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May 14, 2025

VIA EMAIL AND U.S. MAIL

City of Arcata
City Council
Alexandra Stillman, Mayor
Kimberley White, Vice-Mayor
Meredith Matthews, Councilmember
Stacy Atkins-Salazar, Councilmember
Sarah Schaefer, Councilmember
C/O City Clerk:
Email: RVarley@CityofArcata.org

City of Arcata Planning Department
ATTN: David Loya, Community Dev. Director
736 F Street
Arcata, CA 95521
Email: dloya@cityofarcata.org

Re: Comments Regarding Proposed Valley View Commons Project – CEQA Compliance and Review (Roger's Garage site: 1622 & 1632 Old Arcata Road; File No. 242-020)

Dear Mr. Loya and Honorable Members of the Arcata City Council:

On behalf of Building Bayside Better (“BBB”), a community group consisting of residents of Bayside, Arcata, and other concerned Humboldt County residents, we respectfully submit this letter to assist the City in fulfilling its regulatory duties under the California Environmental Quality Act (“CEQA”). We appreciate the opportunity to comment on the Valley View Commons affordable housing project (“Project”). BBB objects to proposed reliance on the Class 32 infill exemption under CEQA, as indicated by staff in the Environmental Verification form completed last year for the funding application for the Competitive Permanent Local Housing Allocation (“CPLHA”) program, due to significant unresolved issues and potential impacts that necessitate thorough environmental review and sufficient mitigation measures.

BBB strongly supports affordable housing initiatives but emphasizes that achieving this goal should not bypass necessary remediation of known soil and groundwater contamination and comprehensive environmental impact assessment. Transparent and legally compliant project approval processes are critical for ensuring community safety, environmental protection, and informed and responsible governance. We appreciate City staff’s consideration of the following comments and look forward to further opportunities to participate in the environmental review and permitting process for the Project.

I. Factual Background

The Project site, located at 1622 & 1632 Old Arcata Road, has a history of significant environmental impacts.¹ Initially used for agriculture, by 1946 the site was utilized for auto repair, dismantling, painting, and auto storage. According to the recently released Phase I ESA, the site previously hosted gasoline, diesel, and heating oil underground storage tanks (“USTs”), which were removed in July 2000.² Auto dismantling activities involved fluid draining and storage, with commercial recycling services removing hazardous fluids.

Numerous environmental investigations conducted since 1999 have identified substantial soil and groundwater contamination on the site. Several excavations have occurred to remove petroleum-impacted soil, although contamination remains inadequately assessed in some areas, particularly beneath the former auto repair buildings and body shop. Lead contamination exceeding residential screening levels has been identified at various depths, with lead concentrations ranging from 180 mg/kg to 390 mg/kg at depths of approximately five feet. Additionally, the former presence of a vehicle crusher, waste oil aboveground storage tanks, and a septic system connected to city sewer infrastructure present additional unresolved environmental risks.

The site has undergone various phases of environmental assessment, including groundwater monitoring (2002-2004), extensive soil sampling for metals (March 2005), and stormwater sampling events (2007-2009). Despite early remediation efforts concerning the USTs and lead contamination, no comprehensive soil, groundwater, or stormwater sampling has occurred since 2009, leaving current contamination levels uncertain.

As is evident from the extensive Geotracker document archive for this site, historical community concerns regarding development on this parcel date back to at least 2001. Bayside residents previously expressed significant concerns, including potential undiscovered contaminants or toxic substances, complicated drainage issues, traffic congestion, and significant local controversy over the appropriateness of proposed developments.³ The residents requested detailed clarification from the City regarding environmental review processes under CEQA and strongly emphasized the importance of citizen involvement and transparent government processes. These concerns remain relevant and underscore the

¹ See Exhibit 1 – Site Location Map and Site Plan from December 2009 Letter from Freshwater Environmental Services to Regional Water Board re Storm Water Sampling Results.

² See North Coast Regional Water Quality Control Board (“Regional Water Board”) documents concerning the site available at the Geotracker website: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0602391099. The Phase I and Phase II ESAs, among other documents concerning long history of site assessment and incomplete remediation, are available through this website.

³ See, e.g., Exhibit 2 – Letter from Bayside Neighbors to former Community Development Director Tom Conlon, dated October 28, 2004.

community's continued interest in thorough environmental analysis and meaningful public participation.

During the Arcata City Council meeting on May 29, 2024, Chris Dart from Danco stated that a Phase II Environmental Site Assessment ("ESA") for the Project site was still in draft form, acknowledging the presence of heavy metals contamination requiring remediation prior to construction.⁴ Council discussion concerning the authorization to apply for grant funding for the Project confirmed that an environmental analysis under CEQA would occur at a later stage.

Several days after the May 2024 meeting, City staff submitted an Environmental Verification form in support of the application for CPLHA funding for the project confirming satisfaction of environmental review requirements, despite knowing that information concerning known contamination was incomplete and that the Project would require environmental review. The unsubstantiated and unsupported prediction in that form that the Project "will qualify" for the CEQA infill exemption (Class 32 exemption, CEQA Guidelines, § 15332) conflicts with the "threshold requirement" under the CPLHA that the application "demonstrate" an eligible project has already satisfied environmental review requirements.⁵

These background facts illustrate the incomplete nature of critical environmental data.

II. Summary of CEQA Issues

Based on our review of available information, including the Phase I and Phase II ESAs, the City's Environmental Verification form (June 3, 2024), and the City's April 21, 2025, incomplete application letter, we highlight the following critical concerns regarding the proposed CEQA exemption:

1. Applicable Exceptions to CEQA Exemption: CEQA Guidelines §15300.2(c) outlines exceptions to exemptions, including unusual circumstances where significant environmental effects are reasonably possible. For example, known and documented existing contamination, which distinguish this site from typical sites utilizing the infill exemption, and other unresolved site conditions clearly trigger these exceptions.

⁴ The Phase II report is dated June 23, 2024, the Phase I report is dated July 1, 2024. A Regional Water Board site visit occurred in September 2024, months after reports were completed, yet Regional Water Board staff were not consulted in the preparation of these reports and were not provided with copies of the reports until approximately March 2025. The Phase I and Phase II ESAs were finally posted to the Regional Water Board's website in March 2025.

⁵ See Permanent Local Housing Allocation Final Guidelines, October 2019, Section 402(c)(4) [requiring "Demonstration of readiness, including site control for development Projects, land use entitlements, environmental review and commitments of other funding and resources required...."], emphasis added, p. 18.

2. Potential Significant Environmental Impacts: The exemption under CEQA Guidelines §15332(d) requires no significant impacts related to traffic, noise, air quality, or water quality. For example, existing documentation indicates unresolved soil and groundwater contamination, with the risk of offsite migration, and potential wetland issues, clearly implicating significant environmental impacts.
3. Premature Exemption Determination Prior to Discretionary Review: The City's Design Review Permit involves discretionary action requiring a Planning Commission hearing and CEQA compliance. Thus, an exemption determination before completion of discretionary review would violate CEQA's procedural requirements.
4. Absence of a Formal CEQA Determination: The City has not yet formally issued or publicly documented a Notice of Exemption (NOE) for the affordable housing project (we understand from past staff reports, but have been unable to confirm that it has issued two NOEs for the project funding decisions in November 2023 and May 2024).⁶ Therefore, any reliance on an exemption at this stage would be premature and procedurally improper.
5. Incomplete Project Documentation: The City identified significant outstanding information, including the intended use of non-residential areas, landscaping compliance, and infrastructure details. Because the design review application is incomplete, Project design details are also lacking, making it impossible to conclusively determine General Plan and zoning consistency required under CEQA Guidelines §15332.

III. Procedural and Substantive Irregularities

Public records concerning the Project's permitting process reveal significant procedural irregularities regarding the City's handling of CEQA requirements with respect to the Project.

Under CEQA, environmental review is supposed to occur environmental impact analysis "must be written late enough in the development process to contain meaningful information, but they must be written early enough so that whatever information is contained can practically serve as an input into the decision making process." (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 129-130, quoting *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 77, fn. 5.) Improperly deferred impact analysis is prohibited, instead agencies must "consider the cumulative environmental effects of agency action before a project gains irreversible momentum." (*City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 242 [concluding "annexation was a necessary first step in a chain of events

⁶ We reviewed the CEQAnet database for all CEQA documents posted by the City of Arcata from the present to the beginning of 2009 and did not find any NOEs filed for any funding decisions concerning development of the Project site. (See <https://ceqanet.opr.ca.gov/Search?StartRange=2009-01-01&EndRange=2025-05-13&LeadAgency=Arcata%2c+City+of>; see also Exhibit 3: City of Arcata NOEs Posted to CEQAnet Since 2009.)

which would culminate in physical impact on the environment; in order to fulfill CEQA requirements, environmental review was mandated ‘at the earliest possible stage,’ even though additional EIRs might be required for later phases of the project’], emphasis added, citing *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 282.) City regulations comport with this legal requirement: Arcata Municipal Code (“AMC”), Section 9.78.030(A) states that “Environmental considerations shall be dealt with at the earliest point possible by emphasizing the use of an initial study.” (Emphasis added.)

The City’s repeated exemption determinations for Project funding decisions without proper environmental review violates these explicit requirements. For these reasons, BBB objects to any further reliance on the “common sense” exemption (CEQA Guidelines, § 15061(b)(3) or any other CEQA exemptions for further Project-related funding decisions, on the grounds that this would further improperly defer environmental impact analysis and mitigation under CEQA.

During the City Council meeting in November 2023, the Council approved a \$180,000 loan to Danco Communities specifically for pre-development studies and environmental remediation due to known lead contamination and an open case with the Regional Water Quality Control Board.⁷ Public comments during this meeting emphasized significant community concern regarding incomplete site cleanup and the risks associated with contaminants such as lead, cadmium, copper, zinc, and chromium. Director Loya acknowledged at this meeting that remediation would need to be completed before development could occur.

City staff’s premature exemption determination for the Project, based on incomplete evidence, directly conflict with CEQA’s substantial evidence standards. Additionally, contradictory positions taken by the City, notably the April 21, 2025, request for the applicant to justify the exemption after previously indicating an exemption “will apply”, reflect procedural confusion, non-compliance with established CEQA processes, and a desire for *post hoc* rationalization and justification.⁸

Additionally, an exemption decision prior to receiving and reviewing a complete project application violates local procedural mandates clearly defined under Arcata Municipal Code (“AMC”) Chapter 9.78, which requires sufficient information for CEQA determinations and detailed environmental review when required. (See AMC, § 9.78.110(A) [“Each application shall contain sufficient information to allow for a determination whether environmental review is required and, if so, the type of environmental document to be prepared. An application shall not be deemed to be complete without this information”].) The absence of complete documentation at this stage indicates that the City has not met these local procedural requirements, making any exemption determination legally untenable.

⁷ See meeting minutes for November 1, 2023 City Council Meeting, pp. 7-8.

⁸ See City’s April 2024 letter to the Project applicant regarding the incomplete documentation for design review.

The significant contamination documented on the Project site is an unusual circumstance that explicitly negates the applicability of the infill exemption. (See CEQA Guidelines § 15332(d) [“Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality”]; see also *id.* at § 15300.2(c) [“A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances”]. Courts have consistently held that a categorical exemption may not be applied if substantial evidence exists indicating a reasonable possibility of significant environmental impacts. (See *IBC Business Owners for Sensible Development v. City of Irvine* (2023) 88 Cal.App.5th 100, 132; see also *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105; see also *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1198-99.) Soil and groundwater contamination represent precisely such “unusual circumstances,” that inherently prevent reliance on categorical exemptions. (*McQueen v. Bd. of Dirs.* (1988) 202 Cal.App.3d 1136, 1149 [holding “project” to which categorical exemption did not apply was regional open space district’s acquisition of surplus federal property, particularly where hazardous wastes were known to exist on the property, constituting an “unusual circumstance” threatening the environment”].) The unusual circumstances test is satisfied where, as here, “the circumstances of a particular project (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects.” (See *Azusa, supra*, 52 Cal.App.4th at 1207.)

The City’s environmental review regulations are consistent with principles limiting the application of CEQA categorical exemptions. AMC section 9.78.060(A) provides that “unlike statutory exemptions, categorical exemptions are not absolute. There are exceptions to the exemptions, as listed in Section 15300.2 of the CEQA Guidelines. When an exception to the exemption applies, the project is required to go through the CEQA process regardless of the fact that the project otherwise meets the criteria of a categorical exemption.”

The Regional Water Board mandates independent remediation obligations, and, with respect to development of the Roger’s Garage site, has emphasized the necessity of remediation regardless of any development activities.⁹ The City has an affirmative legal

⁹ In a May 27, 2009 letter, the Regional Water Board addressed “Title 27 requirements for the Site for discharges of waste to land” as follows:

On March 3, 2009, Mr. Sean Armstrong stated in an email that “...a great deal of discussion over whether we are legally obligated to cleanup the site in the absence of plans for the site, discharge to groundwater or discharge to storm water.” As the current and all historical storm water sampling results indicate, there is a continued discharge of contaminated storm water that is impacting waters of the State. Staff has never concurred with a premise that cleanup of the Site will be only be associated with development.”

obligation to independently investigate environmental conditions before making its CEQA determinations. Accordingly, the City must verify and coordinate remediation requirements with the Regional Water Board.

IV. Requests for Proper Environmental Review

Given these significant procedural and substantive deficiencies, BBB requests the City to clarify its current CEQA determination regarding the Project. We urge the City to rescind any premature determination of infill exemption.¹⁰ The City must prepare a comprehensive Initial Study to thoroughly assess all potential environmental impacts, especially concerning existing contamination and wetland considerations. Among other critically important issues, the Initial Study must address the potential for groundwater contamination caused by Project disturbance of the heavy metals and other pollutants identified in the soils beneath the Project site.

A. Potential for Ground Disturbance and Construction Activities to Exacerbate Soil and Groundwater Pollution

The proposed project site, characterized by a shallow water table and high average annual rainfall, is nearly adjacent to sensitive coastal wetlands. These conditions heighten the risk of contaminant mobilization during construction activities.

1. Influence of High Annual Rainfall on Contaminant Migration

The project site's average annual rainfall of 40–50 inches significantly impacts the potential migration of contaminants, particularly in areas with shallow groundwater tables and proximity to coastal wetlands. High precipitation increases soil moisture, leading to greater infiltration rates. This process facilitates the downward movement of water-soluble contaminants, such as heavy metals and hydrocarbons, from the soil surface into the groundwater. Studies have shown that increased rainfall can lead to more rapid and extensive transport of contaminants through the soil profile, especially in areas with permeable soils and shallow water tables.¹¹

Sustained or intense rainfall events can raise the local water table (3–4 feet below ground surface at the Project site), reducing the unsaturated zone that typically acts as a buffer for contaminant migration. A higher water table brings groundwater closer to the surface, increasing the likelihood that contaminants disturbed during construction activities will enter

(See Exhibit 4, underlining added.) This position was reaffirmed in July 18, 2017, when Regional Water Board staff stated in an email that remediation “does not depend upon the use/zoning of the property unless the site has met the cleanup goals.” (See Exhibit 5)

¹⁰ Exhibit 6: Completed Environmental Verification form, dated June 3, 2024.

¹¹ See USGS, "Contamination of Groundwater," available at: <https://www.usgs.gov/special-topics/water-science-school/science/contamination-groundwater>.

the saturated zone and spread more readily. This scenario is particularly concerning in coastal areas where the interaction between freshwater and saltwater can further complicate contaminant dynamics.¹²

Heavy rainfall contributes to increased surface runoff, which can carry contaminants laterally across the site and into adjacent wetlands. This runoff can transport both dissolved and particulate-bound contaminants, leading to broader environmental impacts beyond the immediate construction area. The potential for such spread underscores the need for effective stormwater management practices during and after construction.¹³

Given these factors, construction activities that disturb contaminated soils—such as excavation, grading, and foundation work—pose a heightened risk of facilitating contaminant migration. The combination of soil disturbance and high rainfall can lead to increased leaching of contaminants into the groundwater and adjacent wetlands, potentially violating environmental regulations and harming sensitive ecosystems.

2. Mobilization of Heavy Metals:

Heavy metals such as lead, cadmium, and chromium are known to bind with soil particles under stable conditions. However, construction activities that disturb the soil can alter its physical and chemical properties, leading to the release of these metals into the groundwater. Studies have shown that changes in soil pH and redox potential, often resulting from soil disturbance, can increase the solubility and mobility of heavy metals in wetland environments.¹⁴

3. Hydrocarbon Contaminant Migration:

Similarly, hydrocarbons present in contaminated soils can migrate more readily when the soil structure is disrupted. The combination of soil disturbance and high rainfall can facilitate the downward movement of hydrocarbons into the groundwater. Research indicates that convection and diffusion are key pathways for the migration of total petroleum

¹² EPA, "Consideration of Climate Change at Contaminated Groundwater Sites," available at: <https://www.epa.gov/system/files/documents/2024-01/consideration-of-climate-change-at-contaminated-groundwater-sites.pdf>.

¹³ Wikipedia, "Surface runoff," https://en.wikipedia.org/wiki/Surface_runoff.

¹⁴ See, e.g., Zhang et al., "Migration of heavy metals in coastal wetlands: A review of influencing factors, mechanisms, and remediation methods," 2022, available at: <https://link.springer.com/content/pdf/10.1007/s11783-022-1523-x.pdf>; see also Chunming Li, "Heavy metal pollution in coastal wetlands: A systematic review of studies globally over the past three decades, 2022, available at: <https://pubmed.ncbi.nlm.nih.gov/34600393/>.

hydrocarbons from soil to groundwater, especially in areas with complex hydrogeological conditions.¹⁵

4. Impact on Coastal Wetlands:

The proximity of the site to coastal wetlands further amplifies environmental concerns. Wetlands act as natural filters but are vulnerable to contamination from adjacent land uses. The introduction of heavy metals and hydrocarbons can disrupt the ecological balance, affecting plant and animal life. Moreover, wetlands can transform from sinks to sources of pollution under certain conditions, releasing accumulated contaminants back into the environment.¹⁶

B. Regulatory Considerations:

Given these risks, it is imperative to conduct a comprehensive environmental assessment before proceeding with construction. This includes evaluating the potential for contaminant migration and implementing mitigation strategies to protect groundwater and adjacent wetlands. Failure to address these concerns may result in non-compliance with environmental regulations and long-term ecological damage.

The City must also engage in meaningful consultation with all relevant agencies, stakeholders, and neighboring property owners to gather necessary environmental data before making any final CEQA determinations or design review decisions. Following the Initial Study results, the City must proceed appropriately by preparing either a Mitigated Negative Declaration (“MND”) or an Environmental Impact Report (“EIR”).

Finally, explicit coordination with the North Coast Regional Water Quality Control Board regarding remediation requirements is essential. Such coordination has heretofore been lacking. For example, both the Phase I and Phase II ESAs were apparently prepared without Regional Water Board notification and coordination.¹⁷ A more coordinated approach will help ensure the City comprehensively addresses all environmental obligations and requirements, while maintaining the integrity and transparency of the CEQA review process.

¹⁵ See, e.g., Guo et al., "Research progress on migration and transformation of total petroleum hydrocarbons in soils and groundwater," 2024, available at: <https://pubs.rsc.org/en/content/articlelanding/2024/ra/d4ra06060a>; see also EPA, Ground Water Issue, Light Nonaqueous Phase Liquids, , available at: <https://semspub.epa.gov/work/HQ/189987.pdf>.

¹⁶ See, e.g., Ouyang et al., "Wetland ecosystems: threats, management and restoration," 2018, available at: <https://www.sciencedirect.com/science/article/pii/S1470160X16302242>.

¹⁷ See Exhibit 7 – Letter from Regional Water Board to Project applicant, dated April 29, 2025, re delayed production of Phase I and Phase II ESAs and requirements for monitoring and reporting on remediation activities and efforts. The City and Regional Water Board are required to independently verify the accuracy and adequacy of methodology utilized by the applicant’s consultants who prepared these reports.

V. Conclusion and Request for Notice

Under CEQA Guidelines §15300.2(c), the existence of contamination and related unusual circumstances clearly preclude the proposed use of the infill categorical exemption. We urge the City to promptly address these procedural irregularities and substantive deficiencies to responsibly regulate development of the Project site, meaningfully engage community stakeholders, and comply with mandatory requirements.

We reserve the right to supplement our comments based on future disclosures. Please provide notice of all future proceedings, communications, and public information concerning the Project to the undersigned via email at jason@holderecolaw.com and to BBB representatives at 95524bbb@gmail.com.

* * *

We appreciate your careful attention to this important matter and look forward to your prompt response.

Very Truly Yours,



Jason Holder

cc: (Via e-mail only)
Merritt Perry, City Manager, City of Arcata (CityMgr@CityofArcata.org)
Robert B. Dickerson, Engineering Geologist, Regional Water Board
(Robert.Dickerson@waterboards.ca.gov)
Client contacts

Attachments:

- Exh. 1. Site Location and Site Plan from December 2009 Letter from Freshwater Environmental Services to Regional Water Board re Storm Water Sampling Results
- Exh. 2. Letter from Bayside Neighbors to former Community Development Director Tom Conlon, dated October 28, 2004
- Exh. 3. City of Arcata NOEs Posted to CEQAnet Since 2009
- Exh. 4. Letter from Regional Water Board to Project Applicant, dated May 27, 2009
- Exh. 5. Email from Robert B. Dickerson, Regional Water Board, to Umpqua Bank, dated July 18, 2017
- Exh. 6. Environmental Verification Form from CPLHA Application, dated June 3, 2024
- Exh. 7. Letter from Regional Water Board to Project applicant, dated April 29, 2025



EXPLANATION

--- Approximate Site Boundary

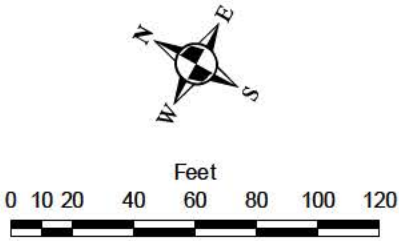
Base Image Data Source (western portion):
City of Arcata Aerial Imagery, 2003.

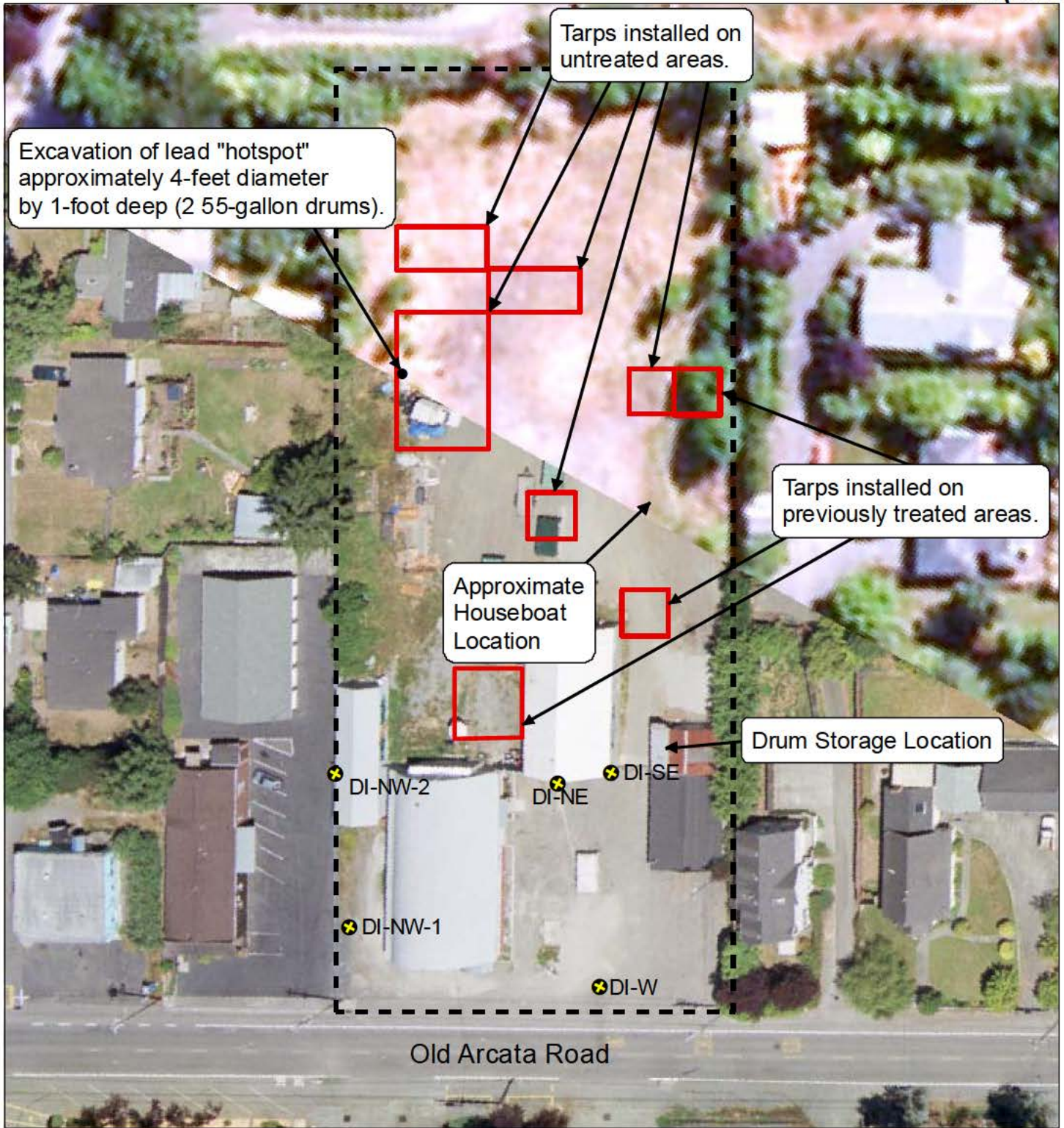
Base Image Data Source (eastern portion):
Humboldt Bay Aerial Imagery, 2009.

ALL LOCATIONS APPROXIMATE

KD Investments
Former Roger's Garage

Figure 2
Site Plan





Excavation of lead "hotspot" approximately 4-foot diameter by 1-foot deep (2 55-gallon drums).

Tarps installed on untreated areas.

Tarps installed on previously treated areas.

Approximate Houseboat Location

Drum Storage Location

Old Arcata Road

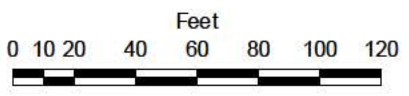
EXPLANATION

- Approximate Site Boundary
 - Areas covered with tarps
 - Excavation 9-14-09
 - Storm Water Sampling Point
- Base Image Data Source (western portion):
City of Arcata Aerial Imagery, 2003.
Base Image Data Source (eastern portion):
Humboldt Bay Aerial Imagery, 2009.

ALL LOCATIONS APPROXIMATE

KD Investments
Former Roger's Garage

Figure 3
Excavation, Tarped Areas
and Houseboat Location



RWQCB
REGION 1

NOV - 1 2004

October 28, 2004

Tom Conlon, Director
Community Development Department, City of Arcata
736 F Street
Arcata, CA 95521

<input type="checkbox"/> CK	<input type="checkbox"/> ECR	<input checked="" type="checkbox"/> KTU
<input type="checkbox"/> RLT	<input checked="" type="checkbox"/> LGR	<input type="checkbox"/> KAD
<input type="checkbox"/> NPC	<input type="checkbox"/> RSG	<input type="checkbox"/> EJM
		<input checked="" type="checkbox"/> KSA

RE: Permit Processing for AP#500-191-002/1622 Old Arcata Rd., Bayside, CA
AP# 500-191-020/1632 Old Arcata Rd., Bayside, CA

Dear Mr. Conlon,

Thank you for taking the time to respond to our letter of August 12, 2004. We were hoping your letter of August 27, 2004 would clarify several important questions we have regarding the process for approval of any development at the above referenced parcels. Since we still have questions, we reiterate our concerns here more specifically for additional clarification.

While citizen's groups can often seem to be at odds with the City's efforts, we firmly believe that maximum participation by citizens, especially in controversial matters, should be engaged as early as possible in any process. The result is usually beneficial to all parties in the end. It is in this spirit that we are submitting this letter to you for your prompt attention.

1) From your letter, we understand that a commercial project previously proposed for this site would require review by the Design Review Commission (DRC). We also understand that DRC decisions are required to conform to the California Environmental Quality Act (CEQA) as per the memo dated April 17, 1998 from City Attorney, Nancy Diamond, which concludes that, "Design review approval is discretionary, and therefore subject to CEQA provisions."

Upon review of the current Land Use and Development Guide (LUDG) and CEQA, this process mandates that the lead agency prepare a Notice of Exemption prior to DRC review of a project. Ms. Diamond's memo and LUDG neither find nor legislate that the DRC review is "considered to be discretionary for purposes of environmental review." [LUDG Section 4-0102 (10)] It is unclear when the practice of sending Negative Declarations to the DRC began, under the watch of a previous or current planning administrator, but what is clear is this: it is not a practice supported by LUDG or CEQA. You have indicated several times that the DRC is the appropriate body for non-exempt CEQA projects. Please state the legal authority under which the DRC acts with regard to both the City of Arcata (LUDG) and CEQA for environmental review of Negative Declarations.

2) If a project has the potential for causing a significant effect on the environment, either a Negative Declaration or an EIR process would be implemented, and ultimately, as per LUDG, the environmental document and project would be forwarded to the Planning Commission for their review and final determination. According to the current and applicable LUDG, the Planning Commission is clearly the body designated to make the final decision on a Negative Declaration or EIR. [LUDG Section 4-0103 (8) and (14)] If you disagree, please cite the legal authority for your position including the document, section and page.

3) In your letter, you state that project proponents could "retain a design that does not trigger a discretionary review by the Planning Commission." The preliminary proposal presented by the developer's agent at four neighborhood meetings and two meetings of the DRC involves siting two pre-schools on a contaminated site with the potential for undiscovered contaminants or toxic substances and possible spreading thereof; complicated drainage issues resulting from anomalous water table data; greater traffic congestion in a school/neighborhood zone with existing serious traffic problems; and major local controversy (reflected by demonstrations, community attendance at meetings, and extensive newspaper coverage) regarding the size, height, appropriateness, etc. of the project design. Given these issues, we believe that any development for this site will likely require an EIR. Considering the complexity of this site, what project design in your opinion would not require discretionary review by the Planning Commission? Do you mean a design that excludes pre-schools, residences, or does not have deep soil cuts and retaining walls? Please clarify.

4) You state that, "The LUDG does not provide the Community Development Director the authority to alternately route permit applications where the LUDG specifies which body is the reviewing authority." As we stated previously, LUDG specifies that the Planning Commission is the reviewing authority for environmental review. [Section 4-0103 (8) (14)] It also seems that you have more authority than you modestly express. Please clarify the following in the event we have misunderstood the scope of your authority:

- A) Who is the Community Development Director?
- B) Who is the Planning Administrator?
- C) Who is the Zoning Administrator?
- D) Who is the Environmental Coordinator?
- E) Who is the Lead City Department?
- F) Who is representing the City?
- G) Who is the acting Lead Agency?
- H) Who is the Responsible Agency?

Given your multiple roles in the CEQA planning process, please explain how communications among the above parties can occur at arm's length? Do you have suggestions for making the communications between and among these parties more understandable to the public and transparent for purposes of citizen participation and open government objectives?

5) Regarding another proposal, but relevant to this matter in terms of procedure, Item #2 on the September 22 agenda for the DRC stated that, "The Zoning Administrator adopted a Negative Declaration and approved Coastal Development and Conditional Use Permits on September 13, 2004." Is this a typo? If not, please clarify and cite under what specific legal authority the Zoning Administrator is permitted to adopt Negative Declarations, approve Coastal Development and Conditional Use Permits.

Your statement that "LUDG controls what projects have a discretionary permitting process and which do not" is incorrect. The California Environmental Quality Act is controlling law as to this process. As you know, it is important that the City has a legally defensible position with regard to CEQA and it's implementation with LUDG. [Section 4-0101]

We understand that you feel our involvement in this "non-project" is premature. Our intent, however, is firstly, to clarify the planning process for permitting CEQA projects; and secondly, to guide the project to a harmonious development that is compatible with the historical character of our Bayside community. We want to avoid development that could become a nuisance which jeopardizes the health, welfare and safety of our neighborhood and community or would incur undo harm (financially or otherwise) to the developer, the City, our neighborhood and the larger community .

Please respond to us in writing at P.O. Box 185, Bayside, CA 95524 as soon as possible. Given the degree of focus by the developer, City and community on this proposal, we fully expect this development to move into the formal planning process soon and would appreciate your prompt response by November 12, 2004.

Sincerely,

The Bayside Neighbors whose Names and Addresses follow.

- Grover L. Bowman, [REDACTED]
- Marna Bowman, [REDACTED]
- Alice Flocchini, [REDACTED]
- David Johnson, [REDACTED]
- Chris Morse, [REDACTED]
- Jim Froland, [REDACTED]
- Marsha Davenport, [REDACTED]
- Jan O'Neil, [REDACTED]
- Audrey Slifert, [REDACTED]
- Kevin Frank, [REDACTED]
- Nicole Frank, [REDACTED]
- Susan McPherson, [REDACTED]
- Jude Power, [REDACTED]
- David Fix, [REDACTED]
- Angela Koken, [REDACTED]
- Raymond Glover, [REDACTED]
- Michael Kunz, [REDACTED]
- Laurynnda Allison, [REDACTED]

Jess Walls,
Pat Dillman,
Kathleen Stanton,
Lorraine Henriques,
Robert Henriques,
Laura Dowd,
Dallas E. Huston,
Glenda J. Huston,
Darsty McAlinn,
John McAlinn,
Lisa Brown,
Kevin Johnson,
Larry Schlusser,
Rob Ehrlich,
Tara Moss,
Carl Bice,

cc: City Council

Planning Commission

Design Review Commission

Dan Hauser, City Manager

Nancy Diamond, City Attorney

Kasey Ashley, Regional Water Quality Control Board

Mark Verhey, Humboldt County Department of Environmental Health

Exhibit 3: City of Arcata NOEs Posted to CEQAnet Since 2009

SCH Number	Type	Lead/Public		Title
		Agency	Received	
2025030868	NOE	City of Arcata	3/20/2025	Plunkett Road Watermain and Booster Pump Replacement
2024071088	NOE	City of Arcata	7/29/2024	Arcata Community Forest Trail 9.5 Project
2024060029	NOE	City of Arcata	6/3/2024	2019 Waterline Replacement Project
2024040297	NOE	City of Arcata	4/5/2024	Arcata Corporation Yard Fence Replacement and Trail Enhancement Project
2024020850	NOE	City of Arcata	2/22/2024	US 101 and Sunset Interchange Project
2024010261	NOE	City of Arcata	1/11/2024	Arcata Library Improvement Project
2023120748	NOE	City of Arcata	12/28/2023	Arcata Ball Park Improvement Project
2023100138	NOE	City of Arcata	10/4/2023	City of Arcata Valley West Dog Park
2023060339	NOE	City of Arcata	6/12/2023	City of Arcata Inflow and Infiltration Reduction Project
2023020678	NOE	City of Arcata	2/28/2023	Margaret Lane Trailhead Improvements
2023020677	NOE	City of Arcata	2/28/2023	City of Arcata Bloomfield Park Improvement Project
2022060716	NOE	City of Arcata	6/30/2022	Brown Design Review
2019080313	EIR	City of Arcata	11/25/2019	Arcata Community Health Center
2019100565	NOE	City of Arcata	10/29/2019	Isakson's Design Review for an Affordable Housing Project
2019048307	NOE	City of Arcata	4/15/2019	2019 Waterline Replacement Project

SCH Number	Type	Lead/Public Agency	Received	Title
2019038057	NOE	City of Arcata	3/5/2019	Sandi and Scott Hunt Design Review and Modified Vision Clearance
2018098357	NOE	City of Arcata	9/17/2018	J. Myers Design Review
2016108240	NOE	City of Arcata	5/14/2018	Inflow and infiltration Reduction Project Phase 5 (project); Clean Water State Revolving Fund (CWSRF) No. C-06-8127-110
2018058044	NOE	City of Arcata	5/3/2018	Myers Design Review Permit 178-056-DR
2017058369	NOE	City of Arcata	5/19/2017	Arcata Slurry Seal Project on Sections of West End Road and Giuntoli Lane
2016128231	NOE	City of Arcata	12/16/2016	Water Planet Design Review/Lot Line Adjustment/Minor Use Permit
2016108240	NOE	City of Arcata	10/19/2016	Inflow and infiltration Reduction Project - Phase 5
2016078101	NOE	City of Arcata	7/11/2016	(Forsyth) Arcata Community Forest Expansion 46 Acres
2016028150	NOE	City of Arcata	2/11/2016	Jolly Giant Creek (Lima) Arcata Community Forest Expansion-20 Acres
2015118126	NOE	City of Arcata	11/12/2015	City of Arcata: Arcata Ridge Trail Phase III -- Fickle Hill Segment
2015078285	NOE	City of Arcata	7/16/2015	City of Arcata: Arcata Dam No. 27 (Jolly Giant) Dam Repair and Modifications
2014078022	NOE	City of Arcata	7/1/2014	Arcata Community Forest Addition/Humboldt State University Forest (Upper Jacoby Creek)

SCH Number	Type	Lead/Public Agency	Received	Title
2013118194	NOE	City of Arcata	11/25/2013	Pacific Gas & Electric (PGE)(Arcata 1122 12kV Underbuild Project) Coastal Development Permit. File #134-001-CDP
2013098216	NOE	City of Arcata	9/17/2013	City of Arcata Parking Lot Low Impact Development Retrofit
2013068202	NOE	City of Arcata	6/17/2013	City of Arcata Parking Lot Low Impact Development Retrofit
2013018056	NOE	City of Arcata	1/10/2013	Janes Creek Trail: Meadows Loop
2013018057	NOE	City of Arcata	1/10/2013	Community Forest Humphry Acquisition
2013018055	NOE	City of Arcata	1/10/2013	Arcata Ridge Trail Phase I -- Samuels Loop Trail
2013018019	NOE	City of Arcata	1/7/2013	Community Forest Humphry Acquisition
2012078207	NOE	City of Arcata	7/19/2012	Bayside Lift Station Relocation/Repair
2012048372	NOE	City of Arcata	4/30/2012	Demolition of the Church of Jesus Christ of Latter Day Saints Meeting House
2011038307	NOE	City of Arcata	3/29/2011	Schmidbauer Forest Acquisition
2011038123	NOE	City of Arcata	3/11/2011	City of Arcata Morris Forest Acquisition
2010088368	NOE	City of Arcata	8/30/2010	Janes Creek Drainage Maintenance Project
2010088174	NOE	City of Arcata	8/12/2010	Stromberg Forest Acquisition
2010088175	NOE	City of Arcata	8/12/2010	Janes Creek Reed Canary Gass Control Project
2010078027	NOE	City of Arcata	7/6/2010	Buttermilk Lane-Samoa Blvd. Overlay Project
2010058107	NOE	City of Arcata	5/13/2010	City of Arcata Urban Greening Demonstration Project

SCH Number	Lead/Public		Received	Title
	Type	Agency		
2010048172	NOE	City of Arcata	4/15/2010	City of Arcata Energy Efficiency and Conservation Block Grants
2010018098	NOE	City of Arcata	1/7/2010	Acquisition - Arcata Ridge Trail
2009118112	NOE	City of Arcata	11/17/2009	City of Arcata Morris Forest Acquisition
2009098224	NOE	City of Arcata	9/22/2009	City of Arcata Acquisition - Arcata Ridge Trail
2009058030	NOE	City of Arcata	5/14/2009	Alliance Road Rehabilitation and Overlay Project
2009058018	NOE	City of Arcata	5/13/2009	Alliance Road Rehabilitation and Overlay Project
2009048296	NOE	City of Arcata	4/27/2009	City of Arcata Janes Creek Forest Easement and Access Plan
2009048204	NOE	City of Arcata	4/16/2009	City of Arcata Sunset Creek Daylighting
2009038291	NOE	City of Arcata	3/30/2009	7.5 kW PHotovoltaic System at the Alliance Pump Station
2009038120	NOE	City of Arcata	3/12/2009	Sunny Brae Forest Land Acquisition



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold Schwarzenegger
Governor

May 27, 2009

Mr. Dan Johnson
KD Investments
5251 Ericson Way
Arcata, CA 95521

Dear Mr. Johnson:

Subject: Review and Comments on Storm Water Sampling Results for March, 2009 and Second Request for a Revised Workplan for Soil Removal

File: Roger's Garage (Former), 1622 Old Arcata Road, Arcata, California
Case No. 1NHU804

Regional Water Board staff (Staff) reviewed the Roger's Garage, Former (Site) Storm Water Sampling Results for March, 2009 (Report) and provides the following comments on data evaluation and the continuation of storm water runoff exceeding applicable water quality objectives.

Staff reviewed the results of the storm water samples from the roof collected on March 15, 2009 and the samples for the drainage inlets (DI) collected on March 3, 2009. Our review noted that the areas of the highest elevated copper and zinc in storm water runoff are from areas that are not influenced by any sampled building roofs.

As you are aware, storm water discharges continue to contain copper and zinc that exceed water quality objectives for the receiving waters and Best Management Practices (BMP) have been proposed and implemented. The current additional BMP proposed for the site is designed to prevent storm water contact or runoff from the areas of elevated metals concentration. The proposal consists of the installation of waterproof, 12 millimeter thick, ultraviolet light resistant tarps to cover three areas identified in the Report. The proposal also includes the collection of storm water samples during the first storm event that produces runoff during the next storm water season.

Staff concurs with the proposed BMPs and requests that the surface water runoff sampling be consistent with the current practice of sampling an initial storm water runoff and an additional storm water sample during the "rainy" season.

California Environmental Protection Agency

Recycled Paper

An additional item of concern to the Regional Water Board staff is the response to our January 26, 2009 letter which requested that a revised workplan and implementation schedule. The workplan is to incorporate the steps necessary to comply with the Title 27 requirements for the Site for discharges of waste to land. On March 3, 2009, Mr. Sean Armstrong stated in an email that "...a great deal of discussion over whether we are legally obligated to cleanup the site in the absence of plans for the site, discharge to groundwater or discharge to storm water." As the current and all historical storm water sampling results indicate, there is a continued discharge of contaminated storm water that is impacting waters of the State. Staff has never concurred with a premise that cleanup of the Site will be only be associated with development.

Staff has diligently worked with you in the installation of the various proposed BMP since 2005. Staff does not concur that the storm water discharges are small and extremely close to compliance. The California Water Code, and Title 27 clearly indicate that the current property owner is responsible to cleanup and abate discharges from sites. This includes Roger's Garage (Former). We again request the submittal of the revised workplan to incorporate the steps necessary to comply with the Title 27 requirements and the time schedule for implementation to our agency by June 30, 2009.

Staff concurs with your request for the installation of additional BMPs and looks forward to receiving your Title 27 evaluation by June 30, 2009. The results of the next storm water sampling activities needs to be submitted within 30 days of the sampling date and no later than January 2, 2010. Section 13267 of the California Water Code contains the authority for these requests.

Please contact me at (707) 576-2802 if you have any questions.

Sincerely,

Robert B. Dickerson
Environmental Scientist

052009_RBD_RogersGarage_Stormwatersampling0309.doc

cc: Tom and Katy Allen, [REDACTED]
Suerie and Sam McNeill, [REDACTED]
Rick and Susan Benoit, [REDACTED]
Susie Van Kirk, [REDACTED]
Kimberly Roscoe, [REDACTED]
Patricia Morse, [REDACTED]
Suellen Lowry and Paul Hibschan, [REDACTED]
Iris Schencke, [REDACTED]
Rick St. Charles and Lisa Monet, [REDACTED]
Ms. Jude Power and David, [REDACTED]

California Environmental Protection Agency

John Triska, [REDACTED]
Susan Brater, [REDACTED]
Orrin Plocher, Freshwater Environmental Services, [REDACTED]
[REDACTED]
Tom Conlon, City of Arcata, [REDACTED]
Eric Grantz, Principal, Jacoby Creek School Charter District,
[REDACTED]
Rich & Gail Paselk, [REDACTED]
Ms. Angela Koken, [REDACTED]
Ms. Kathleen Stanton, [REDACTED]
Kevin Hoover, Arcata Eye, [REDACTED]

From: [Dickerson, Robert@Waterboards](mailto:Dickerson.Robert@Waterboards)
To: ["MarinaShibanova@umpquabank.com"](mailto:MarinaShibanova@umpquabank.com)
Subject: RE: 1NHU804 - Roger's Garage, 1622 Old Arcata Rd. Bayside CA 1NHU804
Date: Tuesday, July 18, 2017 11:05:18 AM

Hi Marina –

Following up on our phone discussion yesterday:

The owner is still required to conduct the remediation. It does not depend upon the use/zoning of the property unless the site has met the cleanup goals. For lead in soil, the initial cleanup goal was background of 31 parts per million (ppm). We still use background or the following screening levels for residential use (80 parts per million, ppm) and for commercial/industrial use (320 ppm).

Call or email if you need anything else.

Thanks.

rob

Robert B. Dickerson

Engineering Geologist



California State Water Resources Control Board - North Coast Region
Point Source Control and Groundwater Protection - Cleanups Unit

Healthy Watersheds Effective Regulation Strong Partnerships

From: Marina Shibanova [mailto:MarinaShibanova@UmpquaBank.com]
Sent: Wednesday, July 12, 2017 10:05 AM
To: Dickerson, Robert@Waterboards <Robert.Dickerson@waterboards.ca.gov>
Cc: Songmi Sweet <SongmiSweet@UmpquaBank.com>
Subject: 1NHU804 - Roger's Garage, 1622 Old Arcata Rd. Bayside CA 1NHU804

Hi Rob,

I left you a message about this. Based on the 5/25/05 metals excavation workplan, a soil investigation and cleanup were required due to a potential development of the site. At that time, the owner was planning to construct Montessori and EduCare preschools with a playground portion remaining unpaved. This development never materialized. Based on the available GeoTracker history, the latest soil excavation and storm water samplings were completed in 12/2009.

I need clarification on the following: since the site is not being developed, is the owner required to

complete the clean up? Per City of Arcata planning department, the property is currently zoned Commercial Mixed District and is in compliance with current operations on the site. Per property's owner, even if there is a land contamination, the cleanup is required only if the owner begins developing the property, specifically for a residential use. The property is in compliance as long as there is no residential development.

Thank you!

marina shibanova

commercial assistant relationship manager III

humboldt commercial banking center

office: 707-269-3116

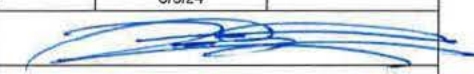

fax: 707-445-0950

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This message, including any attachments, may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

Verification of Environmental Review & Land Use Entitlements

TO THE APPLICANT: Submit this form to the Agency or Department of local government responsible for administration of the items listed. This form may be submitted to more than one Agency or Department, if necessary. Applicants need only submit one completed form per locality. If the NEPA Responsible Entity is not a local government, submit a copy of this form to the appropriate NEPA Responsible Entity. If an item is not required, include the reason why in the box provided.

Applicant											
Entity Name		City of Arcata				Applicant Type		City			
Address		706 F Street		City	Arcata		State	CA	Zip	95521	
Rental Project or Navigation Center											
Project Name		Roger's Garage				Project County					
Address		1622 & 1632 Old Arcata Road		City	Arcata		State	CA	Zip	95521	
Census Tract	9		APN	500-191-002		Census Tract	9		APN	500-191-020	
Environmental Review											
<p>To the Local Jurisdiction or NEPA Responsible Entity: The Applicant named above will submit an application to the State of California, Department of Housing and Community Development, requesting funding for the project named above under the PLHA Program. Projects will be evaluated based upon readiness. Please answer the following questions:</p>											
Is this Rental Project or Navigation Center approved "by-right"?									Yes		
This form must be completed in its entirety regardless of the answer to the preceding question.											
All Environmental Clearances NEPA and California Environmental Quality Act (CEQA) necessary to begin construction:		Not Required for this Project	Has a Negative Declaration been Issued?	Final Date of Public Comment Period	Date(s) EIR Certified / Notice of Determination filed	Date Appeal Period Ends	Have any appeals been filed?				
NEPA		Not Required	No	N/A	N/A	N/A	No				
CEQA		Not Required	No	N/A	N/A	N/A	No				
In the box below, explain why any items are not required and include documentation, if applicable.											
Based on our current understanding, the project will qualify for a Class 32 Infill exemption per CEQA Guidelines Sec. 15032. The project is a by-right use in the Commercial Mixed-Use zoning district.											
Signature Block for Environmental Review											
I certify that the information on this form is true and correct to the best of my knowledge.						Date:	6/3/24				
Printed name of party completing form:		David Loya			Signature of party completing form:						
Title of party completing form:		Community Development Director/Zoning Administrator			Agency and/or Dept. name:		City of Arcata, Community Development Dept.				
Agency/Dept. Address		736 F Street		City	Arcata		State	CA	Zip	95521	
File Name:	Auth to Use Grant Funds	For National Environmental Policy Act (NEPA) only, provide a copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify current status of the issuance of HUD form.				Uploaded to HCD?	N/A				
File Name:	Environmental	Provide a copy of all environmental clearances or Notice of Exemption.				Uploaded to HCD?	Yes				
File Name:	Environmental Verify	Provide a PDF copy of this worksheet with the wet signature of the person(s) completing the Environmental Review.				Uploaded to HCD?	Yes				
Land Use Entitlements (indicate below the status of the following local approvals)											
All necessary and discretionary public land use approvals except building permits and other ministerial approvals are:		Not Required for this Project	Project is consistent with local planning documents & zoning ordinances		An Application has been submitted, accepted and deemed complete for processing.		Date Approved				
General Plan Amendment:		Not Required									
Site Plan Review:		Required	Yes		No						
Zoning Approval:		Not Required									
Conditional Use Permits:		Not Required									
Density Bonus:		Not Required									
Other Variances:											
Other Variances:											
Other Variances:											
Other Variances:											
In the box below, explain why any items are not required and include documentation, if applicable.											
A General Plan Amendment is not required because the land use designation allows the project type. A CUP is not required because the project is principally permitted. Density bonus is not required because the proposed density will be consistent with the General Plan. Site plan review is a design review conducted by the Planning Commission. However, due to the Housing Accountability Act, the City's authority is limited to confirming that the project comports with the objective design standards - the City may not reduce the size of the project or add conditions of approval that prohibit the project's full build out based on objective standards.											
Signature Block for Land Use Entitlements											
I certify that the information on this form is true and correct to the best of my knowledge.						Date:	6/3/24				
Printed name of party completing form:		David Loya			Signature of party completing form:						
Title of party completing form:		Community Development Director/Zoning Administrator			Agency and/or Dept. name:		City of Arcata, Community Development Dept.				
Agency/Dept. Address		736 F Street		City	Arcata		State	CA	Zip	95521	
File Name:	Land Use Verify	Provide a PDF copy of this sheet with the wet signature of the person(s) completing the Land Use Entitlements section.				Uploaded to HCD?	Yes				

GAVIN NEWSOM
GOVERNORYANA GARCIA
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

April 29, 2025

Mr. Dan Johnson
The Danco Group
5251 Ericson Way
Arcata, CA 95521
djohnson@danco.group.com

Dear Mr. Johnson:

Site: Roger's Garage (Former), 1622 Old Arcata Road, Arcata, California
Case No. 1NHU804 (CR No. 2010044)

Subject: Status of Site Monitoring, Cleanup and Redevelopment Efforts and
Requirement to Submit Reports

The North Coast Regional Water Quality Control Board (Regional Water Board) oversees the environmental cleanup case for this former auto repair shop and wrecking yard. I last met with your representative McKenzie Dibble at the site in September 2024, along with representatives from the City of Arcata. Ms. Dibble said that an additional assessment had been carried out but was unsure if the report was finalized, and I asked that the report be sent to my office when it was complete. After inquiring with the City of Arcata in late March 2025, I was told that a Phase I and Phase II site assessment had been submitted to the City as part of a plan package. City staff then forwarded me both the completed Phase I and Phase II reports, dated July 1 and June 23, 2024, respectively. These reports are now posted on the State's public Geotracker website.

As the property owner, Danco is legally a responsible party for the release of hazardous substances at this site and obligated to provide timely updates on the progress of site characterization, remediation efforts, and ongoing monitoring. This responsibility and our authority to request it is pursuant to California Water Code sections 13267 and 13304, which states that responsible parties are required to investigate, monitor, and remediate waste discharges that pose, or may pose, a threat to water quality or human health and the environment, and to furnish technical reports to the Regional Water Board as requested. Because this is a known contaminated site, it is mandatory that we are alerted when work is planned and that we be sent all environmental reports generated in a timely fashion.

Therefore, to ensure the Regional Water Board maintains an accurate understanding of current site conditions, corrective actions, and planned redevelopment activities, we request that you provide bimonthly status updates going forward, in a letter format transmitted to us via email. Each update should, at a minimum, include:

- A summary of any site activities conducted since the last update.
- Updated soil, soil vapor, or groundwater data, if applicable.
- An outline of planned future investigation or remediation actions.
- Identification of any challenges or delays and proposed solutions.

Please submit your first status update by May 30, 2025, which will be uploaded to Geotracker. Failure to comply with this request may subject you to enforcement actions, including the issuance of formal orders or administrative civil liabilities under the authority of the California Water Code.

If you have any questions regarding this request or need clarification regarding reporting requirements, please contact me at tom.magney@waterboards.ca.gov or at (707) 543-7128.

Sincerely,

Tom Magney
Engineering Geologist

cc: McKenzie Dibble, mdibble@dancom-group.com
Norm Crawford, Humboldt County Environmental Health,
ncrawford@co.humboldt.ca.us
Kelsey Fletterick, City of Arcata, kfletterick@cityofarcata.org
Doug Culbert, dculbert@cityofarcata.org
David Loya, dloya@cityofarcata.org
Netra Khatri, nkhatri@cityofarcata.org
Emily Sinkhorn, esinkhorn@cityofarcata.org