Moody

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City of
SACRAMENTO
Department of General Services

July 1, 2014

John Moody
California Regional Water Quality Control Board
Environmental Protection Agency
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

SUBJECT: Comments on Tentative Waste Discharge Requirements
City of Sacramento Department of Utilities/Sylvia Dellar Survivor's Trust
Dellar Landfill, Sacramento, California

Dear Mr. Moody:

The City of Sacramento (City) and the Sylvia Dellar Survivor's Trust (Dellar Trust) have reviewed the proposed Tentative Waste Discharge Requirements (WDRs) for the closed Dellar Unclassified Landfill and jointly submit the attached comments/requests that are identified by the WDR paragraph numbers.

The City and Dellar Trust are available to discuss these comments prior to the Water Board hearing and adopting of these Tentative WDRs. Please contact the City at (916) 808-4949 to arrange a mutually convenient time to meet.

Sincerely,

STEVE HARRIMAN
Integrated Waste General Manager
City of Sacramento

Attachments
- Comments on Tentative WDRs with Exhibits 1 and 2

cc: Jeff Scharff, Esq.

ATTACHMENT
COMMENTS ON TENTATIVE WDRs
SYLVIA DELLAR TRUST AND CITY OF SACRAMENTO

Findings:

1. Add "City of Sacramento Utilities Department" as discharger along with the Sylvia Dellar Survivor's Trust. Delete "operates" in line 1 and add "maintains in postclosure" in place of deletion.

   The attached Exhibit 1 (Form 200 Application) is a copy of the December 24, 2013 application form signed by the Dellar Trust with the added signature by the City of Sacramento as Addendum No. 1 to the application.

3. Closed Abandoned Inactive (CAI) – This finding misstates the approved Final Closure/Post Closure Monitoring (Monitoring Plan) (FC/PCMP). The FC/PCMP was approved by Board staff. The closure Certification Report was accepted by Board staff. Neither document was entitled partial but rather the FC/PCMP and Closure Certification Report as noted. As such, any reference to the Board approved documents as partial should be corrected.

   As to the timing of submission of the application, Finding 3 should be corrected as follows:

   "The application was executed by the Trustee on December 24, 2013, the Focused Report of Waste Discharge Dellar Property Former City of Sacramento Landfill Sacramento, California is dated December 27, 2013 and the application was received by the Regional Board on December 30, 2013 at 2:19 P.M.."

6. The fires occurred before any inspections were conducted by Board staff. The finding speculates as to the nature of the reported landfill fire. There is no data to support statements that they were associated with generation of methane gas. The findings should be corrected to note historic sub surface fires without such unfounded conclusions.

7. Reference to Findings 66 and 68 appears to be mislabeled. Possibly 69 and 74 were intended.

8. The area within the landfill footprint of waste is 23.9 acres. Replace 25.7 with 23.9. Delete "inactive" in line 1. The landfill is in postclosure. This landfill has been closed for many years and is not inactive.

9. This finding should reflect the historic nature of the City of Sacramento operation at this site. Add to the beginning of this finding "Due to the age of the former landfill operation, it was constructed"...

13. Delete last two sentences of this finding. Refer to Finding 56.

18. Add "recreational use" to this finding for land use within one mile of Dellar Property.

19. There should be a discussion of the spatial orientation of the wells in the DWR well location survey and distance from the Dellar Property. Please provide additional description in this finding.

28. The last sentence of the first paragraph should read "The final cover constructed in 2012 over the footprint of the waste disposal area directs storm water runoff to two onsite detention basins from which it is periodically pumped into the City's combined sewer system to minimize standing water". See Finding 78."

33. To avoid possible confusion, add units for percentages in subsection c. For accuracy, revise subsection d to read "No methane emissions were detected while screening of waste excavation activities during landfill closure activities in 2012. A handheld methane meter (GEM 2000) was used for screening."

41. Groundwater monitoring well B-4 is offered as a background well for the Dellar Trust property. B-4 is cross-gradient of the Dellar Trust property but does not reflect background conditions immediately up-gradient of the property. B-4 is approximately 1,800 feet away from the up-gradient (eastern) edge of the property. Between B-4 and the Dellar Trust property lies an industrial aggregate operation and historical waste disposal areas. B-4 is also close to the river and groundwater measurements are influenced by high quality water that percolates to groundwater. The Dellar Trust property is both close to and distant from the river, so a single background well cannot provide an accurate representation of groundwater quality immediately up-gradient of the property. It is requested that text be added to Finding 41 describing the limitations of well B-4 as a background well for the Dellar Property and that the up gradient and downgradient wells be designated in the WQPS after further study.

44. There are several other possible sources of VOCs. The first sentence of Finding 44 should reflect this uncertainty. The current monitoring data does not confirm or refute gas migration in historical areas, the third sentence is meaningless and we request that it be stricken from the findings.

46. Designation of groundwater monitoring wells B-4 and C-15 as background wells is premature and should be designated in the WQPS after further study. In our comments on Finding 41, the limitations of B-4 as a background were discussed. Well C-15 has similar limitations. It is very close to the river and is likely heavily influenced by the presence of the 80 foot deep slurry wall installed in the levee approximately 15 years ago. Note that the slurry wall stops at the eastern property line of the Dellar Trust property so

groundwater in this location could be different than at C-15. Given the general southwesterly flow direction of groundwater, C-15 is also not upgradient of the Dellar Trust property.

56. The estimate in this finding is based on assumed areas, assumed fill thicknesses, assumed waste to cover ratios, assumed in place waste density, assumed operating schedules and assumed level of compaction. Since every variable is assumed, this estimate is at best speculative. Since this calculation does not appear to be a necessary element of the WDRs, it is requested that it be stricken.

69. "Partial" Final Closure
See Comment 3.

70. Revise the sentence starting with "Closure of the" to read "demolishing the existing concrete block building." Item c mentions a foundation layer. The final cover was described in the 2011 closure plan as a "two-foot thick soil layer." No mention was made of a foundation layer. It is requested that item c be renamed from "Foundation layer" to "Subgrade."

71. The No Construction Zone (NCZ) imposed by the ARFCD adjacent to the levee is subject to approval by ARFCD and the Army Corps of Engineers (ACOE). If approval is granted to build the final cover over the NCZ, it will subject to timing outside the control of the City and Dellar Trust. See comments on Provision J.7.c-g.

74. See Comment 3.

75. See Comment 3.

76. Replace "Foundation layer" with "Subgrade."

78. Kleinfelder made a measurement of the quadrants as described from the CAD drawings and found different areas. The measurements (in acres) are NE = 7.9, SE = 5.3, NW = 5.8 and SW = 4.9. We request that these numbers replace those in Finding 78.

81. See Comment 3.

A. Discharge Prohibitions:

A2e Appears to imply that storm water from the Dellar property is a waste. This is not the case.

A9 Rather than stating that the Dischargers shall comply with applicable SPRR provisions, it is requested that the applicable provisions be defined. We believe that Items C.1 through C.5 in the SPRR are applicable.

B. Discharge Specifications:

B3 Rather than stating that the Dischargers shall comply with applicable SPRR provisions, it is requested that the applicable provisions be defined. We believe that Items D4 and 5 are applicable.

C. Facility Specifications:

C1 The Dellar property is unmanned and does not have enclosures suitable for onsite storage of the WDRs. It is suggested that the provision be reworded to read that a copy of the order will be maintained at the Solid Waste Office of the City of Sacramento 28th Street Corporation Yard.

C2 Rather than stating that the Dischargers shall comply with applicable SPRR provisions, it is requested that the applicable provisions be defined. We believe that Items E2, 3, 4, 5, and 6 are applicable.

D. Corrective Action Specifications:

D4 If landfill gases are detected onsite, they may be at levels that pose no significant threat to human health and the environment and control measures, active or passive, would not be necessary. It is requested that a portion of the first sentence be amended to read "if present at levels detected at levels of regulatory concern, shall be...."

E. Closure and Postclosure Specifications:

E.1. Closure by a specific date is outside the control of the City and Dellar Trust. Closure related to the levee must be contingent on approval by ACOE/ARFCA. See Comments 7.c-g.

E12 Title 27 Section 21090(a)(4)(A) states that the purpose of the periodic leak search is to find breaches in the low-hydraulic conductivity layer. The final cover at the Dellar property does not have a low-hydraulic conductivity layer. It is requested that this language be revised to delete reference to the final cover as a low-hydraulic conductivity layer.

E16 The term "adjacent areas" is used. As this is subjective, it is requested that it be replaced with "and adjacent areas within 100 feet of the Dellar property line."

E18 Rather than stating that the Dischargers shall comply with applicable SPRR provisions, it is requested that the applicable provisions be defined. We believe that Items G1, 2, 3, 4, 6, and 9 are applicable.

F. Construction Specifications:

F4 The City, Dellar Trust, and their respective professional consultants have reviewed the benefits and difficulties associated with completing the remaining final cover adjacent to the levee. It is our opinion that there would be no measurable benefit associated with completing this action from a technical and cost perspective. See the discussion provided as Exhibit 2, attached.

F6 Replace "Foundation Layer" with "Subgrade."

F16 Rather than stating that the Dischargers shall comply with applicable SPRR provisions, it is requested that the applicable provisions be defined. We believe that Items F2, 3, 4, 5, 6, 9, 21, 22, 23 and 24 are applicable.

G. Monitoring Specifications:

G13. Rather than stating that the Dischargers shall comply with applicable SPRR provisions, it is requested that the applicable provisions be defined. We believe that all items in Section I and J are applicable.

I. Storm Water Specifications:

I4 Storm water runoff within the footprint of the waste disposal area on the Dellar Trust property flows to either the eastern or western storm water detention basins. Storm water is pumped from those basins to the City of Sacramento combined sewer system which is regulated under Waste Discharge Requirement R5-2010-0004/NPDES Permit No. CA0079111. Both the existing industrial storm water general permit (97-03-DWQ) and the newly adopted industrial storm water general permit (2014-0057-DWQ) exempt industrial activities that discharge to combined sewer systems. It is requested that provision I4 be removed from the WDRs as it is not required.

I6. Rather than stating that the Dischargers shall comply with applicable SPRR provisions, it is requested that the applicable provisions be defined. We believe that Items L2, 4, 5, 6 and 7 are applicable.

J. Provisions:

J5. This provision is very broadly worded and leaves the Discharger with the task of reading two large bodies of regulations and trying to determine applicability. It is requested that the sentence be deleted or delete "all" and replace with "limited" or "applicable". . If there are applicable sections of Title 27 and Subtitle D not covered in these WDRs, it is requested that they be listed in the WDRs.

J.7.c-g. All of the dates pertaining to the levee closure are outside the control of the City and the Dellar Trust. See Comment E.1. If the levee closure requirement remains in the adopted WDR (See F.4 and Exhibit 2), the dates need to be contingent on approval by

ACOE/ARFCA and field conditions (weather, etc,) that could affect timing of the performance of the work in the field. The following is suggested.

Subsection	Levee Area	Elderberry Bush Area
7.c	Upon submission of application to ARFCD	15 May 2016
7.d	Within 30 days of receipt of final approval from ARFCD, CVFPB, and ACOE	At least 30 days prior to initiation of project construction
7.e	Within 90 days of receipt of final approval from agencies listed in 7.d	Within 120 days of completion of entire VELB delisting process
7.f	Within 30 days after completion of construction	Within 30 days after completion of construction
7.g	Within 60 days after completion of construction	Within 60 days after completion of construction

J8. Subsection c mentions measuring the size of the plume (presumably in ground water but that is not specifically stated). The monitoring system as discussed in the tentative WDRs is not capable of measuring either the size of a plume or changes in constituent concentrations within the plume so we request that subsection c be rewritten as follows "Whether concentrations of constituents in compliance point monitoring wells have increased, decreased or have not changed. In addition, subsection b should be rewritten to read "The nature of the impact through monitoring downgradient compliance monitoring wells listed in these WDRs."

Monitoring and Reporting Program

1. Groundwater Monitoring:

Introductory Paragraph - The MRP states that the Discharger must maintain groundwater detection and corrective action monitoring systems. Is the Board implying that the well/constituent pairs found to be in excess of the yet-to-be-developed Water Quality Protection Standard (WQPS) are in Corrective Action Monitoring and the remaining well/constituent pairs are in Detection Monitoring? Or possibly that the entire ground monitoring system (background and corrective action wells listed on Table A.1.a) are currently in Corrective Action Monitoring and will return to Detection Monitoring when found to be in compliance with the WQPS? It is requested that this paragraph be expanded to clarify the current status of detection and corrective action monitoring.

1.a. See comments for Provisions 41 and 46. There is considerable uncertainty associated with placing wells in monitoring categories at this stage. Our intent is to designate categories within the WQPS. We there request that wording be changed to state that Background and Evaluation Monitoring Wells be designated as part of the WQPS.

4. Surface Water Monitoring

In our comment for Storm Water Specification I.4, it is explained that storm water is discharged to a combined sewer regulated under separate permits. These permits require ongoing monitoring. Therefore, requiring additional surface water monitoring is unnecessary and redundant. It is requested that the surface water monitoring requirements be removed from the MRP.

5. Facility Monitoring

5.b. The term "major storm event" is subject to interpretation and may cause confusion. It is suggested that a major storm event be defined as a storm depositing 1 inch of rain or more within 24 hours measured at a weather station close to the Dellar Trust property. This threshold was used in the Operation and Maintenance Plan submitted with the Report of Waste Discharge.

Attachment A to WDRs

Attachment A to the WDRs incorrectly shows the Dellar Property as including the Cannon Family Trust and Scollan Credit Trust parcels.

EXHIBIT 1

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

State of California
Regional Water Quality Control Board

APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT

I. FACILITY INFORMATION

A. Facility:

Name: Sylvia Dellar Survivor's Trust (Former City of Sacramento Landfill)			
Address: 2401 A Street			
City: Sacramento	County: Sacramento	State: CA	Zip Code: 95816
Contact Person: Douglas M. Daggs, Trustee		Telephone Number: (530) 581-0777	

B. Facility Owner:

Name: Sylvia Dellar Survivor's Trust (Former City of Sacramento Landfill)			Owner Type (Check One) 1. ☐ Individual 2. ☐ Corporation 3. ☐ Governmental Agency 4. ☐ Partnership 5. ☑ Other: Trust
Address: P.O. Box 971			
City: Tahoe City	State: CA	Zip Code: 96145	
Contact Person: Douglas M. Daggs, Trustee		Telephone Number: (530) 581-0777	Federal Tax ID: 04.6973849

C. Facility Operator (The agency or business, not the person):

Name: Same as Owner			Operator Type (Check One) 1. ☐ Individual 2. ☐ Corporation 3. ☐ Governmental Agency 4. ☐ Partnership 5. ☑ Other: Trust
Address:			
City:	State:	Zip Code:	
Contact Person:		Telephone Number:	

D. Owner of the Land:

Name: Same as Owner			Owner Type (Check One) 1. ☐ Individual 2. ☐ Corporation 3. ☐ Governmental Agency 4. ☐ Partnership 5. ☑ Other: Trust
Address:			
City:	State:	Zip Code:	
Contact Person:		Telephone Number:	

E. Address Where Legal Notice May Be Served:

Address: Same as Owner		
City:	State:	Zip Code:
Contact Person:		Telephone Number:

F. Billing Address:

Address: Same as Owner		
City:	State:	Zip Code:
Contact Person:		Telephone Number:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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II. TYPE OF DISCHARGE

Check Type of Discharge(s) Described in this Application (A or B):

☑ **A. WASTE DISCHARGE TO LAND** ☐ **B. WASTE DISCHARGE TO SURFACE WATER**

Check all that apply:

- ☐ Domestic/Municipal Wastewater Treatment and Disposal
- ☐ Cooling Water
- ☐ Mining
- ☐ Waste Pile
- ☐ Wastewater Reclamation
- ☐ Other, please describe: _____
- ☐ Animal Waste Solids
- ☐ Land Treatment Unit
- ☐ Dredge Material Disposal
- ☐ Surface Impoundment
- ☐ Industrial Process Wastewater
- ☐ Animal or Aquacultural Wastewater
- ☐ Biosolids/Residual
- ☐ Hazardous Waste (see instructions)
- ☑ Landfill (see instructions)
- ☐ Storm Water

III. LOCATION OF THE FACILITY

Describe the physical location of the facility.

1. Assessor's Parcel Number(s)	2. Latitude	3. Longitude
Facility: 001-0160-008*	**Facility:** 38.586421	**Facility:** -121.469417
Discharge Point: NA	**Discharge Point:** NA	**Discharge Point:** NA

IV. REASON FOR FILING

- ☐ New Discharge or Facility
- ☐ Change in Design or Operation
- ☐ Change in Quantity/Type of Discharge
- ☐ Changes in Ownership/Operator (see instructions)
- ☐ Waste Discharge Requirements Update or NPDES Permit Reissuance
- ☑ Other: CAI Landfill

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Name of Lead Agency: _____

Has a public agency determined that the proposed project is exempt from CEQA? ☑ Yes ☐ No

If Yes, state the basis for the exemption and the name of the agency supplying the exemption on the line below.

Basis for Exemption/Agency: Restoration of environment exemption 15330/CVRWQCB

Has a "Notice of Determination" been filed under CEQA? ☐ Yes ☐ No

If Yes, enclose a copy of the CEQA document, Environmental Impact Report, or Negative Declaration. If no, identify the expected type of CEQA document and expected date of completion.

Expected CEQA Documents:

☐ EIR ☐ Negative Declaration

Expected CEQA Completion Date: _____

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

State of California
Regional Water Quality Control Board

APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT

VI. OTHER REQUIRED INFORMATION

Please provide a COMPLETE characterization of your discharge. A complete characterization includes, but is not limited to, design and actual flows, a list of constituents and the discharge concentration of each constituent, a list of other appropriate waste discharge characteristics, a description and schematic drawing of all treatment processes, a description of any Best Management Practices (BMPs) used, and a description of disposal methods.

Also include a site map showing the location of the facility and, if you are submitting this application for an NPDES permit, identify the surface water to which you propose to discharge. Please try to limit your maps to a scale of 1:24,000 (7.5' USGS Quadrangle) or a street map, if more appropriate.

VII. OTHER

Attach additional sheets to explain any responses which need clarification. List attachments with titles and dates below:
Focused Report of Waste Discharge, Dellar Trust Property, Former City of Sacramento Landfill, Sacramento, California, 12/27/13, Kleinfelder

You will be notified by a representative of the RWQCB within 30 days of receipt of your application. The notice will state if your application is complete or if there is additional information you must submit to complete your Application/Report of Waste Discharge, pursuant to Division 7, Section 13260 of the California Water Code.

VIII. CERTIFICATION

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name: Douglas M. Daggs, Trustee, Sylvia Dellar Survivor's Trust Title: Trustee

Signature: _____ Date: _____

FOR OFFICE USE ONLY

Date Form 200 Received:	Letter to Discharger:	Fee Amount Received:	Check #:

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Regional Water Quality Control Board

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If Yes, state the basis for the exemption and the name of the agency supplying the exemption on the line below.

Basis for Exemption/Agency: Restoration of environment exemption 15330/CVRWQCB

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Expected CEQA Documents:

☐ EIR ☐ Negative Declaration

Expected CEQA Completion Date: _____

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

State of California
Regional Water Quality Control Board

APPLICATION/REPORT OF WASTE DISCHARGE
GENERAL INFORMATION FORM FOR
WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT

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Print Name: Douglas M. Daggs, Trustee, Sylvia Dellar Survivor's Trust Title: Trustee

Signature: [signature] Date: 12-24-13

FOR OFFICE USE ONLY

Date Form 200 Received:	Letter to Discharger:	Fee Amount Received:	Check #:

ADDENDUM TO FORM 200

DELLAR PROPERTY

APN (001-0160-008)

The City of Sacramento submits this Addendum to the original Form 200 previously provided to the Regional Water Quality Control Board on December 24, 2013 by Douglas M. Daggs on behalf of the Sylvia Dellar Survior's Trust.

As the former operator of the landfill located at 2401 A Street, the City is the co-applicant for the Report of Waste Discharge.

The City contact information is:

Steve Harriman
Integrated Waste General Manager
Meadowview City Service Complex
2812 Meadowview Road
Sacramento, CA 95832
(916) 808-4949

Dated: 7/1/14

STEVE HARRIMAN
Integrated Waste General Manager
City of Sacramento

377940

EXHIBIT 2

MEMORANDUM

American River Flood Control District

No Construction Zone Engineered Alternative

To: Central Valley Regional Water Quality Control Board-
Attention: John Moody

From: Kathleen Rogan, Sr. Deputy City Attorney, City of Sacramento
Jeffory J.Scharff, Esq., Counsel - Sylvia Dellar Survivor's Trust

Date: July 2, 2014

Re: Tentative Waste Discharge Requirements
City of Sacramento Department of Utilities
Sylvia Dellar Survivor's Trust

The following comments are submitted jointly by the Sylvia Dellar Survivor's Trust (Trust) and the City of Sacramento (City), hereinafter the "Parties", with regard to tentative Waste Discharge Requirements Construction Specification F.4..

BACKGROUND

The Parties undertook compliance with Cleanup and Abatement Order No. R5-2008-0705. A Final Closure and Post-Closure Maintenance Plan (Plan) was submitted on July 22, 2011. On September 7, 2011, the Plan was found to be "acceptable" and, thereafter, construction commenced. The construction schedule contemplated two years for completion.

On August 1, 2012, an American River Flood Control District (ARFCD) superintendent advised that construction within 10 feet of the toe of the levee required a permit (see attached Exhibit A-Kleinfelder Daily Field Report dated 8/1/12). The Trust was informed that the permit process would take at least 4 months. However, the construction was to be completed and the Construction Quality Assurance (CQA) Report submitted to the Board staff by October 26, 2012.

After further discussions with the District, Kleinfelder developed an engineered alternative to the original Plan. The Plan was modified in a manner designed to meet the performance goal i.e. minimizing standing water to prevent infiltration. Working with District personnel, the cap begins 35 feet from the inland edge of the gravel levee road with alternate grading and drainage within the No Construction Zone (NCZ). The NCZ modified the Plan by an area of approximately 4,700 square feet. [1]

---

[1] As noted by Mr. Del Frate's August 16, 2011 email, the affected area is 4,700 sq. ft. (16.8' x 280') Cf. Ex. C

On August 10, 2012, Todd Del Frate was advised of the proposed modification (Exhibit B-Appendix B to the October 26, 2012 Kleinfelder CQA Report). On August 16, 2012, Mr. Del Frate responded requesting an assessment as to the nature of the existing soil cover and underlying material within the NCZ (Exhibit C). The requested investigation was completed and a report of results was provided and discussed with Mr. Del Frate on August 27, 2012 (Ex. D). As part of the investigation six test pits were dug. The overlying 12 inches of soil was reported as a dry silt. Of the six test pits, 3 were free of waste, 2 identified glass and metal and one asphalt. Also on August 27, 2012, Mr. Del Frate requested an inspection, which was tentatively scheduled through Tim Crandall P.E. of Kleinfelder (Ex. E). However, due to lack of available transportation for Mr. Del Frate, no inspection was ever conducted and work, as proposed to Mr. Del Frate, proceeded without further comment or objection (Ex. F).

As part of the Plan modification, Kleinfelder designed a drainage "break point" within the NCZ to minimize ponding or standing water and the potential for stormwater infiltration. Stormwater drains to the Eastern basin through a V ditch and to the west via a drop inlet that discharges into the Western basin.

American River Flood Control District Encroachment Permit

The ARFCD provides maintenance to the American River levee as part of the overall California Department of Water Resources flood control system. The ARFCD is part of the San Joaquin Valley Flood Protection Board (SVJFPB). ARFCD staff indicated that it would take four months for their Board to consider the application pursuant to DWR Form 3615 and Environmental Questionnaire 3615a, copies of which are attached as Exhibits G and H. If the District's Board recommends approval of the application for an Encroachment Permit, it is submitted to the SJVFPB for further review and potential recommendation for approval. However, the SJVFPB decision is further predicated on evaluation by the U.S. Army Corps of Engineers (USACE). The process is without certainty as to the outcome or the length of time required.

DISCUSSION

The comments note there is no technical basis for placement of additional cover. They go on to state:

> "It is our opinion that there would be no measurable benefit associated with completing this action from a technical and cost perspective."

The comments also observe that the following objectives were achieved by the modification to the Plan in the NCZ adjacent to the levee during closure construction in 2012. Therefore, completion of the cover in the NCZ is not warranted as:

- The existing cover in the NCZ adjacent to the levee was finished with a slope greater than one percent.

- The existing cover in the NCZ has a slope that is not steeper than three horizontal to one vertical.

- The drainage from the existing cover in the NCZ is collected and routed to the detention basins consistent with Title 27, Section 20365(f).

- The existing cover in the NCZ is capable of handling.

  - A peak flow from a 100-year, 24-hour storm event.

  - Capable of accommodating peak volumes a 100 year, 24-hour storm event.

- The existing cover in the NCZ is designed and maintained to prevent inundation or washout due to floods with a 100-year frequency.

- The existing cover in the NCZ prevents possible ponding, infiltration, inundation, erosion, slope failure, and washout under Title 27, Section 20365(a).

- The existing cover in the NCZ prevents ponding.

The Modified Plan Is An Engineered Alternative to WDR Construction Specification F. 4. Under Corrective Action Specification D. 3.

There is provision in the draft WDR to support the forgoing comments and conclusion in provision D. Corrective Action Specifications 3. This provision references 27 CCR 20080 (c), which states:

> (c) To establish that compliance with prescriptive standards in this subdivision is not feasible for the purposes of ¶(b), the discharger shall demonstrate that compliance with a prescriptive standard either:
>
> (1) is unreasonably and unnecessarily burdensome and will cost substantially more than alternatives which meet the criteria in ¶(b); or
>
> (2) is impractical and will not promote attainment of applicable performance standards. The RWQCB ***shall*** consider all relevant technical and economic factors including, but not, and the extent to which ground water resources could be affected. limited to, present and projected costs of compliance, potential costs for remedial action in the event that waste or leachate is released to the environment
>
> [Emphasis added]

These considerations are further discussed in 27 CCR 20080 (b) as follows:

> (b) **Engineered Alternatives Allowed** -Unless otherwise specified, alternatives to construction or prescriptive standards contained in the SWRCB-promulgated regulations of this subdivision may be considered. Alternatives shall only be approved where the discharger demonstrates that:
>
> (1) the construction or prescriptive standard is not feasible as provided in ¶(c); and

(2) there is a specific engineered alternative that:

(A) is consistent with the performance goal addressed by the particular construction or prescriptive standard; and

(B) affords equivalent protection against water quality impairment.

[Emphasis Added]

These are more fully discussed as follows, under subsection c of 20080 alternatives are allowed if the prescriptive standard is:

- unreasonably and unnecessarily burdensome

Here the City and Trust would be mandated to seek an Encroachment Permit through the ARFCD with approval from the SJVFPB and concurrence by the USACE. This despite the fact that there is no measurable benefit.

Nor will imposition of the prescriptive standard:

- . . . promote attainment of performance standards

The engineered alternative of the modified Plan as constructed is based on the design by Kleinfelder meet the applicable performance standard by eliminating standing water through conveyance of stormwater to the Western and Eastern Detention Basins.

And, the prescriptive standard:

- . . . will cost substantially more than alternatives . . .

The engineered alternative has been completed and meets the aforementioned performance standard. Any further mandate for additional construction will cost substantially more than the modification as constructed.

The Regional Water Quality Control Board is required to consider these provisions as noted in 27 CCR 202080 (c)(2):

> "The RWQCB ***shall*** consider all relevant technical and economic factors including, but not limited to present and projected costs of compliance, . . . ***and*** the extent to which ground water resources could be affected"

The attendant cost of pursuing an Encroachment Permit is unknown. It will take months to be considered by the ARFCD, the SJVFPB and the USACE. There will be engineering costs, legal fees, and application fees in the face of significant uncertainty as to the likelihood for success in securing such a permit.

The uncertain nature of the outcome, the expense and the time required ***shall*** also be considered against relevant technical factors, which in this instance include the fact that the approved cap is a simple 24-inch soil cover. The investigation mandated by Board staff member Del Frate

determined there is at least 12 inches of dry silty soil (a naturally low permeability soil type) over the area in question.

The NCZ is approximately 4,700 square feet. The total area of the former landfill is 23.9 acres (1,034,009 sq. ft.) The area in question represents less that 0.45 % of the total former landfill. Further, the modification to the approved Plan minimizes standing water through the drainage design. As such, any resulting impact from stormwater events is *de minimus* in that imposition of the prescriptive standard demonstrates no measureable benefit.

The forgoing considerations meet the criteria of 27 CCR 20080(b) as an engineered alternative that is consistent with the performance goal of eliminating ponding water, minimizing infiltration in a manner that affords protection against water quality impairment. Moreover, for the reasons more fully set forth, it is respectfully submitted that the engineered alternative of the modified Plan as designed and constructed satisfies the provisions of D.3. in fulfillment of the directives of Construction Specification F.4..

Exhibit A

KLEINFELDER
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Daily Field Report

Project Name: Dellar Trust Property Closure
Date: 8/1/12
Project No.: 116081
Bldg. Permit No.: ___
DFR/Report No.: ___
Project Address: 28th st. Sacramento
Time Arrived: 7:00
Client: ___
Contractor: Veerkamp
Time Departed: 16:00
Equipment Observed: water truck 2 ea. D-6 Dozer, , 400 excavator, 350E haul trucks 3 ea., 615-C
Travel Time: included
Weather: Clear
Mileage: 24
Reviewed By: Tim Crandall
Date Reviewed: ___

Types of Tests/Observations

☐ AC Pavements	☐ Fabrication Plant	☐ Masonry	☐ Sample Pickup	☐ Other:
☑ Anchor Bolts	☐ Fireproofing	☐ Metal Decking	☑ Soil / Aggregate	
☐ Batch Plant	☐ Foundations	☐ Pre-Post Tension	☐ Steel Erection	
☐ Concrete	☐ HS Bolting	☐ Reinforcing Steel	☐ Welding	

Documents Referenced:

Dellar Closure plan dated 5-9-12

Observations/Remarks:

07:00 on site, Veerkamp crews are excavating the channel/entrance road at the east basin; the D-6 is trimming slopes.
09:00 Justin Brewster (Veerkamp) is on site for meeting with Tim Crandall, Tim advises that he will be delayed approximately 1/2 hr.
The 350E haul trucks are placing cover material from the stock pile south of the radio tower, the material is placed in the south-east corner of the east basin to create a ramp for haul trucks, the ramp will be removed when the bottom of the basin is completed.
09:30 Tim Crandall on site, I met with Tim, Nate Hain (Veerkamp) and Justin Brewster (Veerkamp) regarding the north property line at the intersection with the levee, Tim met with representatives of the American River Flood Control District regarding construction with in the levee boundaries. Tim advises that all work including placement of fill will have to be stopped south of the south toe of the levee slope, this may require additional design work on the drain swale along the north side of the site. Fill is currently placed to approximately 35' south of the edge of the levee road. Tim reviewed the calculations for additional fill required for the change in elevation of the site as provided by Veerkamp. Tim clarified detention basin note #4 on sheet N-2 regarding the thickness of fill placed at the bottom intersection with the slopes at the east basin, the material should be 4' thick in all dimensions at the intersection, Veerkamp will over excavate the bottom of the slopes by 2' . I conducted an air sample with the Gem 2000; the instrument was calibrated with the span gas provided by the equipment supplier (Portagas lot # 948565, 50% Methane-35% Carbon Dioxide) in accordance with the manufactures instruction. Sample results O_2 19.8% CH_4 0% CO_2 0%
10:30 hrs. All equipment moved to the east basin for over excavation of the slope bottoms. Waste material is placed south of the radio tower.
13:15 hrs. Mike Waldron Supervising Construction Inspector for the City of Sacramento on site, Nate Hain (Veerkamp) also present, Mike requested information regarding the project ,and was unaware of the scope of the project. I provided him with a copy of the notice to proceed from Ronald Fong (City of Sacramento) dated 7-2-12, and I advised that representatives from the City were present at the pre-construction meeting.
13:30 hrs. Mike returned to the site with the plans, he advised that he had not been notified of the project, I advised that a second detention basin had been constructed at the west side of the site over the past 3 weeks. I advised him to contact Tim Crandall's office for details regarding the project.
15:45 hrs. Over excavation of slopes at east basin complete. 350E trucks are hauling cover material from south of the tower to the south end of the basin, the material is placed with the D-6.
15:30 shut down.

☑ Report items comply ☐ Report items do not comply ☐ Report items comply with exceptions ☐ In Progress/Not Complete

Acknowledged by: ___
Representing: ___

Edward Cunha
Kleinfelder Representative *Signature*

Edward Cunha
Kleinfelder Representative *Print Name*

MAT-10 REV 5/08

Exhibit B

KLEINFELDER
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August 10, 2012
File No.: 116081-12.4

Hand Delivered

Mr. Todd DelFrate
CVRWQCB-Sacramento
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Re: Dellar Trust Property Closure Construction Project
Sacramento, California

Dear Mr. DelFrate:

A representative of the American River Flood Control District (ARFCD) contacted Kleinfelder on Monday, July 30th regarding the proximity of the Dellar Trust property closure construction to the American River levee. Kleinfelder met with the ARFCD on Tuesday (July 31) to discuss the issue. At the meeting we were told that construction within close proximity of the levee would require a permit from the ARFCD, a four month long process. Understanding that the Dellar project is under time constraints imposed by your agency, the ARFCD worked with Kleinfelder to develop an approach that would not require issuing a permit. The approach specified by the ARFCD establishes a no-construction zone that is 35 feet wide starting from the southern edge of the gravel levee road. The area of final cover affected by the no-construction zone is approximately 4,700 square feet (a strip 16.8 feet wide by 280 feet long). On Friday August 3, 2012, a letter was hand delivered to Mr. Tim Kerr, General Manager of the ARFCD, documenting the approach (Attachment A). The ARFCD reviewed the document and on August 7, 2012, issued a letter accepting the approach (Attachment B).

As a result, the northern toe of the final cover was moved as shown in the revised grading plan (Attachment C). This new version of the grading plan also shows some minor topographic changes needed to obtain a better earthworks balance for the project and to improve drainage. Plate 1 (attached) shows a cross-section comparing the original design and the revised design at the northern end of the Dellar property between the radio tower and the gravel levee road. There is little difference between the original design and the revised design.

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We have continued with construction using the revised grading plan. I have been instructed by the Trustee to request your written approval of this modification to the grading plan. This letter is subject to the limitations in Attachment D.

Please contact us if you have any questions or require additional information.

Sincerely,

KLEINFELDER

Timothy Crandall, PE
Principal Engineer

Attachments:
Plate 1
Attachments A through D

cc: Jeffory J. Scharff, Esq.
Karl Kurka, City of Sacramento

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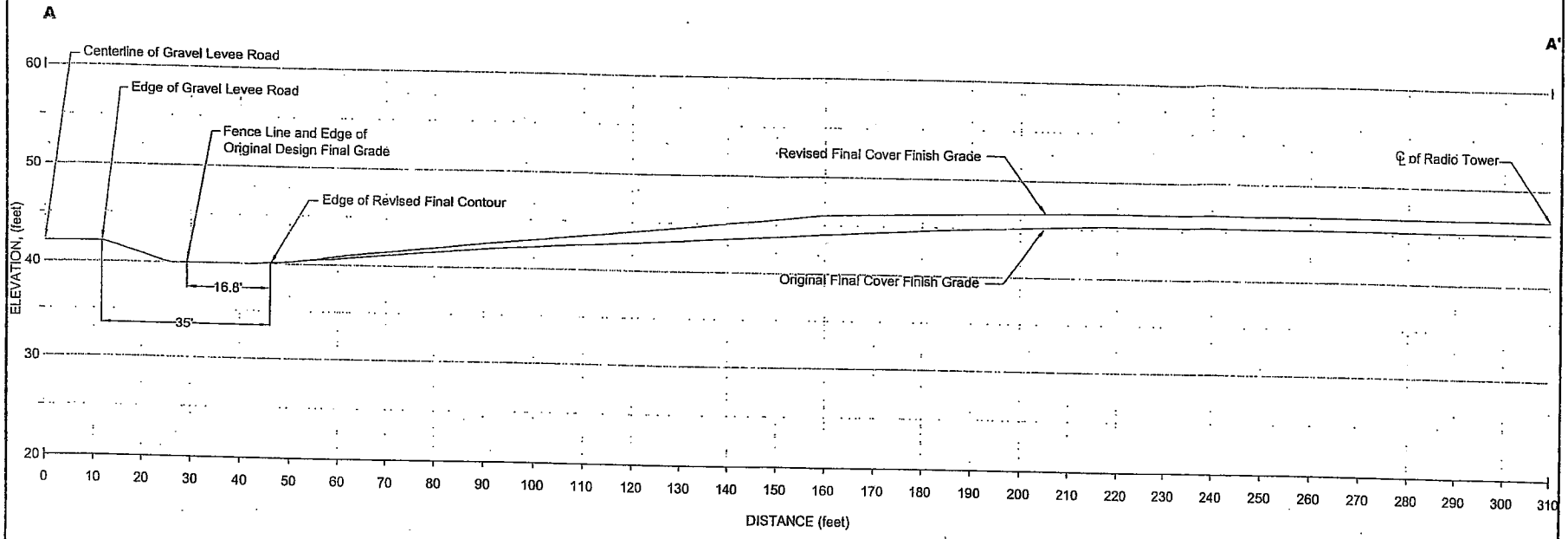

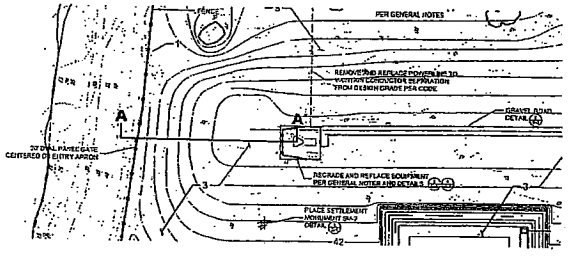

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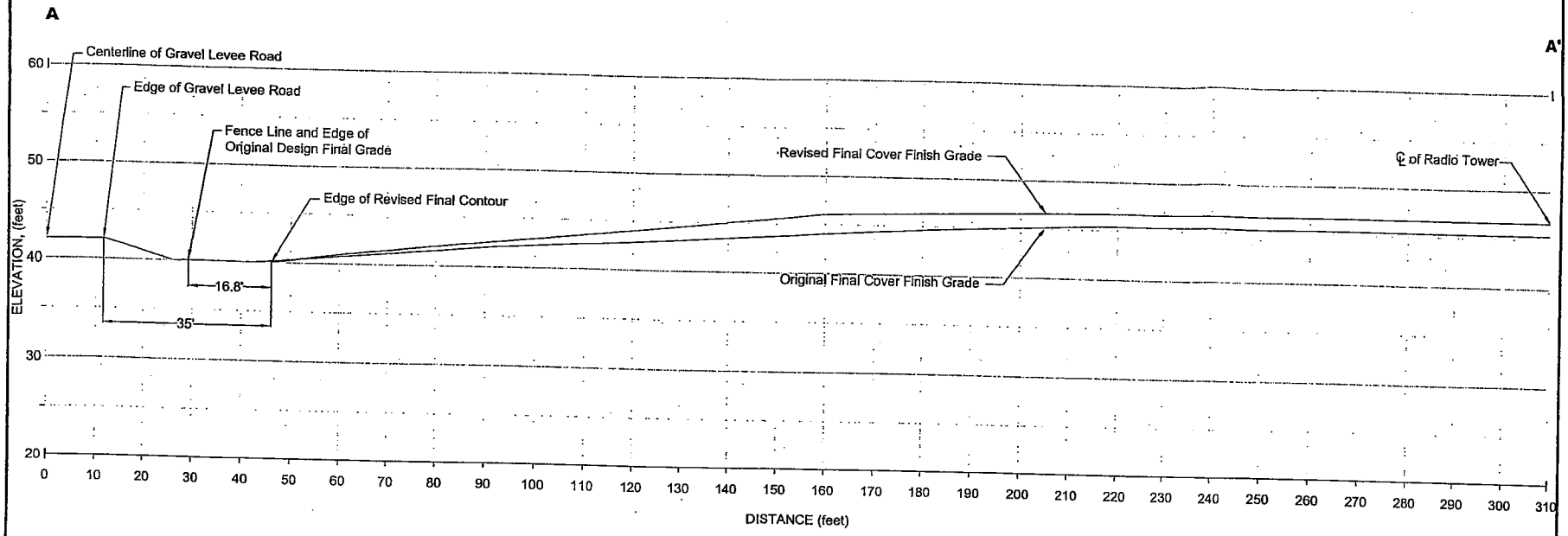
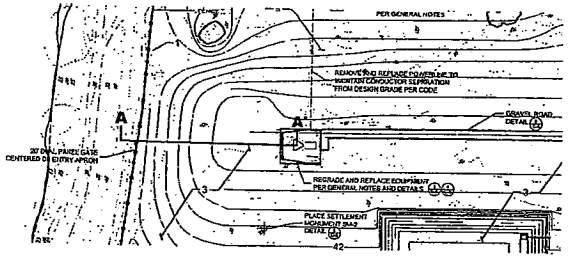
PROJECT NO.	116081
DRAWN:	08/09/2012
DRAWN BY:	D. Ross
CHECKED BY:	T. Crandall
FILE NAME:	cross section-1.dwg

FINAL COVER COMPARISON OF ORIGINAL AND REVISED FINISH GRADE AT NORTH END OF PROPERTY

DELLAR TRUST PROPERTY
SACRAMENTO, CALIFORNIA

PLATE
1





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PROJECT NO.	116081
DRAWN:	08/09/2012
DRAWN BY:	D. Ross
CHECKED BY:	T. Crandall
FILE NAME:	cross section-1.dwg

FINAL COVER COMPARISON OF ORIGINAL AND REVISED FINISH GRADE AT NORTH END OF PROPERTY

DELLAR TRUST PROPERTY
SACRAMENTO, CALIFORNIA

PLATE
1

Exhibit C

From: Tim Crandall <TCrandall@kleinfelder.com>
Subject: **FW: Dellar Property**
Date: August 16, 2012 3:58:52 PM PDT
To: Jeffory Scharff <jscharff@scharff.us>
1 Attachment, 8.0 KB

FYI

Timothy Crandall
Principal Engineer
3077 Fite Circle
Sacramento, CA 95827
o| 916.366.1701
c| 916.416.8887

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From: DelFrate, Todd@Waterboards [mailto:Todd.DelFrate@waterboards.ca.gov]
Sent: Thursday, August 16, 2012 3:16 PM
To: Tim Crandall
Cc: Wyels, Wendy@Waterboards
Subject: Dellar Property

Tim, based on our telephone conversation today, staff understands that the American River Flood Control District has placed construction restrictions at the north end of the Dellar LF where landfill waste is assumed to overlie the levee. The area of final cover affected by this condition is approximately 4700 square feet (16.8 feet wide by 280 feet long). According to the revised plan submitted, the existing soil thickness over the area defined now as the "no construction" zone is unknown and the thickness of waste is also unknown. To determine this, staff has requested Dellar conduct an investigation by potholing or other accepted method so as not to trigger a permitting requirement by the American River Flood Control District. Also, staff has required additional specifications as to how the revised area will drain precipitation and ensure that waste beneath the existing soil cover will not become a threat to water quality. The other option to revising the closure cover plan already approved is to apply for a permit from the Flood District, which staff understands can take up to 4 months to process and receive approval. If a permit is granted, the overlying waste could be excavated and moved into the landfill waste mass. This email is to document our conversation and understanding of the recent development and is not an approval of the revised closure cover design submitted. That will be determined when staff discusses the new developments with management. If you have any questions please call me.

TODD A. DEL FRATE, P.G.
Engineering Geologist
Title 27 Compliance and Enforcement Unit
Waste Discharge To Land

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Exhibit D

From: Tim Crandall <TCrandall@kleinfelder.com>
Subject: **RE: Dellar Property**
Date: August 27, 2012 12:31:53 PM PDT
To: "DelFrate, Todd@Waterboards" <Todd.DelFrate@waterboards.ca.gov>
1 Attachment, 8.0 KB

Todd, we did move forward with an investigation. We did some test pitting in the no-construction zone last Thursday afternoon and I am now working on a letter report for you that will also include information on runoff as requested. In a nutshell, we dug 6 test pits. 3 were free of waste to a depth of 3 feet. One had waste (asphalt) at a depth of 27 inches. The remaining 2 pits had waste (glass and metal) is a soil matrix starting at a depth of one foot below the ground surface.

Timothy Crandall
Principal Engineer
3077 Fite Circle
Sacramento, CA 95827
o| 916.366.1701
c| 916.416.8887

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From: DelFrate, Todd@Waterboards [mailto:Todd.DelFrate@waterboards.ca.gov]
Sent: Monday, August 27, 2012 11:48 AM
To: Tim Crandall
Cc: Wyels, Wendy@Waterboards
Subject: RE: Dellar Property

Tim, what is the status and are you moving this forward. I haven't heard from Jeff Scharff nor the City attorney. Why so quite? Please advise. Are you collecting additional information as requested below, and with construction season coming to a close, I would like to know what your side is thinking. Please advise.

From: DelFrate, Todd@Waterboards
Sent: Thursday, August 16, 2012 3:16 PM
To: 'tcrandall@kleinfelder.com'
Cc: Wyels, Wendy@Waterboards
Subject: Dellar Property

Tim, based on our telephone conversation today, staff understands that the American River Flood Control District has placed construction restrictions at the north end of the Dellar LF where landfill waste is assumed to overlie the levee. The area of final cover affected by this condition is approximately 4700 square feet (16.8 feet wide by 280 feet long). According to the revised plan submitted, the existing soil thickness over the area defined now as the "no construction" zone is unknown and the thickness of waste is also unknown. To determine this, staff has requested Dellar conduct an investigation by potholing or other accepted method so as not to trigger a permitting requirement by the American River Flood Control District. Also, staff has required additional specifications as to how the revised area will drain precipitation and ensure that waste beneath the existing soil cover will not become a threat to water quality. The other option to revising the closure cover plan already approved is to apply for a permit from the Flood District, which staff understands can take up to 4 months to process and receive approval. If a permit is granted, the overlying waste could be excavated and moved into the landfill waste mass. This email is to document our conversation and understanding of the recent development and is not an approval of the revised closure cover design

submitted. That will be determined when staff discusses the new developments with management. If you have any questions please call me.

TODD A. DEL FRATE, P.G.
Engineering Geologist
Title 27 Compliance and Enforcement Unit
Waste Discharge To Land

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Exhibit E

From: Tim Crandall <TCrandall@kleinfelder.com>
Subject: **RE: Dellar LF construction site inspection**
Date: August 27, 2012 12:33:52 PM PDT
To: "DelFrate, Todd@Waterboards" <Todd.DelFrate@waterboards.ca.gov>
1 Attachment, 8.0 KB

I would love to have you come out for a site inspection. I have a meeting between 11 and 2 on Wednesday but other than that I am currently free on Wednesday and Thursday.

Timothy Crandall
Principal Engineer
3077 Fite Circle
Sacramento, CA 95827
o| 916.366.1701
c| 916.416.8887

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From: DelFrate, Todd@Waterboards [mailto:Todd.DelFrate@waterboards.ca.gov]
Sent: Monday, August 27, 2012 11:52 AM
To: Tim Crandall
Cc: Wyels, Wendy@Waterboards
Subject: Dellar LF construction site inspection

Tim, I would like to conduct a site inspection of the Dellar Property this week. Wednesday or Thursday. Can you plan to meet me there. I will confirm in follow up email. Thank you.

TODD A. DEL FRATE, P.G.
Engineering Geologist
Title 27 Compliance and Enforcement Unit
Waste Discharge To Land

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Exhibit F

From: Tim Crandall <TCrandall@kleinfelder.com>
Subject: **FW: Dellar LF construction site inspection**
Date: August 27, 2012 4:36:13 PM PDT
To: Jeffory Scharff <jscharff@scharff.us>
1 Attachment, 8.0 KB

Jeff, we are still up in the air regarding Todd's visit, see below.

Timothy Crandall
Principal Engineer
3077 Fite Circle
Sacramento, CA 95827
o| 916.366.1701
c| 916.416.8887

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From: DelFrate, Todd@Waterboards [mailto:Todd.DelFrate@waterboards.ca.gov]
Sent: Monday, August 27, 2012 1:25 PM
To: Tim Crandall
Subject: RE: Dellar LF construction site inspection

Tim, I am having trouble securing a vehicle for inspection. If something breaks free then this week should work. If not, lets plan on next week. I will confirm with you ahead of time.

From: Tim Crandall [mailto:TCrandall@kleinfelder.com]
Sent: Monday, August 27, 2012 12:34 PM
To: DelFrate, Todd@Waterboards
Subject: RE: Dellar LF construction site inspection

I would love to have you come out for a site inspection. I have a meeting between 11 and 2 on Wednesday but other than that I am currently free on Wednesday and Thursday.

Timothy Crandall
Principal Engineer
3077 Fite Circle
Sacramento, CA 95827
o| 916.366.1701
c| 916.416.8887

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Exhibit G

State of California

DEPARTMENT OF WATER RESOURCES
CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

Application No. _____
(For Office Use Only)

1. Description of proposed work being specific to include all items that will be covered under the issued permit.

_____
_____
_____
_____

2. Project Location: _____ County, in Section _____

Township: _____ (N) (S), Range: _____ (E) (W), M. D. B. & M.

Latitude: _____ Longitude: _____

Stream : _____ , Levee : _____ Designated Floodway: _____

APN: _____

3. _____ of _____
Name of Applicant / Land *Owner* Address

_____ City _____ State _____ Zip Code _____ Telephone Number

_____ E-mail

4. _____ of _____
Name of Applicant's Representative Company

_____ City _____ State _____ Zip Code _____ Telephone Number

_____ E-mail

5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):

We, the Trustees of _____ approve this plan, subject to the following conditions:
Name of LMA

☐ Conditions listed on back of this form ☐ Conditions Attached ☐ No Conditions

_____ Trustee _____ Date _____ Trustee _____ Date

_____ Trustee _____ Date _____ Trustee _____ Date

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD
ENCROACHMENT PERMIT

6. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

Name	Address	Zip Code

7. Has an environmental determination been made of the proposed work under the California Environmental Quality Act of 1970? ☐ Yes ☐ No ☐ Pending

If yes or pending, give the name and address of the lead agency and State Clearinghouse Number:

_____

_____

_____

SCH No. _____

8. When is the project scheduled for construction? _____

9. Please check exhibits accompanying this application.

   A. ☐ Regional and vicinity maps showing the location of the proposed work.

   B. ☐ Drawings showing plan view(s) of the proposed work to include map scale.

   C. ☐ Drawings showing the cross section dimensions and elevations (vertical datum?) of levees, berms, stream banks, flood plain,

   D. ☐ Drawings showing the profile elevations (vertical datum?) of levees, berms, flood plain, low flow, etc.

   E. ☐ A minimum of four photographs depicting the project site.

_____
Signature of Applicant Date

Include any additional information:

_____

_____

_____

_____

_____

17. Have any other projects similar to the proposed project been planned or completed in the same general area as the proposed project?

☐ Yes ☐ No

Explain and identify any other similar projects:

18. Will the project have the potential to encourage, facilitate, or allow additional or new growth or development?

☐ Yes ☐ No

Explain:

19. Will materials be excavated from the floodplain? ☐ Yes ☐ No If yes, please answer the remaining questions.

THE REMAINING QUESTIONS MUST ONLY BE ANSWERED IF THE ANSWER TO QUESTION NO. 19 WAS "YES". IF THE ANSWER TO QUESTION NO. 19 WAS "NO", YOU DO NOT NEED TO COMPLETE THE REMAINING QUESTIONS.

A. What is the volume of material to be excavated?

Annually _____ Total _____

B. What types of materials will be excavated?

C. Will the project site include processing and stockpiling of material on site?

☐ Yes ☐ No

Explain:

D. What method and equipment will be used to excavate material?

E. What is the water source for the project?

F. How will waste materials wash water, debris, and sediment be disposed of?

G. What is the proposed end land use for the project site?

H. Has a reclamation plan been prepared for this site in accordance with the Surface Mining and Reclamation Act of 1975?

☐ Yes ☐ No If yes, please attach a copy.

Exhibit H

ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMITS

This environmental assessment questionnaire must be completed for all Central Valley Flood Protection Board applications. Please provide an explanation where requested. Incomplete answers may result in delays in processing permit applications. Failure to complete the questionnaire may result in rejection of the application.

1. Has an environmental assessment or initial study been made or is one being made by a local or State permitting agency in accordance with the California Environmental Quality Act? ☐ Yes ☐ No

   If yes, identify the Lead Agency, type of document prepared or which will be prepared, and the State Clearinghouse Number:

2. Will the project require certification, authorization or issuance of a permit by any local, State or federal environmental control agency? ☐ Yes ☐ No

   List all other governmental permits or approvals necessary for this project or use, including U.S. Army Corps of Engineer' 404and Section 10 permits, State Water Quality Certification, Department of Fish and Game 1600 agreement, etc. Attach copies of all applicable permits.

3. Give the name and address of the owner of the property on which the project or use is located. Please submit a copy of your current Title Report (Grant Deed), if your proposed project includes a private residence.

4. Will the project or use require issuance of a variance or conditional use permit by a city or county?

   ☐ Yes ☐ No

   Explain:

5. Is the project or use currently operating under an existing use permit issued by a local agency?

   ☐ Yes ☐ No

   Explain:

6. Describe all types of vegetation growing on the project site, including trees, brush, grass, etc.

7. Describe what type of wildlife or fish may use the project site or adjoining areas for habitat, food source, nesting sites, source of water, etc.

8. Has the Department of Fish and Game, U.S. Fish and Wildlife Service, or National Marine Fisheries Service been consulted relative to the existence of, or impacts to, threatened or endangered species on or near the project site?

   ☐ Yes ☐ No

   Explain:

9. Will the project or use significantly change present uses of the project area?

   ☐ Yes ☐ No

   Explain:

10. Will the project result in changes to scenic views or existing recreational opportunities?

    ☐ Yes ☐ No

    Explain:

11. Will the project result in the discharge of silt or other materials into a body of water?

    ☐ Yes ☐ No

    Explain:

12. Will the project involve the application, use, or disposal of hazardous materials? ☐ Yes ☐ No
    If yes, list the types of materials, proposed use, and disposal plan. Provide copies of all applicable hazardous material handling plans.

13. Will construction activities or the completed project generate significant amounts of noise?
    ☐ Yes ☐ No
    Explain:

14. Will construction activities or the completed project generate significant amounts of dust, ash, smoke, fumes, or odors?
    ☐ Yes ☐ No
    Explain:

15. Will the project activities or uses involve the burning of brush, trees, or construction materials, etc?
    ☐ Yes ☐ No
    Explain, and identify safety and air pollution control measures:

16. Will the project affect existing agricultural uses or result in the loss of existing agricultural lands?
    ☐ Yes ☐ No
    Explain: