



DEPARTMENT  
OF UTILITIES

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January 29, 2007

Steve E. Rosenbaum  
Senior Engineering Geologist  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

**Re: Proposed Plan for Resolution of Dellar Property Issues**

Dear Mr. Rosenbaum:

The City of Sacramento (City) and the Sylvia Dellar Survivor's Trust (Dellar Trust) are cooperating with respect to addressing the condition of the parcel of land located near the City of Sacramento's closed 28<sup>th</sup> Street Landfill, generally known as the "Dellar Property." It was the intention of the parties to discuss their tentative proposal with Central Valley Regional Water Quality Control Board (RWQCB) staff at the meeting scheduled for December 19, 2006. However, because there was a scheduling conflict on that day, we have summarized the proposal in hopes of moving forward as soon as possible.



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## **BACKGROUND**

During a four year period from about 1959 to 1963, the City contracted with the Dellars' predecessors in interest to landfill solid waste on the privately-owned 29-acre (approximately) parcel. The property is located between the American River and "A" Street, north of the end of 24<sup>th</sup> Street. The parcel numbers are APN 001-0160-013 and APN 001-0160-039.

Both during and after the period of waste disposal by the City, the property remained privately owned. In the decades after the City discontinued use in 1963, the land subsided as wastes degraded and settled. There were also intermittent surface and subterranean fires. Currently, the site surface is uneven and precipitation may be ponding and infiltrating at some locations.

In the 1990s, as the City's 28<sup>th</sup> Street Landfill moved to permanent closure, it was determined that the City closure activities would not incorporate privately owned lands near the City landfill. Therefore, with the exception of the closure monitoring systems for the 28<sup>th</sup> Street Landfill which extend to the areas around the Dellar Property, no closure activities have been undertaken for the Dellar Property. The final closure plan was approved without inclusion of the Dellar property.

After closure of the 28<sup>th</sup> Street Landfill, the RWQCB has made several attempts to resolve the site conditions on the property. However, the City and the Dellar Trust have remained at odds regarding each party's level of responsibility on the property.

On February 24, 2006, RWQCB issued a Draft Cleanup and Abatement Order (CAO) to both the City and the Dellar Trust. The draft order was, in part, based on concerns that the Dellar properties was a source of off-site groundwater impacts resulting in directives for further investigation. However, as set forth more fully in the referenced comment previously submitted, the parties believe that further review of the fairly expensive body of groundwater data demonstrates that conditions are stable if not improving. As noted above, the parties responded in letters dated April 18, 2006 and April 26, 2006, respectively. Copies of these letters are attached. Both parties commented that there were serious issues with the Draft CAO, including the groundwater data interpretations used by RWQCB to conclude the property was impacting groundwater. A summary of

this groundwater analysis is included below; a more detailed discussion can be found in the aforementioned letters.

- A simplified groundwater flow direction was assumed even though portions of the site are affected by varying groundwater flows due to fluctuating levels in the American River. As such, it is almost impossible to ascertain the direction of groundwater flow and to assign background versus downgradient with respect to fill areas.
- Organic compounds detected in monitoring well C-14 were cited as evidence of site impact, however, these benzene-based and oxygenate compounds (i.e., MTBE) are indicative of a more recent and likely petroleum source, such as the automotive repair shop that previously existed at the monitoring well location. In terms of MTBE, the chemical was not even used in gasoline during the time period when wastes were disposed in the landfill; therefore, the Dellar Property cannot possibly be the source of this contamination.
- Inorganic constituent differences between well B-4 (assumed background well), located adjacent to the American River, and wells C-14 and D-20, located farther inland (assumed downgradient wells), were cited as evidence of site impacts. However, these inorganic concentrations are not comparable because the wells reflect different groundwater types -- wells directly affected by the river versus those that are not. The downgradient concentrations cited in the CAO for wells C-14 and D-20, as evidence of a release, are in the same range as the concentrations observed in other 28<sup>th</sup> Street Landfill monitoring wells located a similar distance from the river (see Exhibit C in the City's response to the Draft CAO). As such, there is no clear evidence of a release from the Dellar Property.
- In general, regulated constituent concentrations in groundwater wells through the City's monitoring network have remained constant or decreased over time based on groundwater historical data. The RWQCB concluded in the Draft CAO that "Time series plots since 1996 do not indicate any clear trends for inorganic constituents except for bicarbonate, which declined moderately (i.e., 15 to 30 percent) in both downgradient wells." These data support the parties' contention that there is no evidence of a release from the 28<sup>th</sup> Street or Dellar Property.

Therefore, both the City and the Dellar Trust feel that there is no documented evidence of groundwater impacts from the property, which would necessitate the actions proposed by the RWQCB in the draft CAO. However, both parties understand the RWQCB's concerns regarding the landfill and have reached substantial agreement on a series of mitigation measures to which we are prepared to commit. These are detailed below.

### **PROPOSED PLAN**

In an effort to resolve the legal and environmental issues regarding the property, the following is a brief summary of the actions with which the City of Sacramento and the Dellar Trust have tentatively agreed to proceed:

1. The parties will take action to re-grade the property and repair the existing landfill cap so that precipitation is not ponded on-site (i.e., "grade-to-drain").
2. The parties will continue to monitor the areas around the property through the existing 28<sup>th</sup> Street Landfill Post-Closure Monitoring Program. Through this program, RWQCB will continue to receive groundwater monitoring results in accordance with the existing Monitoring and Reporting Program for the 28<sup>th</sup> Street Landfill, which already encompasses the Dellar Property.
3. The parties will conduct inspections of the property on a quarterly basis and will maintain and repair, as necessary, the soil cap and all drainage controls on-site.

### **PLAN DETAILS**

Even though the City and the Dellar Trust do not agree that groundwater impacts have occurred to date due to releases from the Dellar Property, we understand the RWQCB's concern that future groundwater impacts could occur due to the state of the cover system and drainage features at the site. As such, we have developed the proposed plan for mitigation measures with those concerns in mind.

The most prudent course of action for the Dellar Property would be to grade the parcel to promote proper drainage. This will prevent ponding and reduce the potential for

surface water infiltration into the underlying fill. Re-grading would entail clearing and grubbing, minor cuts, and import and placement of clean fill soils to create a north-south trending crown at the center of the property. The site would be graded to drain to the east and west at slopes of 2 percent or less. The re-grading will also serve to repair and upgrade the current cover system, and any visible areas of cover deterioration would be resolved.

Surface water draining from the cap area would be routed through v-ditches to an on-site detention basin or connected to the City's storm drainage system, whichever is more feasible. Discharge from the detention basin would be in accordance with NPDES permit requirements, if applicable. Finished surfaces and v-ditches would be hydro-seeded with a native grass seed mix to prevent soil erosion, and this vegetation would be maintained by the City.

Cut, fill and grading activities will be undertaken to preserve the integrity of existing levee structures on the north end of the property. It is assumed that re-grading can be accomplished without compromising the on-site radio transmission tower foundation and grounding network.

It has been estimated by the City's consulting engineers (SCS Engineers) that the grading and capping will require approximately 90,000 cubic yards of soil. The estimated cost of this project is \$2.8 million, excluding future site inspections and maintenance. The projected cost of these improvements is substantial and should further document the City's and the Dellar Trust's commitment to site improvements and resolution of this matter.

## **PROJECT URGENCY**

Because of a dispute over relative responsibility for the condition of the property, a lawsuit was filed by the Dellar Trust against the City of Sacramento (**Sylvia Dellar Survivor's Trust v. City of Sacramento** – Sacramento Superior Court Case No. 05AS01152). The basis of the lawsuit is responsibility for the RWQCB order. Trial of this matter has been temporarily postponed to allow the parties to clarify the action required by the Board and to potentially resolve the lawsuit. As such, a narrow time window exists for resolving this situation, or the case will return to court for litigation.

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Such litigation would very likely substantially alter the proposed plan and further delay the resolution of the project.

## CLOSING

In summary, the City and Dellar Trust have agreed that this course of action is the best approach in that it:

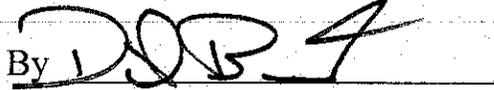
- Provides an environmentally sound solution that minimizes water infiltration and improves drainage on the property;
- The existing 28 street landfill groundwater well network serves to monitor water quality conditions as well as further evaluate the results of the proposed grading and cap corrective actions; Provides a means for monitoring groundwater conditions through the ongoing 28<sup>th</sup> Street Landfill Post-Closure Monitoring Programs, including site inspection and cap/drainage maintenance; and
- Allows the RWQCB to resolve this site issue.

The parties wish to work with RWQCB to implement this plan as soon as possible. Moving forward with this plan immediately will take advantage of the cooperation currently existing between the parties. Also, the City has the opportunity to obtain clean fill soils from scheduled projects during the upcoming construction season. This may save as much as \$1 million in the cost of construction. Therefore, the City of Sacramento and the Sylvia Dellar Survivor's Trust are requesting prompt and timely concurrence from RWQCB with this settlement plan.

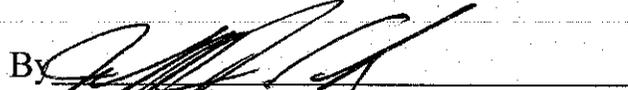
Thank you for your attention to this matter. The parties hereby request a meeting with the RWQCB to discuss our plan. With your approval, the City and the Dellar Trust would develop a more detailed plan for implementation, including a proposed implementation schedule. Please contact the undersigned if you have any further comments or concerns with this letter.

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City of Sacramento

By 

Dave Brent  
Engineering Division Manager

By 

Jeffery J. Scharff  
Attorney for Sylvia Dellar's Survivors  
Trust

JH/alk  
Attachments (2)

cc: John Moody, Water Resources Control Engineer