases listed below. A copy of the EDR report dated February 18, 2003, which lists the databases searched the search radius and the dates the databases were released, is included in Appendix E. Information concerning each database and its relation to the site is discussed in the following section.

- U.S. EPA National Priority List (NPL)-search 1.00 mile.
- U.S. EPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)-search 1/2 mile.
- CERCLIS No Further Remedial Action Planned report (NFRAP)-search 1/4 mile.

~~No wells were identified on the Subject Site that utilize groundwater for domestic purposes. There are two groundwater sampling wells located on or immediately adjacent to the Subject Property. These wells are owned, sampled, and maintained by the City of Sacramento.~~

#### Surface Hydrology

The ground surface of the Subject Site is dense with mounds and depressions. Because of the variable terrain of the Site, water drainage is very poor and has a tendency to accumulate in the low spots and seep through the surface into the refuse below. This poor drainage could likely prove to adversely affect groundwater quality in the area due to storm water filtering through the refuse, potentially picking up contaminants, and transporting them to groundwater.

The Project Site borders the American River on its northern edge. The description of the property line, as reported in the Title Document provided by the Chicago Title Company, runs along the southerly bank of the American River. Therefore, no portion of the river traverses the Subject Site.

#### Topography

The 1987 Sacramento East Quadrangle United States Geological Survey (USGS) topographic map was reviewed. The map depicts the Subject Site as open land marked with a symbol designating the land as a fill area. The fill symbol begins at the northerly projection of 24<sup>th</sup> street continuing north to the boundary of Interstate 80 Business Route between the American River to the north and the Southern Pacific railroad tracks to the south. The fill symbol correlates to the City of Sacramento's present and past landfills known to exist in the area except that it does not include the eastern portion of the Property east of the projection of 24<sup>th</sup> Street which is also believed to have been filled with refuse. A radio tower is also identified on the Property. The nearest topographic elevation contour on the map identifies an elevation of 25 feet above mean sea level (MSL) which is assumed to be approximately the elevation of the Subject Site. The Subject Site and general vicinity appear very flat on the map. A copy of the USGS is attached in Appendix F.

#### Floodplains

Flood Insurance Rate Maps published by the National Flood Insurance Program, administered by the Federal Emergency Management Agency (FEMA), were reviewed for the Subject Site. The Subject Site lies within a 100-year floodplain denoting that there is a one percent chance of being flooded in any given year.

#### Wetlands

Wetlands are areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time throughout the year. Wetlands are among the most productive ecosystems in the world and are highly susceptible to degradation from environmental impacts due to the complex relationships between the organisms inhabiting the wetland environment.

There are twelve (12) wetlands identified in the National Wetlands Inventory (NWI) within the one-mile search area around the subject site. Wetlands classified in the "Riverine" and "Palustrine" systems exist on either shore of the American River immediately to the north and northeast of the Subject Site. There are no wetlands identified in the NWI directly on the Subject Site. The presence of wetlands near the subject site does not necessarily indicate adverse environmental conditions or restrict development of the Site. However, wetlands do present a unique environmental consideration that should be addressed in a

development scenario. A map showing the wetlands identified in the NWI is included as part of the EDR report in Appendix E.

#### Historical Use Information on the Property and Adjoining Properties

The objective of conducting historical research is to develop a historical perspective of the previous use of the property and surrounding areas. This research helps to identify the likelihood that past site use may have led to the development of recognized environmental conditions in connection with the property.

#### Summary of Site History and Environmental Implications

The Project Site and surrounding area was used as a landfill by the City of Sacramento from 1949 through 1987. Prior to 1949, before the City began operation of the landfill, there is anecdotal evidence that refuse was dumped on the Site and vicinity by the general public. Official documentation from the City of Sacramento confirms that refuse landfiling took place on the Subject Site between the years 1960 and 1963. Since no documentation exists of public dumping prior to the City's landfiling operations, the initial date of refuse dumping on the Subject Site can not be confirmed. No other uses of the Subject Property were discovered. The history of landfiling refuse on the Subject Site is discussed in greater detail in Appendix A of this report.

Environmental implications of the Site and surrounding area's past use as a landfill are numerous. These include the generation of methane and other volatile gases, the possibility of groundwater degradation, the possibility of surface soil contamination and stability concerns due to landfill settlement. While these implications do not prevent future development of the property, they do present complications in the development process and must be addressed if sound development is to occur. The environmental implications associated with landfills are also discussed in greater detail in Appendix A of this report.

5. SITE RECONNAISSANCE

Methodology and Limiting Conditions

General methods used for and limitations of this ESA are discussed in Section 1 of this report.

General Site Setting

On January 27, 2003, Mitchell Bosler of SCS Engineers performed a site reconnaissance of the Subject Site for obvious or suspected hazardous substance contamination, such as stained soils, dying vegetation, exposed trash, fill ports or vent pipes from underground storage tanks, or other similar signs. Site photographs are included in Appendix G of this report.

Site Observations

A summary of uses and conditions consistent with ASTM Standard B-1327-00 regarding the Subject Site is provided below. For each of the uses or conditions identified, detailed information is discussed following the summary along with SCS' opinion about the significance of the listing to the analysis of recognized environmental conditions in connection with the Subject Site.

Identified

YES NO

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Hazardous Substance In Connection With The Subject Site Use |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Petroleum Products In Connection With The Subject Site Use  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Aboveground or Underground Storage Tanks (ASTs/USTs)        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Suspect Containers Not In Connection With Subject Site Use  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Electrical or Mechanical Equipment Likely To Contain PCBs   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Interior Stains or Corrosion                                |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Drywells, Drains or Sumps                                   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Wastewater Discharges                                       |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Septic or Sewage Tanks                                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Pits, Ponds or Lagoons                                      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Pools of Liquid or Standing Water                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Solid Waste Dumping, Landfills or Suspected Fill Material   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Stained Soil or Pavement, Leaking Pipes and Equipment       |

- Stressed Vegetation
- Wells
- Odor
- General Housekeeping
- Other Uses or Conditions of Concern

**Pits, Ponds or Lagoons**

As previously stated, small pits and depressions occur abundantly in the surface of the Subject Site. At the time of site reconnaissance, no standing water was observed on the property, however, it is almost certain that stormwater would collect in these pits during a moderate to large storm event. As discussed in the Site Hydrology Section of this report, stormwater that does not drain off of the site poses an environmental risk of degrading groundwater quality by leaching through refuse buried under the surface on the Site.

**Solid Waste Dumping, Landfills or Suspected Fill Material**

Site reconnaissance confirmed that the Property was previously used as a solid waste landfill. The variable elevation of the terrain present on the Site is indicative of massive settling of loosely packed and degrading materials below the surface. Additionally, several piles of what appears to be unpermitted dumping of solid waste are present on the Subject Site and adjacent property to the south. This exposed refuse poses similar potential environmental problems as that of landfilled solid waste. The possibility of hazardous waste being present within the refuse exists and threatens to contaminate groundwater and surface soils.

**General Housekeeping**

As mentioned above, piles of exposed refuse, mainly gravel and other rock wastes, exist on portions of the Site. There is generally litter strewn about in the vicinity of the Property and the vegetation on the property has not been attended to.

**Radon**

The U.S. EPA and the USGS have evaluated the radon potential throughout the United States. The risk of elevated radon levels in Sacramento County was found to be low from 0 to 2 picoCuries per liter of air, which is less than the 4 picoCuries per liter of air standard used by U.S. EPA. The geology of Sacramento County is not normally associated with elevated radon levels. Based on the available information, therefore, elevated radon gas is not expected in the area of the subject property.

---

## 6. INTERVIEWS

Interviews with knowledgeable parties will many times be a source of information that could indicate the presence of a *recognized environmental condition* associated with the Subject Site. Individuals that may have relevant information may include the owner, site manager, site occupants, local governmental officials and others.

Interviews were conducted with various parties who have some degree of knowledge about the Subject Site. The focal subject of these interviews was the past and present condition of the landfill on the Site. Therefore, the information yielded from these interviews is discussed in Appendix A which provides an in-depth discussion of the environmental issues surrounding the landfill on the Subject Property.

## 7. FINDINGS AND OPINIONS

Based on the findings of this Phase I ESA, SCS concludes the following:

- The Subject Site occupies approximately 28.7 acres between the northerly extension of 23<sup>rd</sup> and 25<sup>th</sup> Streets, bounded by the American River and former "A" Street in the City of Sacramento.
- The Subject Site was used as a landfill by the City of Sacramento, confirmed by official documentation for the period of 1960 through 1963 and possibly as far back as 1949. No other Site uses were discovered.
- Properties surrounding the Subject Site consist of a materials reclamation yard, unused land owned by the City of Sacramento, private open land, and open land owned by the California Almond Growers Exchange all of which is suspected to be on top of refuse fill material.
- A visual inspection of the Site revealed uneven surface terrain which reinforces the records stating the presence of an abandoned landfill on the Site. The presence of the uneven terrain is an indication of massive settling of subterranean materials.
- There was no direct evidence of mismanagement of hazardous wastes or hazardous substances used on the Subject Site property. However, as is the case with all landfills, the possibility does exist that hazardous substances are present beneath the surface in the landfill that might cause adverse environmental conditions associated with the subject site.
- The City of Sacramento owns and manages two groundwater sampling wells present on or immediately adjacent to the Subject Site. Property lines were not field verified therefore the exact locations of the wells with respect to the Subject Site property boundary could not be verified.
- The CVRWQCB has required the owner of the Subject Site property to submit a corrective action plan to address degradation of groundwater quality in the vicinity of the Site. Through conversations CVRWQCB representatives, it was discovered that a cover engineered to drain water away from the refuse beneath the surface is expected to be part of the corrective action program.
- The Subject Site appears on the SWIS List, a database of solid waste disposal sites throughout the state, as the Dellar Landfill indicating the presence of an abandoned landfill on the Property.
- The City of Sacramento's 28<sup>th</sup> Street Landfill located adjacent to the east poses a serious risk of contaminating the Subject Site. Contamination that originates on the City's property may migrate underneath the Subject Property and affect groundwater quality. The possibility also exists that contamination in surface and groundwater in the area originating from the City's Landfill may be blamed on the abandoned landfill present on the Subject Property. Since the two landfills are contiguous, the distinction is nearly impossible to define with current environmental testing technology.

Ownership of the Subject Property poses numerous environmental liabilities associated with the abandoned landfill present on-site. These liabilities include, but are not limited to: degradation of groundwater, contamination of surface and subterranean soils, contamination of nearby waterways, emissions of regulated air pollutants, surface stability and land settlement, and danger of fire and/or explosion due to emissions of flammable gasses.

Based on SCS' site reconnaissance, interviews with individuals knowledgeable about the Subject Site, and review of regulatory and site documents, the potential environmental conditions identified in association with the Subject Site warrant additional investigation to identify the type and extent of environmental impacts resulting from the abandoned landfill present on-site. Further investigations should include a Phase II ESA including boring samples to characterize subterranean materials, surface soil samples, and vapor extraction samples to measure the concentration of gas present within the landfill and surrounding soil. Further investigations beyond the Phase II ESA would also be required if the site was to be developed in the future for human use. Discussion of the issues requiring consideration and their additional cost beyond standard construction costs appears in Appendix B of this report.

## E. CONCLUSIONS AND RECOMMENDATIONS

SCS has performed a Phase I *Environmental Site Assessment* in conformance with the scope and limitations of ASTM Practice E 1527-00 of property consisting of the six parcels numbered 001-0160-013-0000, 001-0160-008-0000, 003-0032-013-0000, 001-0160-039-0000, 001-0160-009-0000, 001-0160-038-0000, located at approximately 23<sup>rd</sup> and "A" Streets in Sacramento, California. This assessment has revealed substantial evidence of recognized environmental conditions in connection with the property that should be investigated further.

In conjunction with the Phase I ESA performed on the Subject Site, SCS recommends the following:

- A Phase II ESA should be performed on the Subject Site including soil boring samples, surface soil samples, and soil vapor extraction samples. If development is to occur on the site, the issues discussed in Appendices A and B of this report should be addressed in addition to the Phase II ESA.
- Whether or not development is to occur, the Subject Site should be graded to drain in a manner that does not allow stormwater to leach through the refuse present beneath the site and is consistent with CVRWQB requirements.
- Any contamination that is discovered on the Subject Property through further investigations should be mitigated using the best available technology that is feasible for the discovered conditions.

## 9. REFERENCES

Documentation of all sources, records, and resources utilized in conducting the inquiry required by ASTM Standard E-1527-00 and used in assembling this report are either appended to the report or referenced below.

This documentation helps support the findings, opinions and conclusions of this assessment. Also, the documentation will help facilitate the reconstruction of the assessment by an environmental professional other than the environmental professional who conducted this assessment.

City of Sacramento Public Works Department, Solid Waste Division, 2812 Meadowview Road,  
Sacramento, CA 95832

Environmental Protection Agency, California Regional Water Quality Control Board - Central Valley  
Region (CVRWQCB), 3443 Roulter Road, Suite A, Sacramento, CA 95827-3003

Sacramento County Environmental Management Dept., 8475 Jackson Road, Sacramento, CA 95826-3904,  
(916) 875-8484

*Solid Waste Assessment Test Report, City of Sacramento 28<sup>th</sup> and "A" Street Sanitary Landfill, June 1987.*

U.S. EPA and U.S. Geological Survey, Map of Radon Zones document EPA 402 R 93 071

U.S. Geological Survey. *East Sacramento, California 7 1/2-minute Quadrangle Map. 1987.*

California Regional Water Quality Control Board, Letter to Sylvia Dellar from Steve E. Rosenbaum dated  
March 13, 2003

City of Sacramento, Public Works Department, *Semi-Annual/Annual Water Quality Monitoring Report for  
City of Sacramento 28<sup>th</sup> Street Landfill, February 2003*

California Integrated Waste Management Board, letter to Keith Johnson, City of Sacramento Department  
of Public Works, from Scott Walker, Manager Permitting and Compliance Division, dated March  
3, 1993

City of Sacramento Solid Waste Division, *Closure Plan Amendment for the City of Sacramento 28<sup>th</sup> Street  
Sanitary Landfill, October 1993.*

Harding Lawson Associates, *Final Closure Plan Amendment No. 2 City of Sacramento 28<sup>th</sup> Street Landfill,  
Sacramento, California, December 1995.*

Chicago Title Company, Preliminary Report Regarding 24<sup>th</sup> and A, California, February 7, 2003

CH2M Hill, *Sutter's Landing Parkway Geotechnical Evaluation Between 28<sup>th</sup> Street and the Union  
Pacific Railroad Tracks, City of Sacramento, June 2002*

Phase Three Environmental Management, Corrective Action Plan 28<sup>th</sup> Street Landfill, City of Sacramento,  
California, March 2000.

**SCS ENGINEERS**  
01202248.00

## II. RESUMES OF ENVIRONMENTAL PROFESSIONALS

This Phase I Environmental Site Assessment report of the Subject Site was prepared by or under the supervision of the following professionals:

### **R. Mitchell Bosler, P.E., Project Engineer, SCS Engineers**

Mr. Bosler brings to SCS a diverse background in Mechanical Engineering. He has developed technical skills related to the design, operation and maintenance of industrial machinery and machine control systems. He was the leading designer and manager of such projects as automated bearing assembly machines and remote operated vehicle (ROV) launch and recovery systems. Mr. Bosler's educational emphasis on environmental science led him to transition to the environmental consulting field early in 2002. He has since conducted many Phase I site assessments along with a multitude of varying environmental projects including full human health risk assessment studies of contaminated sites. Mr. Bosler's rigid base of engineering principles and scientific methodology has allowed him to excel at such projects as emissions quantification, landfill gas collection and control system design, and air permitting assistance.

### **Patrick S. Sullivan, Vice President, SCS Engineers**

Mr. Sullivan has 14 years of experience in the field of environmental consulting, all with SCS Engineers. This experience supplements and enhances Mr. Sullivan's academic background from Harvard University in biology and ecology. He is a Registered Environmental Assessor in California and a Certified Permitting Professional with the South Coast Air Quality Management District (SCAQMD). Because of this expertise, Mr. Sullivan has been the project manager and lead staff personnel on a variety of projects related to hazardous waste management, hazardous substance site investigation and remediation, air quality, risk assessment, and industrial wastewater, as well as other environmental issues. Specifically, Mr. Sullivan has participated in the following types of projects and studies, which document his extensive background: preconveyance environmental assessments of properties prior to real estate transfer, hazardous substance site investigations, remediation management, and regulatory compliance audits and permitting, and risk assessment. He was the project manager for environmental investigations and remedial actions for Kaiser Ventures Inc. facilities in Fontana, California; project manager for an underground storage tank (UST) site investigation, including soil sampling/analysis, ground water monitoring well installation and sampling, treatability testing, regulatory liaison, and remedial design for a petroleum contaminated site in the City of South Gate, California; and project manager for site investigation activities and a human health and ecological risk assessment under the American Society for Testing and Materials' (ASTM's) Risk-based Corrective Action (RBCA) guidance for the former diesel engine manufacturing facility in Commerce, California.

---

**APPENDICES**

- A. Discussion of Abandoned Landfill on Dellar Property, Sacramento, California
- B. Discussion of Development of the Dellar Property, Sacramento, California
- C. Subject Site Map
- D. CVRWQCB Letter to Current Owners Dated March 2003
- E. Regulatory Records Documentation BDR Database Report
- F. USGS Sacramento East Quadrangle 7.5 Minute Series Topographic Map
- G. Subject Site Photographs

---

DISCLAIMER

This report has been prepared with specific application to a Phase I and landfill assessment for the six parcels numbered 001-0160-013-0000, 001-0160-008-0000, 003-0032-013-0000, 001-0160-039-0000, 001-0160-009-0000, 001-0160-038-0000, located at approximately 23<sup>rd</sup> and "A" Streets in Sacramento, California. This report has been prepared in accordance with the care and skill generally exercised by reputable professionals, under similar circumstances, at this or similar localities. No other warranty, either expressed or implied, is made as to the professional advice presented herein. No other party, known or unknown to SCS, is intended as a beneficiary of this work product, its content or information embedded therein. Third parties use this Report at their own risk. SCS Engineers assumes no responsibility for the accuracy of information obtained from, compiled or provided by third-party sources such as regulatory agency listing.

---

