

DARRYL COTTON

6176 Federal Boulevard, San Diego, California 92114
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September 2, 2026

City of San Diego
Risk Management Department
1200 Third Avenue, Suite 1000
San Diego, California 92101
Filed via the City's Public Liability Claims Portal

Re: Claim under the Government Claims Act (Gov. Code §§ 910 *et seq.*) — Claimant Darryl Cotton — the City of San Diego's failure to act on a hazardous, unpermitted human-waste operation four feet from claimant's property at 6144–6176 Federal Boulevard (Fire-Rescue, PRA No. 26-6343; Code Enforcement Case No. CE-0541944).

To the City Clerk, the Risk Management Department, and the Office of the City Attorney:

This letter is presented as a written claim against the City of San Diego under the Government Claims Act, California Government Code sections 910 through 915, to place the City on notice of, and to preserve, my claim. It arises from the City's failure to act — through its Fire-Rescue Department and its code-enforcement authority — on an unpermitted, hazardous, gas-producing human-waste operation four feet from my property, after the condition was repeatedly brought to the City's attention and ignored. The general nature of my injury is stated below; its full extent and amount are continuing and reserved for proof.

The information required by Government Code section 910 is as follows.

- 1. Name and address of claimant (§ 910(a)).** Darryl Cotton, 6176 Federal Boulevard, San Diego, California 92114.
- 2. Address to which notices are to be sent (§ 910(b)).** Darryl Cotton, 6176 Federal Boulevard, San Diego, California 92114; 151DarrylCotton@gmail.com.
- 3. Date, place, and circumstances of the occurrence (§ 910(c)).** United Rentals (North America), Inc., dba Reliable Onsite Services, operates an unpermitted, open-top, 40,000-gallon “FRAC” tank at 6144 Federal Boulevard in which it accumulates and transfers human waste and septage. The operation runs seven days a week, at all hours of the day and night, and has processed — by the City of El Cajon's own billing records — more than 5.4 million gallons of imported human waste, collected throughout San Diego County and trucked to this FRAC-tank site, which I and those in our community have had to endure.

The FRAC tank sits approximately four feet from my property line at 6176 Federal Boulevard. The decomposing human waste off-gasses hydrogen sulfide (H₂S), carbon dioxide (CO₂), methane (CH₄), and ammonia (NH₃) — gases that are toxic and, in the case of methane and hydrogen sulfide, flammable and explosive — and these gases are released unfiltered, directly into the air, four feet from my property. The City possessed the authority to determine whether this is a permitted use and whether the tank's use constitutes a hazardous-location installation, and to require correction, and it did not exercise it.

The operation and its odor were known to me before May 26, 2026; the economic injury on which this claim is based, however, was first discovered on that date. On May 26, 2026, the pending sale of my property — an executed agreement to sell 6176 Federal Boulevard for \$935,000 — failed when the buyer withdrew, identifying the odor emanating from the adjacent United Rentals operation as the reason. That was the first date on which I became aware of the economic injury forming the basis of this claim, and this claim is therefore presented within six months of that discovery.

On June 22, 2026, my complaint to the City's code-enforcement authority (the "CODE BLUE" matter) opened Case No. CE-0541944, and the City did not respond or engage in any enforcement action (Exhibit A, Bates Nos. 005–012).

On June 15 and June 26, 2026, the City's Fire-Rescue Department (the fire authority having jurisdiction) received specific complaints, gave only a boilerplate acknowledgment, made no jurisdiction determination, conducted no inspection, and issued no corrective order — as the City's own file, produced under Public Records Act request No. 26-6343, reflects (Exhibit B, Bates Nos. 013–027).

On July 2, 2026, I brought the same conditions to my District 4 Councilmember, Henry Foster, in a constituent request that sets out the fire, explosion, and toxic-gas hazard and encloses a neighborhood petition (Exhibit C, Bates Nos. 028–063).

These City agencies and Councilmember Foster all ignored my pleas for action and the roughly ninety neighbors who petitioned against the operation. None of the aforementioned parties took any action, passing the matter from office to office until it was left unaddressed. Because the City has not taken the condition up, the hazard persists to the extent that I can never sell my property until this is addressed as a permanent restriction of these unpermitted activities.

Seeking judicial relief, I have been forced to file two verified petitions for writ of mandate;

- Cotton v. City of San Diego, Case No. 26CU043242C ("CODE BLUE," Exhibit A),
- Cotton v. City of San Diego, Case No. 26CU045721C ("HAZMAT," Exhibit B)

Both these actions seek to compel the City to make, take corrective enforcement actions as required and record the determination it has withheld. The exhibits detail the hazard, the notices given to the City, and the petition.

The places of the occurrence are 6144 Federal Boulevard, my adjacent property at 6176 Federal Boulevard, the properties of those who signed the petition who were subject to the downwind odors created by the FRAC tank, and the City's Fire-Rescue and code-enforcement offices. I reserve all positions regarding the date of accrual and the timeliness of this claim, noting that much of the documentary record establishing the City's conduct was produced to me only recently, and I present this claim now to preserve my rights.

4. General description of the injury, damage, or loss (§ 910(d)). So far as known at this time, I have suffered and continue to suffer a continuing public and private nuisance from the odor, the noise, and the toxic and flammable gases described above; exposure and risk to health and safety; injury to and loss of the use, marketability, and value of my property, including the loss of a sale that could not close while this uncured condition persists and while the City has issued no permanent directive ending the unpermitted use; and related economic loss. Their full nature, extent, and amount will be established by proof and are reserved. I do not undertake to quantify my damages in this notice.

5. Public employees causing the injury, if known (§ 910(e)). To the extent known, Deputy Chief / Fire Marshal Tosca of the San Diego Fire-Rescue Department, together with other Fire-Rescue and code-enforcement personnel in the complaint-handling chain whose identities are presently known to the City or will be ascertained.

6. Amount claimed (§ 910(f)). Because the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount is stated. This claim would be an unlimited civil case; the amount in controversy exceeds twenty-five thousand dollars (\$25,000). Damages are sought according to proof.

Basis of the claim.

California public entities are liable where they fail to discharge a mandatory duty imposed by an enactment designed to protect against the kind of injury suffered, and where that failure proximately causes the injury (Gov. Code § 815.6). My position is that the City's own adopted enactments impose such duties here — including the California Fire Code as adopted by the City (its provisions on unsafe conditions, notices and orders, and abatement of a known hazardous condition) and California Building Code section 116 (unsafe buildings or structures). I am aware that the City may assert the immunities that ordinarily attach to a failure to issue or enforce a permit, to inspect, or to enforce a law (e.g., Gov. Code §§ 818.2, 818.4, 818.6, 820.2, 821); it is my position that the mandatory-duty exception of section 815.6 applies.

Demand.

I demand that the City promptly make and record the determination its own authority requires — whether the FRAC-tank use at 6144 Federal Boulevard is a permitted use and whether the tank is a hazardous location — and, if that use is not permitted and compliant, order that it cease and make that order permanent, unless and until the use is properly permitted and inspected and approved to the applicable standards for storing and transferring human waste, including NFPA 820 (Standard for Fire Protection in Wastewater Treatment and Collection Facilities) and the National Electrical Code (NFPA 70), Articles 500–505, governing electrical equipment in hazardous (classified) locations; and that the City compensate me for my injuries in an amount according to proof. I would request that this order be made publicly available so that any future breach of the order can be revived to effect enforcement. I remain willing to discuss a reasonable resolution and to make the underlying records available to the City.

This claim is directed to the City of San Diego only. Nothing in it waives, releases, or limits any other claim or right I may have against any person or entity, all of which are reserved; and it is presented without prejudice to my pending writ proceedings against the City (the CODE BLUE and HAZMAT petitions). I reserve all rights.

Please direct all correspondence regarding this claim to me at the address above.

Respectfully,

A handwritten signature in black ink, appearing to read 'Darryl Cotton', with a stylized, sweeping flourish at the end.

Darryl Cotton
Owner, 6176 Federal Boulevard, San Diego, California 92114

Exhibits:

- Exhibit A — Verified Petition for Writ of Mandate, Cotton v. City of San Diego (“CODE BLUE,” Case No. 26CU043242C, Judge Braner) — the City's code-enforcement authority and inaction.
- Exhibit B — Verified Petition for Writ of Mandate, Cotton v. City of San Diego (“HAZMAT,” Case No. 26CU045721C, Judge Bowman) — the tank as a Class I, Division 1 hazardous location (methane / hydrogen sulfide) and the City's notice and inaction.
- Exhibit C — Cotton to Councilmember Henry Foster, constituent request (July 2, 2026) — the fire, explosion, and toxic-gas hazard brought to the City, with the neighborhood petition and the engineering analysis enclosed.

EXHIBIT A

CODE BLUE Writ

Cotton v. City of San Diego (Case No. 26CU043242C, Judge Braner) — Verified Petition for Writ of Mandate; the City's code-enforcement authority and inaction.

1 Darryl Cotton, *In pro se*
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San Diego, CA 92114
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5 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
6 **COUNTY OF SAN DIEGO — CENTRAL DIVISION**
7

8 DARRYL COTTON, an individual,
9 Plaintiff and Petitioner

10 v.

11 CITY OF SAN DIEGO, a municipal corporation; and
DOES 1 through 100, inclusive,
12 Defendants and Respondents.

Case No. _____

**VERIFIED PETITION FOR WRIT OF
MANDATE**

[Code Civ. Proc. §§ 1085, 1060]

13
14 Petitioner DARRYL COTTON (“Cotton”) alleges as follows:

15 **I. INTRODUCTION**

16 1. This is a verified petition for a writ of mandate under Code of Civil Procedure section 1085. It
17 seeks to compel Respondent City of San Diego to perform its duty to act upon a documented, imminent
18 public-health and safety hazard within its jurisdiction — an unpermitted sewage-storage operation that
19 presents a present and continuing danger of toxic, corrosive, and explosive conditions immediately
20 adjacent to Petitioner’s property — after the City opened, and then left wholly unaddressed,
21 Petitioner’s Priority-I complaint concerning it.

22 2. At 6144 Federal Boulevard in the City of San Diego, immediately adjacent to Petitioner’s
23 property, United Rentals (North America), Inc., doing business as Reliable Onsite Services (“United
24 Rentals”), operates a fixed, above-ground bulk tank of approximately 40,000 gallons (a “FRAC tank”)
25 into which it stores and holds commercial septage and portable-toilet waste. Held in a warm, enclosed,
26 never-fully-emptied tank, the waste turns septic and anaerobic and functions as an above-ground septic
27 tank — generating hydrogen sulfide, a toxic, corrosive, and flammable gas, together with acidic and
28 potentially explosive conditions, in a commercial/residential neighborhood. The condition is a public

1 nuisance and an imminent hazard the City is empowered and obligated to address.

2 3. On June 22, 2026, Petitioner placed the City on formal notice of this condition through the
3 City's Code Enforcement complaint process, which opened the matter as Case No. CE-0541944. As of
4 the date of this Petition, that record remains in "Case Opened" status; no inspection has occurred and
5 no action has been taken. Petitioner does not by this Petition seek to compel any particular substantive
6 outcome; he seeks only an order requiring the City to take up and act upon its own opened complaint
7 and to exercise the authority the law vests in it. Because the condition presents an ongoing and
8 imminent danger to public health and safety, Petitioner further requests that any alternative writ or
9 order to show cause be issued and made returnable on shortened time, at the earliest date available to
10 the Court. Concurrently with this Petition, Petitioner has filed an Ex Parte Application for an Order
11 Shortening Time, a supporting Declaration of Darryl Cotton, and a [Proposed] Order Shortening Time.

12 13 **II. PARTIES**

14 4. Petitioner DARRYL COTTON is, and at all relevant times was, the owner of the real property
15 at 6176 Federal Boulevard, San Diego, California 92114, which is immediately adjacent to the
16 operation described herein. Petitioner is directly and specially injured by the condition, over and above
17 any injury to the general public.

18 5. Respondent CITY OF SAN DIEGO is a municipal corporation organized under the laws of the
19 State of California, charged with the protection of public health and safety within its boundaries,
20 including the investigation and abatement of hazardous conditions and code violations through its
21 Development Services Department and Code Enforcement Division.

22 6. Respondents DOES 1 through 100 are persons or entities whose true names and capacities are
23 presently unknown to Petitioner, who therefore sues them by fictitious names and will amend this
24 Petition to allege their true names and capacities when ascertained.

25 26 **III. JURISDICTION AND VENUE**

27 7. This Court has jurisdiction under Code of Civil Procedure sections 1085 and 1060, and under
28 its general legal and equitable powers.

1 8. Venue is proper in this Court because the real property that is the subject of this action, and the
2 acts and conditions complained of, are located in the County of San Diego, and Respondent City of San
3 Diego is situated in this County.

4 5 **IV. EXHAUSTION AND RIPENESS**

6 9. Petitioner has performed all conditions precedent to this action. On June 22, 2026, Petitioner
7 placed Respondent City on formal notice of the condition and its hazards through the City's Code
8 Enforcement complaint process, which opened the matter as Case No. CE-0541944. More than six
9 weeks have since elapsed, during which the City has neither inspected the condition nor taken any
10 action upon it.

11 10. The condition is ongoing and continues, and worsens, each day that it is not abated. No
12 further administrative remedy is available to Petitioner, and the controversy is ripe for review.

13 14 **V. STANDING AND BENEFICIAL INTEREST**

15 11. Petitioner has a direct, substantial, and beneficial interest in the City's performance of
16 its duty. As the owner of the immediately adjacent property, Petitioner is exposed to the toxic,
17 corrosive, and explosive conditions generated by the operation and suffers special injury different in
18 kind and degree from that suffered by the general public, within the meaning of Civil Code section
19 3493.

20 21 **VI. STATEMENT OF FACTS**

22 ***A. The operation and the above-ground septic tank (Exhibit 4).***

23 12. United Rentals operates a commercial sewage-hauling business from the yard at 6144
24 Federal Boulevard. Rather than hauling each load of septage and portable-toilet waste directly to a
25 lawful disposal station, it discharges the waste into the fixed, above-ground FRAC tank, where the
26 material is stored and held before later removal.

27 13. As Petitioner has observed, vacuum trucks add fresh human waste to the tank daily,
28 while the tank is drawn down only in comparatively small volumes at a time and is never completely

1 emptied, so that a settled, fully-septic residue is permanently retained and continuously seeds each
2 incoming load. For all practical purposes, the 40,000-gallon FRAC tank thus operates as an above-
3 ground septic tank — an anaerobic vessel in which stored human waste is continuously broken down
4 — with all of the hazardous and toxic conditions that the science of anaerobic human-waste
5 decomposition documents, and without any of the permitting, siting, containment, or monitoring that
6 such a device requires. It does not merely store the waste; it treats it. Petitioner has documented this
7 ongoing operation in a dated log of video recordings taken from his adjacent property. A true and
8 correct copy of that video log is attached hereto as Exhibit 4 (COTTON-017 through COTTON-020)
9 and incorporated by reference.

10 ***B. The condition is a present, well-established danger (Exhibit 2).***

11 14. The scientific and engineering literature establishes that holding septage in a warm,
12 enclosed, retained-sludge tank drives the material anaerobic and generates hydrogen sulfide (toxic and
13 corrosive) and methane (flammable and explosive), together with volatile fatty acids that render the
14 material acidic and corrosive. Hydrogen sulfide is a highly flammable and explosive gas and is acutely
15 toxic to human health. Federal pretreatment standards, 40 C.F.R. section 403.5(b), prohibit discharges
16 that create a fire or explosion hazard, and in no case permit discharges below pH 5.0 because of the
17 corrosive structural damage they cause.

18 15. The condition at 6144 Federal Boulevard is therefore not a mere odor nuisance but a
19 present and well-established danger of toxic exposure, corrosion, and fire or explosion in a
20 commercial/residential neighborhood. A true and correct summary of the scientific basis for these
21 conditions is attached hereto as Exhibit 2 (COTTON-008 through COTTON-010) and incorporated by
22 reference.

23 ***C. The City was placed on notice and has not acted (Exhibit 1).***

24 16. On June 22, 2026, Petitioner submitted a complaint to the City of San Diego concerning
25 the unpermitted FRAC-tank operation and the hazards it presents. The City opened the matter as Code
26 Enforcement Case No. CE-0541944. A true and correct copy of that complaint is attached hereto as
27 Exhibit 1 (COTTON-002 through COTTON-007) and incorporated by reference.

28 17. As of the date of this Petition, the City's own public record for Case No. CE-0541944

continues to show the matter as newly opened, with no inspection conducted and no action taken. A true and correct copy of the City's public record for that case, retrieved by Petitioner on August 7, 2026, is included within Exhibit 1 (at COTTON-007). Throughout this period the unpermitted operation has continued without interruption, and the City — though on notice of the condition and its hazards since June 22, 2026 — has allowed it to continue.

18. Petitioner also placed other agencies on notice of the condition beginning in June 2026, including the County of San Diego Department of Environmental Health and Quality, the San Diego Air Pollution Control District, and the City's stormwater and hazardous-materials programs. As of the date of this Petition, no agency has abated the condition.

D. The condition harms Petitioner and the community (Exhibit 3).

19. The condition directly injures Petitioner in the use and enjoyment of his property and endangers the property and persons in its vicinity, and it likewise injures the surrounding commercial/residential community. A petition bearing the signatures of neighboring residents, documenting the harm the condition causes to the community, is attached hereto as Exhibit 3 (COTTON-011 through COTTON-016) and incorporated by reference.

CAUSE OF ACTION

(Writ of Mandate — Code Civ. Proc. § 1085 — Against Respondent City of San Diego)

20. Petitioner realleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

21. The City received Petitioner's complaint of an imminent public-health and safety hazard and opened it as Code Enforcement Case No. CE-0541944. Having opened the matter, the City was obligated at a minimum to take it up and act upon it — to exercise the discretion its code-enforcement scheme commits to it — rather than leave it wholly unaddressed. A public agency's complete failure or refusal to exercise the discretion vested in it is itself a failure to perform a duty that a writ of mandate may compel.

22. San Diego Municipal Code section 121.0406(a) further provides that, upon a determination of a violation, the City Manager shall issue an Abatement Notice and Order; section

1 121.0416(a) empowers the City to exercise summary abatement powers where a condition creates an
2 imminent hazard to life, health, and safety; and sections 121.0402 and 121.0302(i) declare such
3 conditions public nuisances subject to the City's abatement authority.

4 23. As of the date of this Petition — more than six weeks after the complaint was opened —
5 the City has neither inspected the condition nor taken any action of any kind on Case No. CE-0541944,
6 and has thus failed and refused to exercise the discretion, or to perform any of the steps, that its own
7 scheme prescribes. In doing so, the City has allowed a known, ongoing, and hazardous operation that it
8 is authorized and obligated to abate to continue unabated to the present day.

9 24. Petitioner has a beneficial interest in the City's performance of its duty and no plain,
10 speedy, or adequate remedy in the ordinary course of law. Petitioner is entitled to a writ of mandate
11 commanding the City to take up and act upon Case No. CE-0541944 and to exercise the discretion
12 vested in it; Petitioner does not seek to compel any particular substantive outcome, only that the City
13 perform its duty to act.

14
15 **PRAYER FOR RELIEF**

16 WHEREFORE, Petitioner prays for judgment as follows:

17 1. For a peremptory writ of mandate commanding Respondent City of San Diego to take up and
18 act upon Code Enforcement Case No. CE-0541944 and to exercise the discretion vested in it by law;

19 2. For an alternative writ of mandate or an order to show cause why such relief should not be
20 granted, issued and made returnable on shortened time and at the earliest date available to the Court
21 given the ongoing and imminent hazard;

22 3. For a declaration that Respondent City has failed to perform its duty to act upon the condition,
23 and that the condition constitutes a public nuisance and imminent hazard the City is authorized and
24 obligated to address;

25 4. For costs of suit incurred herein; and

26 5. For such other and further relief as the Court deems just and proper.

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1 Dated: August 7, 2026

Respectfully submitted,

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5 Darryl Cotton, Petitioner In pro se

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7 **VERIFICATION**

8 I, Darryl Cotton, am the Petitioner in the above-entitled action. I have read the foregoing Verified
9 Petition for Writ of Mandate and know its contents. The matters stated therein are true of my own
10 knowledge, except as to those matters stated on information and belief, and as to those matters I believe
11 them to be true.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is
13 true and correct.

14 Executed on August 7, 2026, at San Diego, California.

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17 Darryl Cotton
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EXHIBIT B

HAZMAT Writ

Cotton v. City of San Diego (Case No. 26CU045721C, Judge Bowman) — Verified Petition for Writ of Mandate; the tank as a Class I, Division 1 hazardous location and the City's notice and inaction.

Darryl Cotton, *In pro se*
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO — CENTRAL DIVISION

DARRYL COTTON, an individual,
Plaintiff and Petitioner

v.

CITY OF SAN DIEGO, a municipal corporation; and
DOES 1 through 100, inclusive,
Defendants and Respondents.

Case No. _____

**VERIFIED PETITION FOR WRIT OF
MANDATE**

[Code Civ. Proc. §§ 1085, 1060; Gov. Code §
7923.100]

(San Diego Fire-Rescue Dept. as Authority
Having Jurisdiction — Failure to Determine and
Act on a Hazardous (Classified) Location; and
Failure to Produce Records — PRA No. 26-6343)

[Related: Cotton v. City of San Diego (Code Enf.
No. CE-0541944, “BLUE”), companion § 1085
petition; and PRA No. 26-6357.]

Petitioner DARRYL COTTON (“Cotton”) alleges as follows:

I. Introduction

1. This is a verified petition for a writ of mandate under Code of Civil Procedure section 1085. It seeks to compel Respondent City of San Diego, acting through its Fire-Rescue Department — the authority having jurisdiction (the “AHJ”) for fire, life-safety, and hazardous-materials conditions within the City — to perform a duty it has refused to perform in any form: to determine whether the fixed, above-ground bulk sewage-storage (“FRAC”) tank operating at 6144 Federal Boulevard is a hazardous (classified) location where explosive and toxic gases are present, and, having made that determination, to act upon it. The Petition also seeks, under the California Public Records Act (Gov. Code, § 7920.000 et seq.), the Fire-Rescue records responsive to Public Records Act Request No. 26-6343 — the very records that would show whether any such determination was ever made — which the City concedes exist but has refused to produce.

2. The hazard is not speculative. The tank holds commercial portable-toilet septage — human waste — which, held in a warm, enclosed, never-fully-emptied vessel, turns septic and anaerobic and

1 generates methane, a flammable and explosive gas, together with hydrogen sulfide, a toxic and
2 corrosive gas. Under long-recognized fire-protection and electrical standards, a tank in this service is a
3 Class I, Division 1 location — an area in which an ignitable atmosphere is expected under normal
4 operating conditions. On June 26, 2026, Petitioner expressly placed Fire-Rescue on written notice of
5 exactly this question, identifying NFPA 820 by name and asking the Department to confirm
6 jurisdiction and inspect. The Department did not respond, did not inspect, and has made no
7 determination of any kind.

8 3. Petitioner does not by this Petition ask the Court to dictate the outcome of the City’s
9 determination, or to direct any particular enforcement measure — matters committed to the City’s
10 discretion. He asks the Court to compel the City to discharge duties it has declined to perform at all: to
11 take up and decide the hazardous-location question its own adopted Fire Code requires it to decide, to
12 exercise (rather than continue to withhold) the enforcement authority the law vests in it, and to produce
13 or lawfully account for the public records responsive to Request No. 26-6343. Because the condition
14 presents an ongoing and imminent danger to public health and safety, Petitioner requests that any
15 alternative writ or order to show cause issue and be made returnable on shortened time. Concurrently
16 with this Petition, Petitioner has filed an Ex Parte Application for an Order Shortening Time, a
17 supporting Declaration of Darryl Cotton, and a [Proposed] Order Shortening Time.

18 **II. Parties**

19 4. Petitioner DARRYL COTTON is, and at all relevant times was, the owner of the real property
20 at 6176 Federal Boulevard, San Diego, California 92114, immediately adjacent to the operation
21 described below.

22 5. Respondent CITY OF SAN DIEGO is a municipal corporation organized under the laws of the
23 State of California. Its Fire-Rescue Department is the authority having jurisdiction within the City for
24 the enforcement of the California Fire Code as adopted by the City, and for the classification of, and
25 response to, areas where flammable or toxic gases may be present. The City is a “public agency”
26 subject to the California Public Records Act (Gov. Code, § 7920.510, subd. (b)).

27 6. Respondents DOES 1 through 100 are persons or entities whose true names and capacities are
28 unknown to Petitioner, who will amend this Petition to state them when ascertained.

III. Jurisdiction and Venue

7. This Court has jurisdiction under Code of Civil Procedure sections 1085 and 1060, and under Government Code section 7923.100, which authorizes any person to institute proceedings for a writ of mandate to enforce the right to inspect or obtain a copy of a public record.

8. Venue is proper in this Court because Respondent is a local public entity located in the County of San Diego, the real property and the operation that are the subject of this action are situated in this County, the records at issue are situated in this County, and the acts and omissions complained of occurred here (Code Civ. Proc., §§ 393, 394, 401).

IV. Exhaustion, Demand, and Ripeness

9. Petitioner has performed all conditions precedent to this action, and the dispute is ripe. As to the duty to act, Petitioner demanded that Fire-Rescue take up the hazardous-location question and was refused: on June 15 and June 26, 2026, Petitioner corresponded directly with the Department; his June 26, 2026 email expressly identified NFPA 820 and asked the Department to confirm jurisdiction and inspect the tank; and the Department did not respond (Exhibit F). Petitioner also opened the matter through the City's Code Enforcement process on June 22, 2026 (Case No. CE-0541944), and it remains unaddressed (Exhibit C). Petitioner also submitted a written constituent request concerning the same condition to San Diego City Councilmember Foster (District 4) on July 2, 2026; like the Fire-Rescue Department, the Councilmember provided no response whatsoever. No other agency has assumed jurisdiction over the hazard, leaving the City's AHJ as the authority obligated to act. Having sought relief from the Fire-Rescue Department, the City's Code Enforcement process, the County's Hazardous Materials Division, and an elected member of the City Council — each without result — Petitioner has exhausted every municipal remedy available to him. The condition is ongoing and worsens each day it is not addressed. Petitioner has no plain, speedy, or adequate remedy at law.

10. As to the records, the California Public Records Act claim is likewise ripe. On July 8, 2026, the City advised that it had "identified records responsive to [the] request," while deferring production and reserving privileges, and promising an update by July 29, 2026. On July 14, 2026, Petitioner requested prompt production of the identified records (Exhibit B). On July 29, 2026, the City again deferred, promising an update by August 12, 2026. On August 12, 2026, the City deferred a third

time — stating only that it remained “in the process of reviewing records for applicable exemptions,” promising to provide disclosable records “on a rolling basis” and a further “update by August 26, 2026,” and again reserving the right to withhold or redact under unspecified exemptions and privileges — while producing nothing. The Act’s only extension mechanism — a single extension of up to fourteen days for defined unusual circumstances (Gov. Code, § 7922.535) — applies to the determination the City made no later than July 8, 2026; it does not authorize the successive, open-ended deferrals of production the City has strung across more than five weeks. As of the filing of this Petition, the City has produced not a single record and has identified no particular record as exempt.

V. Standing and Beneficial Interest

11. Petitioner has a direct, substantial, and beneficial interest in the City’s performance of the duties alleged. He owns and occupies the property immediately adjacent to the tank; he is within the zone of any fire, explosion, or toxic-gas event the tank may produce; and, as a member of the public, he holds the fundamental right of access to the requested public records (Cal. Const., art. I, § 3, subd. (b); Gov. Code, § 7921.000).

VI. Statement of Facts

A. The operation and the bulk sewage-storage tank.

12. At 6144 Federal Boulevard, immediately adjacent to Petitioner’s property, United Rentals (North America), Inc., doing business as Reliable Onsite Services (“United Rentals”), collects portable-toilet septage across a rental fleet, consolidates it in a fixed, above-ground bulk storage (“FRAC”) tank, and hauls it out in bulk. On information and belief, the tank has been in place since approximately February 2024, and the operation has been ongoing since approximately December 2022. Vacuum trucks add fresh human waste to the tank, which is never fully emptied, so a resident volume of decomposing waste is continuously maintained. Petitioner has documented the operation’s continuous, all-hours character in a dated video and photographic log, attached as Exhibit H. The operation is ongoing and will continue unless the City directs that it cease.

B. The tank is a Class I, Division 1 hazardous (classified) location.

13. The contents of the tank are decomposing human waste. Held in a warm, enclosed, anaerobic vessel, that waste functions as an above-ground septic tank and generates methane —

1 flammable and explosive — and hydrogen sulfide — toxic and corrosive. Under long-recognized fire-
2 protection and electrical standards, a tank in this service is a hazardous (classified) location. NFPA
3 820, Standard for Fire Protection in Wastewater Treatment and Collection Facilities, classifies sewage
4 and sludge holding tanks and their vapor spaces as Class I, Division 1 — reflecting an ignitable gas
5 atmosphere expected under normal operating conditions — absent engineered ventilation, and the
6 National Electrical Code (NFPA 70), Article 500, defines the corresponding equipment requirements.
7 Whether and how NFPA 820 and these standards apply to this particular vessel is itself among the
8 questions committed to the Fire-Rescue AHJ to take up and determine. A true and correct copy of
9 Petitioner’s hazardous-location standard analysis (Class I, Division 1–2; NEC Article 500) is attached
10 as Exhibit D.

11 14. The severity of this hazard is separately recognized by the body of worker-safety law
12 that governs anyone who handles this waste. Because inhalation of hydrogen sulfide and the
13 displacement of oxygen by these gases cause serious injury and death, employees engaged in the
14 collection, hauling, and transfer of septage are protected by Cal/OSHA standards for respiratory
15 protection (Cal. Code Regs., tit. 8, § 5144), personal protective equipment (id., §§ 3380–3400),
16 permissible airborne-exposure limits for hydrogen sulfide (id., § 5155), and permit-required confined
17 spaces (id., § 5157), together with the parallel federal standards (29 C.F.R. §§ 1910.132, 1910.134).
18 United Rentals, which operates under these very requirements, knows that these gases are dangerous
19 enough to demand respirators, monitoring, and confined-space controls for its own workers. On the
20 occasions Petitioner has observed United Rentals’ personnel working at and around the tank, however,
21 they are not seen wearing the respirators or other personal protective equipment these same standards
22 require for that work (Exhibit H); on information and belief, the protection those Cal/OSHA and
23 federal OSHA regulations mandate is not provided even to United Rentals’ own employees. Yet at
24 6144 Federal Boulevard it vents the same gases, uncontained, from an open-top tank into the adjacent
25 occupied workplace — where neither Petitioner nor his employees, contractors, or customers are
26 afforded any such protection, and where, on information and belief, none of the controls or protective
27 measures these standards require is provided at all. And the protection of those exposed to this
28 condition — United Rentals’ own workers no less than Petitioner and his employees, contractors, and

1 customers, and the surrounding public and the firefighters who would be called to respond to any fire
2 or explosion — is precisely the fire-and-life-safety responsibility with which the City’s Fire-Rescue
3 Department is charged; the City’s refusal to classify and abate the hazard leaves all of them exposed to
4 a danger it has both the authority and the duty to address.

5 15. The documented facts present, at minimum, a substantial and concrete hazardous-
6 location question under NFPA 820 and the applicable fire- and electrical-safety standards — a
7 question Petitioner placed squarely before the Fire-Rescue Department, identifying the governing
8 standards and asking it to inspect and determine, and which the Department has never taken up or
9 disputed. If Fire-Rescue believes the classification turns on ventilation, tank openings, configuration,
10 gas concentrations, or other site-specific facts, that uncertainty is a reason to inspect and determine the
11 question — not a reason to refuse to act. The only innocuous alternative — that the tank holds some
12 inert or “cleansing” solution rather than decomposing sewage — is foreclosed by the operation’s own
13 nature (the daily collection and consolidation of portable-toilet septage), by United Rentals’ own
14 description of the service, and by the cross-agency record concerning the site. No agency has ever
15 tested the tank’s contents or established any innocuous composition; the operation is, and has been
16 described as, the storage of human-waste septage.

17 16. United Rentals’ own published materials draw precisely this distinction, and concede
18 the point. In its own frac-tank guidance, United Rentals states that standard open-top frac tanks are
19 “ideal for storing non-hazardous liquids such as wastewater, ground water remediation or storm water
20 run-off,” whereas products that “off gas regulated vapors” — the guidance gives the example of a
21 chemical “that will emit a hazardous gas” — “typically require[] a closed top vapor-tight tank,”
22 expressly to eliminate the possibility of vapors “settling around the exterior of the tank and creating the
23 conditions for a flash vapor fire.” United Rentals separately markets, and rents, a purpose-built, closed-
24 top “Gas Buster” tank in the same size class as the tank at issue here. United Rentals thus offers the
25 correct vessel for gas-producing service, at this very size — yet the operation at 6144 Federal
26 Boulevard consolidates gas-producing septage in a standard open-top frac tank. True and correct
27 copies of United Rentals’ own materials are attached as Exhibit E. The hazardous-location
28 classification turns on the nature of the contents and the gases they produce, not on the tank’s exact

1 volume; and the equipment supplier's own published standard is a fact the City must confront, and
2 cannot ignore, in determining whether this tank is appropriate for this use.

3 17. United Rentals conducts the operation at 6144 Federal Boulevard under a County of San
4 Diego Sewage Hauler Operating Permit (No. LSHOP-000063), applying "to engage in the cleaning of
5 septic tanks, chemical toilets, cesspools, or seepage pits and the transportation and disposal of
6 cleanings." In its own signed application, United Rentals agreed to "conform to all conditions, orders,
7 and directions issued pursuant to the California Health and Safety Code and all applicable County and
8 City Ordinances[,] including California Health and Safety Code Division 104, Part 13, Chapter 4,
9 Article 1[,] and San Diego County Code Sections 68.601–68.613." Exhibit G bears a dedicated
10 inspection column — printed on the County's own form and completed by the Department of
11 Environmental Health & Quality — recording that agency's observations of each tank's "Hoses,
12 Valve, Cap, [and] Waste Transfer"; that column is itself proof that the County regulates and inspects
13 the septage tanks used in this service for sealed-containment integrity. The FRAC tank is the fixed
14 vessel into which that septage is consolidated on site; it is thus inclusive of, and a regulated element of,
15 United Rentals' hauling and transfer operations. Yet while the County inspects the mobile tanks' seals
16 truck by truck, the fixed,¹ open-top tank at 6144 Federal Boulevard — holding a far greater volume of
17 the same gas-producing septage — is inspected by no one, appears on no roster, and bears no permit or
18 decal. United Rentals' own vacuum trucks are, moreover, engineered and monitored vessels: they
19 carry the pressure- and vacuum-relief venting, the overfill and level controls, and the sealed fittings
20 that the cargo-tank standards prescribe (49 C.F.R. § 178.345-10; API Standard 2000), and any work in
21 or about them requires atmospheric monitoring for oxygen, hydrogen sulfide, and flammable gas (Cal.
22 Code Regs., tit. 8, § 5157). The fixed FRAC tank has none of these — no relief system, no level or
23 overfill control, and no gas detection or monitoring of any kind — though it holds the largest volume of
24 the same gas-producing septage on the site. The tank is not in compliance with the closed-system,
25 sealed-against-gas-emissions standard that governs every vessel used in this service — the
26 requirement embodied in NFPA 820 for a Class I, Division 1 septage location, reflected in the very

27
28 ¹ The tank's exact capacity is unknown because it is unpermitted and no record of it exists; where County records refer to it
at all, they attribute the tank three different sizes. The precise volume is not a factor in this matter: for purposes of the
unventilated storage of decomposing human waste, a tank of any of those sizes is a hazardous (classified) location. The
40,000-gallon figure used above is the largest capacity the County itself has attributed to the tank, used solely for scale.

1 hauler-permit scheme United Rentals certified it would obey, and stated by United Rentals itself for
2 gas-producing service (Exhibit E). A true and correct copy of United Rentals' Sewage Hauler
3 Operating Permit application is attached as Exhibit G. The open-top tank falls as well within the City's
4 Fire Code and hazardous-materials enforcement jurisdiction, and within the enforcement jurisdiction
5 of the County's Hazardous Materials Division and other agencies — none of which relieves the City's
6 Fire-Rescue Department, as the AHJ, of its duty to classify and act.

7 ***C. The City's Fire-Rescue Department is the authority obligated to classify and act.***

8 18. The City has adopted and enforces the California Fire Code (Cal. Code Regs., tit. 24, pt.
9 9), which vests in the fire code official the general authority and responsibility to enforce the Code
10 (Cal. Fire Code, § 104), to inspect premises for conditions that create a fire, explosion, or life-safety
11 hazard, and to identify and classify hazardous conditions and hazardous locations and order their
12 correction or abatement. Its Fire-Rescue Department is the AHJ charged with that enforcement.
13 Responsibility for the enforcement of the regulations and building standards relating to fire and panic
14 safety within the City rests with the City's local fire authority (Health & Saf. Code, §§ 13145, 13146).
15 Determining whether the tank is a hazardous (classified) location, and whether it meets the equipment
16 requirements applicable to such a location, is a matter squarely within — and entrusted to — the
17 Department's jurisdiction.

18 ***D. Express notice to Fire-Rescue, and its non-response.***

19 19. On June 15 and June 26, 2026, Petitioner corresponded directly with Andranee ("Nae")
20 Tate of the San Diego Fire-Rescue Department. In his June 26, 2026 email, Petitioner expressly
21 identified NFPA 820, API 2000 (tank venting), the NEC hazardous-location articles, and OSHA hot-
22 work and confined-space rules; stated that the tank displayed none of the expected ignition-control
23 features (flame arrestor, pressure/vacuum vent, bonding and grounding, hazardous-area-rated
24 electrical); invoked the Department's own fire-and-life-safety authority; and asked the Department to
25 confirm jurisdiction and inspect the tank's venting and ignition-control configuration. The Department
26 did not respond. A true and correct copy of that correspondence is attached as Exhibit F. Fire-Rescue
27 was thereby expressly placed on notice of the precise hazardous-location question it has since declined
28 to take up.

1 ***E. No other agency has assumed jurisdiction over the hazard.***

2 20. The hazard has not been examined or assumed by any other authority. The County of
3 San Diego's Department of Environmental Health and Quality, Hazardous Materials Division,
4 forwarded the complaint concerning the 6144 Federal Boulevard operation with the express
5 observation that sewage storage in frac tanks "is not within industry standards," while stating that the
6 matter was "out of [its] jurisdiction," and routed it elsewhere (Exhibit E). The net effect of these
7 referrals is that no agency has inspected the tank or classified its environment. The City's Fire-Rescue
8 Department, as the AHJ for fire and hazardous-materials conditions within the City, is the authority
9 obligated to act, and its inaction is not cured by any other agency's review.

10 ***F. The City opened, and then abandoned, its own highest-priority complaint.***

11 21. On June 22, 2026, Petitioner submitted a Code Enforcement complaint concerning the
12 conditions at 6144 Federal Boulevard. The City opened Code Enforcement Case No. CE-0541944 and,
13 by its own published complaint priorities, classified the matter at its highest hazard tier. As of the date
14 of this Petition, that record remains in "Case Opened" status; no inspection has occurred and no action
15 has been taken. A true and correct copy of the case record and status is attached as Exhibit C. The
16 City's continued failure to take up and act on that same opened complaint — again, the product of City
17 agency inaction and non-response — is also the subject of Petitioner's related action, Cotton v. City of
18 San Diego (Super. Ct. San Diego County, No. 26CU043242C) (the "CODE BLUE" petition), which
19 that inaction made necessary and which seeks a writ of mandate compelling the City to take up and act
20 upon Code Enforcement Case No. CE-0541944. The two actions arise from the same operation at 6144
21 Federal Boulevard and the same pattern of City agency inaction and non-response, and are related
22 within the meaning of California Rules of Court, rule 3.300.

23 ***G. Public Records Act Request No. 26-6343, and the City's constructive withholding.***

24 22. On June 26, 2026, Petitioner submitted Public Records Act Request No. 26-6343 to the
25 City's Fire-Rescue Department, seeking six categories of records concerning 6144 Federal Boulevard.
26 Category 5 sought, verbatim, records reflecting "a determination, analysis, or discussion of whether
27 the Fire and Life Safety Codes (including the California Fire Code) apply to the FRAC tank or the
28 operation at 6144 Federal Blvd., and of whether the matter falls within the Department's jurisdiction."

1 The Request also sought inspection reports, field notes, and photographs; internal communications
2 referencing the site, the tank, or any fire, explosion, flammable-gas, or hydrogen-sulfide condition; and
3 any notices of violation or directives issued to United Rentals or the property owner. A true and correct
4 copy of the Request and its complete NextRequest disposition and timeline is attached as Exhibit A.

5 23. The City’s own portal record documents the sequence: an acknowledgment that a
6 determination would issue within ten days; the July 8, 2026 statement that responsive records had been
7 identified but were being reviewed “for applicable exemptions,” with the City reserving “attorney
8 work product and attorney client privileges”; the July 29, 2026 continuation of that posture; and the
9 August 12, 2026 message repeating that the City remained “in the process of reviewing records for
10 applicable exemptions,” promising only a further “update by August 26, 2026,” and again reserving
11 the same privileges “including, but not limited to, attorney work product and attorney client
12 privileges.” Across all three communications the City has produced nothing, identified no particular
13 record as exempt, and provided no privilege log — a categorical, open-ended reservation that is a
14 constructive withholding without the justification the Act requires. That the City will not even disclose
15 whether it has classified the tank is itself evidence of the inaction this Petition seeks to remedy.

16 **VII. Causes of Action**

17 **FIRST CAUSE OF ACTION**

18 (Writ of Mandate — Code Civ. Proc. § 1085 — Failure to Determine Whether the Tank Is a
19 Hazardous (Classified) Location — Against Respondent City of San Diego)

20 24. Petitioner realleges and incorporates each of the foregoing paragraphs. As the authority
21 having jurisdiction for the enforcement of the California Fire Code within the City, the City’s Fire-
22 Rescue Department has a clear, present, and mandatory duty to take up and determine whether the tank
23 at 6144 Federal Boulevard — expressly brought to its attention as a suspected Class I, Division 1
24 location — is a hazardous (classified) location subject to the Fire Code. In making that determination
25 the City must address United Rentals’ own published standard (Exhibit E), which reserves gas-
26 producing service for closed-top, vapor-tight tanks and which United Rentals offers at this very size.
27 The City must likewise confront United Rentals’ own operating permit, under which this tank is a
28 regulated element of United Rentals’ hauling and transfer operations yet appears on no roster and bears
no permit, decal, or inspection (Exhibit G). The City has not made, and has refused to make, any such
determination. Petitioner does not seek to control the substance of that determination, but to compel the

1 City to make it. That duty is discharged only by an actual, documented determination of the hazardous-
2 location question; a mere inspection, or a statement that the matter remains under review, does not
3 satisfy it. Petitioner has a beneficial interest in performance of the duty and no plain, speedy, or
4 adequate remedy at law.

5 **SECOND CAUSE OF ACTION**

(Writ of Mandate — Code Civ. Proc. § 1085 — Failure to Exercise Enforcement Authority Upon an
6 Opened Complaint — Against Respondent City of San Diego)

7 25. Petitioner realleges and incorporates each of the foregoing paragraphs. Having received
8 Petitioner's notice of an imminent fire, explosion, and toxic-gas hazard, and having opened its own
9 highest-priority code-enforcement case concerning it, the City has a duty to take up and act upon that
10 complaint and to exercise the enforcement authority the law vests in it. The City has left the matter
11 wholly unaddressed. Petitioner does not seek to compel any particular substantive outcome; he seeks
12 an order requiring the City to exercise, rather than continue to withhold, the discretion and authority
13 committed to it. Petitioner has a beneficial interest in performance of the duty and no plain, speedy, or
14 adequate remedy at law.

15 **THIRD CAUSE OF ACTION**

(Writ of Mandate — California Public Records Act — Failure to Promptly Produce Records the City
16 Concedes Are Responsive; Gov. Code §§ 7922.500, 7922.530, 7923.100)

17 26. Petitioner realleges and incorporates each of the foregoing paragraphs. The records
18 responsive to Request No. 26-6343 are public records subject to disclosure, and the City has conceded
19 that responsive records exist. The City has a clear, present, and ministerial duty to make them promptly
20 available, or to justify any withholding as the Act requires, and has failed to do so despite the passage
21 of the Act's time limits. Petitioner has no plain, speedy, or adequate remedy at law.

22 **FOURTH CAUSE OF ACTION**

(Writ of Mandate — California Public Records Act — Improper Withholding, Failure to Justify, and
23 Failure to Produce Segregable Records; Gov. Code §§ 7922.000, 7922.525, 7923.105)

24 27. Petitioner realleges and incorporates each of the foregoing paragraphs. To the extent the
25 City withholds any responsive record — including under the attorney-work-product or attorney-client
26 privileges it has reserved — it bears the burden of justifying each withholding, and a blanket or
27 categorical assertion without a record-specific basis, and without a privilege log, is unlawful. The City
28 must also produce any reasonably segregable non-exempt portion of a record withheld in part. The
Court may examine any withheld records in camera (Gov. Code, § 7923.105).

FIFTH CAUSE OF ACTION
(Declaratory Relief — Code Civ. Proc. § 1060)

28. Petitioner realleges and incorporates each of the foregoing paragraphs. An actual controversy exists concerning the City's duty to determine and act upon the hazardous-location question, and concerning its obligations under the Public Records Act as to Request No. 26-6343. Petitioner seeks a judicial declaration of the parties' respective rights and duties.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for judgment as follows:

1. For a peremptory writ of mandate commanding Respondent City of San Diego, through its Fire-Rescue Department, to take up and determine, in writing, whether the tank and operation at 6144 Federal Boulevard is a hazardous (classified) location under the California Fire Code and NFPA 820, and whether its use is a permitted use, and to record and issue that determination;

2. For a peremptory writ of mandate commanding the City to take up and act upon its opened complaint (Case No. CE-0541944) and to exercise the enforcement authority the law vests in it — including, upon a determination that the tank and operation are a hazardous (classified) location or an otherwise unsafe or unpermitted use, requiring that the use cease and issuing written notice to United Rentals (North America), Inc., dba Reliable Onsite Services, that the open-top FRAC-tank storage and transfer of septage at 6144 Federal Boulevard is an unsafe and unpermitted use that may not be conducted or resumed — without this Court directing the particular outcome;

3. For an alternative writ of mandate or an order to show cause why such relief should not be granted, issued and made returnable on shortened time;

4. For a peremptory writ of mandate commanding the City to disclose all records responsive to Request No. 26-6343 that are not exempt under the Act, and to state, for each category, whether responsive records exist (Gov. Code, § 7923.100);

5. For a writ commanding the City to produce a privilege log identifying, for each record withheld, the record and the specific statutory basis for withholding, and to produce all reasonably segregable non-exempt portions of any record withheld in part (Gov. Code, § 7922.525);

6. For an order that the Court examine any withheld records in camera (Gov. Code, § 7923.105);

7. For a declaration that the City has failed to perform its duties as alleged and that its failure to

1 produce and/or withholding violated the Act;

2 8. For costs of suit; for reasonable attorney's fees to the extent authorized by Government Code
3 section 7923.115 and Code of Civil Procedure section 1021.5; and

4 9. For such other and further relief as the Court deems just and proper.

5 ///

6 ///

1 Dated: August 13, 2026

Respectfully submitted,

2
3 

4 Darryl Cotton, Petitioner In pro se

5 **VERIFICATION**

6 I, Darryl Cotton, am the Petitioner in the above-entitled action. I have read the foregoing Verified
7 Petition for Writ of Mandate and know its contents. The matters stated in it are true of my own
8 knowledge, except as to those matters stated on information and belief, and as to those I believe them
9 to be true.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct. Executed on August 13, 2026, at San Diego, California.

12 

13
14 Darryl Cotton

EXHIBIT C

Constituent Request to Councilmember Henry Foster

July 2, 2026 — the fire, explosion, and toxic-gas hazard brought to the City, with the neighborhood petition and the engineering analysis enclosed.



Darryl Cotton <151darrylcotton@gmail.com>

Constituent request — unpermitted human-waste storage at 6144 Federal Blvd. (District 4)

1 message

Darryl Cotton <151darrylcotton@gmail.com>

Thu, Jul 2, 2026 at 8:28 AM

To: HenryFoster@sandiego.gov

Cc: PAvilla@sandiego.gov, JW August <Jwaugustsd@gmail.com>

Councilmember Foster,

Attached is a constituent-assistance request about the United Rentals septage hauling-and-storage operation at 6144 Federal Blvd. — immediately next to my property at 6176 Federal Blvd., in your district.

Briefly: a roughly 21,000-gallon tank of human waste has sat about four feet from my building since at least February 2024, emitting a severe odor and running transfer pumps into the pre-dawn hours (a recording as recent as ~2:50 a.m. on July 2). Over the past six weeks I've reported it to five City and County agencies; each acknowledged a problem and referred it elsewhere, and none will answer the basic question of where the waste is ultimately disposed of. A photo-based engineering review also flags a fire/explosion hazard that no agency has yet inspected on site.

I'm not asking your office to prejudge anything — only to help get a documented health-and-safety condition examined by whoever holds authority over it. My three specific requests are on pages 1–3 of the attached letter; the supporting record — summary, ~75-signature petition, noise report, corrosion/explosion analysis, and dated imagery — is bookmarked behind it.

I'd welcome a brief call or meeting at your convenience. Thank you for your time and your service to District 4.

Respectfully,

Darryl Cotton
619.954.4447**5.7.2) 2026.07.02 Cotton to Councilmember Foster (D4) - Constituent Request re 6144 Federal.pdf**
2121K

Darryl Cotton

6176 Federal Blvd.

San Diego, CA 92114

619.954.4447 · 151darrylcotton@gmail.com

July 2, 2026

Councilmember Henry L. Foster III

City Council, District 4

City of San Diego

City Administration Building

202 C Street, MS #10A

San Diego, CA 92101

Delivered by email (HenryFoster@sandiego.gov) and U.S. Mail

RE: Request for constituent assistance — unpermitted human-waste (septage) storage and processing at United Rentals, 6144 Federal Blvd. (92114), and a multi-agency non-response

Dear Councilmember Foster:

I am a constituent of District 4 and the owner of 6176 Federal Blvd., immediately adjacent to the United Rentals / Reliable Onsite Services yard at 6144 Federal Blvd. I am writing to ask for your office's help with a health, safety, and quality-of-life problem that has now been reported to five separate agencies over more than six weeks — and that each agency has, in turn, declined to act on and referred elsewhere. I believe your office is the one place that can break that cycle.

The problem.

United Rentals operates a porta-potty septage hauling-and-storage operation at 6144 Federal Blvd. Ten or more vacuum trucks pump collected human waste into a large “FRAC” holding tank set roughly four feet from my building, in the corner of their yard nearest the street and my property. The tank emits a severe odor, and the transfer pumps run a continuous, low-frequency noise — often before dawn, including a recording at about 2:50 a.m. on July 2. This is not mine alone: a neighbor petition of roughly 75 residents and businesses documents the same odor and noise. The condition cost me a fully executed \$935,000 sale of 6176 in May, and eleven insurers have since declined to quote the property because of the fire and explosion risk described below. And this is not new: dated satellite and ground-level images show the holding tank in place at 6144 Federal Blvd. since at least February 2024 — roughly 29 months, and counting (enclosure 4.11).

The safety concern.

A photo-based engineering review of the tank's roof vent and hatch found corrosion consistent with hydrogen-sulfide and biogenic sulfuric-acid attack from the stored human waste, which also generates methane — a headspace that is both toxic and flammable — with no visible flame arrestor, pressure/vacuum vent, bonding and grounding, or hazardous-rated electrical. The analysis is explicit that it cannot confirm the cause from photographs and that an on-site assessment by a licensed engineer is needed. That is precisely why I have been asking agencies to look, rather than asking anyone to take my word for it.

The multi-agency dead end.

I have reported this to the San Diego County Air Pollution Control District (which documented strong odors, then closed on the view that a single complaint does not rise to a public nuisance); the City's Industrial Wastewater Control Program (which disclaimed jurisdiction because there is no sewer discharge); the County Hazardous Materials Division (which treated sewage as excluded from its program and narrowed my records request); and the City Stormwater Department (which declined a dry-weather channel screening for want of an observed discharge and referred me back to the County). Each response may be defensible on its own. Together, they form a closed referral loop in which the central question — where does this septage actually go, and is anything reaching the Clean Water Act § 303(d)-impaired South Chollas Creek Channel a block away — has no owner. I pray that is not the case.

A basic, answerable question.

Underneath all of this is one modest question that, after weeks of asking, no agency has answered: where does the septage actually go? Every load pumped into that tank must be hauled off-site and received by a licensed facility for treatment. The identity of the hauler and of that receiving or treatment facility — and the manifests or disposal records showing the waste reached an approved site — are precisely the kind of records that should already exist somewhere in City, County, United Rentals, hauler, or receiving-facility files. For an operation that has run at this location for more than two years, that should not be a difficult thing to produce; the fact that it has not been is itself the concern.

Your office is already on the record.

On June 29, the City's Public Records coordinator routed my California Public Records Act request (No. 26-6357) to ten offices, including yours and the Mayor's. I am grateful the request reached you — but a records search is not the same as assistance, which is what I am asking for here.

My specific requests:

1. A constituent services inquiry to the relevant City departments — Development Services / Code Enforcement, Fire-Rescue, Stormwater, and Public Utilities — asking each to state, in writing, whether it has jurisdiction over the on-site storage, the gas hazard, and the disposal of this septage, and, if not, which agency does.

2. Help convening or coordinating those departments so the disposal-and-discharge question is assigned an owner rather than referred in a circle.
3. Support for a single, targeted site inspection of the FRAC tank's condition and venting by the office with authority to conduct it — San Diego Fire-Rescue technical services and/or County Hazardous Materials — before the tank's condition worsens.

I am not asking your office to prejudge anything or to take sides against a business. I am asking it to help ensure that a documented health-and-safety condition, affecting many of your constituents on and around Federal Blvd., is actually examined by whoever holds authority over it.

I have enclosed a short summary, the neighbor petition, the tank corrosion and explosion-risk analysis, and the master noise report — the last documenting the continuous overnight pump noise, including a recording of active pumping into the FRAC tank at about 2:50 a.m. on July 2. I am glad to provide the balance of the record, including the full agency correspondence, at your convenience. Thank you for your time and for your service to District 4.

Respectfully,



Darryl Cotton

Owner, 6176 Federal Blvd., San Diego, CA 92114

Enclosures: (1.0) Summary — Human-Waste Hauling, On-Site Storage, and an Unaccounted Disposal Trail at 6144 Federal Blvd.; (1.1) Neighbor Petition (approx. 75 signatories); (4.9) Master Noise Nuisance Report (audio/video analysis; includes the July 2, ~2:50 a.m. overnight pumping recording); (4.10) FRAC Tank Roof Vent — Corrosion & Explosion-Risk Analysis; (4.11) 6144 Federal Blvd. Image Timeline (no tank June 2023; tank present February 2024)

cc: Office of Mayor Todd Gloria — Paola Avila, Chief of Staff (PAvila@sandiego.gov); J.W. August, investigative journalist (jwaugustsd@gmail.com)

SUMMARY — Human-Waste Hauling, On-Site Storage, and an Unaccounted Disposal Trail at the United Rentals Yard, 6144 Federal Blvd., San Diego, CA 92114

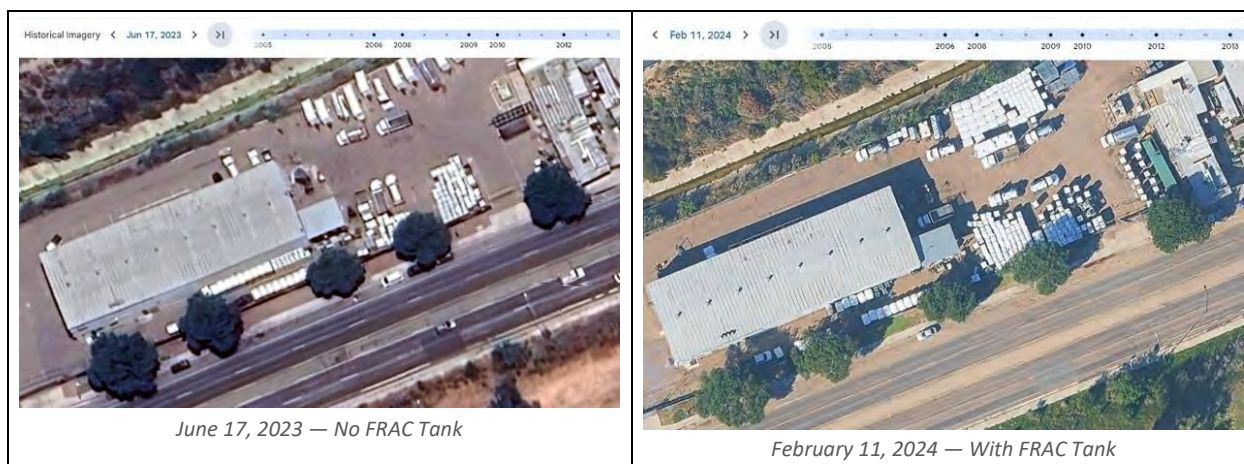
A roughly 21,000-gallon storage tank that, per dated satellite imagery, has sat in the same corner since at least February 2024 — now roughly 29 months — and has never been seen pumped out, while vacuum trucks deliver septage to the site daily, including in the pre-dawn hours, and the City's sewer authority confirms no permit exists for sewer disposal. Either the disposal manifests exist, or they do not.

Prepared by Darryl Cotton, owner of 6176 Federal Blvd. (immediately adjacent) • 619.954.4447 • 151darrylcotton@gmail.com
• Updated July 2, 2026

At 6144 Federal Blvd. in San Diego, United Rentals runs what amounts to a hauling and human-waste storage yard in the middle of a residential and small-business neighborhood. The operator is United Rentals (North America), Inc., running its "Reliable Onsite Services" division (Branch 70M; vacuum trucks registered under USDOT 899748); the property's listed owner/landlord is Westport Properties, Inc. The trucks haul in porta-potty septage from across the county — ten or more tanker loads a day, each carrying up to roughly 4,000 gallons — and pump it into a roughly 21,000-gallon FRAC storage tank (unit SV3-3889-L) parked about four feet (some 48 inches) from the building next door. The delivery runs around the clock: recent recordings capture trucks pumping into the tank in the middle of the night, including at roughly 2:50 a.m.

How long this has been going on

Dated satellite imagery brackets when the tank appeared. The June 17, 2023 frame shows the southeast corner with no FRAC tank; the next available frame, February 11, 2024, shows a tank consistent with the green FRAC tank in that same corner, alongside the staged porta-potties and totes. The tank has therefore been in place since at least February 2024 — more than two years, roughly 29 months — with the adjacent owner's first-hand account placing the activity there at least that long. For an installation this size, visible from space and feet from homes and businesses, no agency appears to have inspected the tank itself in that entire span.



That stored waste decomposes and off-gasses hydrogen sulfide, methane, and ammonia — gases that, by their known properties, are both acutely toxic and, in the case of methane and hydrogen sulfide,

flammable. A technical engineering analysis of the tank found corrosion consistent with hydrogen-sulfide / sulfuric-acid attack and none of the basic ignition controls — flame arrestor, pressure/vacuum vent, bonding and grounding — that a tank in this service should have; its vent cover is rusted out and has been observed left open. The analysis concluded that the tank should be treated as capable of producing an explosive atmosphere until it is inspected on site. A formal City complaint now on file makes the same point in regulatory terms: an operation like this belongs in a Class I, Division 2 hazardous location, and this site is neither classified nor controlled as one.

This is not a theoretical complaint. An air-district inspector personally stood at the site and documented the stench. Roughly 75 neighbors have now signed a petition (up from the 59 noted earlier). A fully executed \$935,000 sale of the adjacent property collapsed because of the operation. And the company's response to scrutiny has been to obscure rather than fix: it hung opaque windscreens along its fence to block the view in, barred the complaining neighbor's representative from the property, and filed a no-trespass order. A City stormwater inspector who visited noted the trash piled under and around the tank; days later it sat untouched — and, as a later records request confirmed, the City holds no written record of any direction to the operator to clean it up.

What Rule 51 and Section 41700 actually require

The petition invokes San Diego air-district Rule 51 and California Health & Safety Code § 41700 (each the subject of a standalone analysis now on file). Both prohibit discharging from any source air contaminants — or other material — in quantities that cause injury, detriment, nuisance, or annoyance to a considerable number of persons or to the public, that endanger their comfort, repose, health, or safety, or that injure or damage business or property. Three parts of that standard line up with this site directly: the odor and the toxic, flammable gases are the nuisance and the danger to health and safety; the collapsed \$935,000 sale is injury to property; and the roughly 75 petition signatories are the "considerable number of persons" the rules call for — the very element the Air Pollution Control District set aside when it closed the file for lack of more than a single complaint. Rule 51's only exemption is for agricultural odors from growing crops or raising animals or fowl, which a porta-potty septage operation is not.

Recognized by everyone, owned by no one — where things stand

Between May and July 2026, every City and County agency that looked at the site acknowledged a problem and then pointed to another. As of this writing:

- **San Diego County Air Pollution Control District (odor).** An APCD inspector personally documented strong odors at the site. The District nonetheless closed its nuisance complaint on the theory that a single formal complaint did not rise to a public nuisance, and referred the explosion concern to the County.
- **County Department of Environmental Health & Quality — Hazardous Materials Division (hazmat).** The County's stated position is that human waste is excluded from its hazardous-materials and hazardous-waste programs, and it referred the matter onward. But when the County produced its file for the site under a records request, those records documented a real regulatory history at 6144 Federal Blvd. that has nothing to do with the septage tank: a 2021

inspection cited aboveground petroleum-storage (APSA) violations, and a 2024 inspection found the facility's Unified Program permit expired — lapsed since March 2023 — with unreported hazardous-materials inventory on site. The location is plainly within the County's hazmat world for other reasons, even as the County treats the septage stream itself as outside its authority — and its own records do not answer where that septage goes.

- **City Public Utilities — Industrial Wastewater Control Program (sewer).** Confirmed the site is not permitted to discharge to the sewer, and that a prior inspection found the wash water hauled off-site — placing the disposal question outside the sewer program and referring it elsewhere.
- **City Stormwater Department.** A stormwater inspector visited, viewed the tank, and acknowledged the odor, but concluded the matter was outside the stormwater program's scope. A Public Records Act request to the department (No. 26-6342) was then closed with a finding of no responsive documents — meaning the visit produced no inspection report, photographs, or written direction to the operator.
- **City Fire-Rescue (hazardous conditions).** The explosion and gas-hazard concern was directed to Fire-Rescue Technical Services; a follow-up has gone unanswered, and a Public Records Act request (No. 26-6343) is pending.
- **City Building & Land Use Enforcement (code enforcement).** The one filing that remains open rather than deflected — BLUE complaint Record CE-0541944 — frames the tank as an uncontrolled hazardous-location condition feet from an occupied building.

The pattern is consistent: a documented, plausibly dangerous condition that each agency recognizes and none will own.

Now before the City's leadership

On June 27, a comprehensive California Public Records Act request to the City Attorney (No. 26-6357) sought the full written record of how the operation and the resulting complaints have been handled across City government. On June 29, the City's records coordinator routed that request to ten offices at once — including Development Services / Code Enforcement, Fire-Rescue, Stormwater, Public Utilities, the City Attorney, and, for the first time, the Office of Council District 4 and the Office of the Mayor. Whatever the City ultimately produces, that step placed the matter squarely before the City's elected leadership.

Where does the waste go?

One basic question still has no answer. The tank is a trailer that has sat in the same corner since at least February 2024 (and, by the adjacent owner's longer recollection, well before that), and he has never once seen it pumped out — yet truckloads arrive daily, and the City's Industrial Wastewater Control Program, the sewer-discharge authority, confirms no permit exists for disposal to the sewer. So where is that stored human waste going?

To put the volumes in perspective, a single large event — the local Rock 'n' Roll Marathon is estimated to rent 400–600 portable toilets — can generate enough waste to fill the tank by itself.

This waste must be disposed only to a sanitary sewer or a facility or method approved by the local health department (Cal/OSHA Title 8 § 3457); lawful hauling and disposal are documented by hauler permits and disposal manifests. The identity of the hauler and of the receiving or treatment facility, and the manifests showing the waste reached an approved site, are precisely the kind of records that should already exist in City, County, United Rentals, hauler, or receiving-facility files. Either those records exist and will show where tens of thousands of gallons of human waste have gone, or they do not — and that is precisely the question the responsible agencies are positioned to ask.

The records now on file

As of early July 2026, formal Public Records Act requests are pending or answered across the responsible agencies: County DEHQ (No. 26-3709); City Stormwater (No. 26-6342 — closed, no responsive records); City Fire-Rescue (No. 26-6343); and the comprehensive City Attorney request (No. 26-6357), in addition to a request to the Air Pollution Control District. Together they seek the hauler permits, disposal manifests, and any sewer-discharge authorization for this site — records that will either document where tens of thousands of gallons of human waste have gone or confirm that no such documentation exists.

Instead, a Fortune 500 company is operating an apparently uncontrolled human-waste site feet from homes and businesses, the City and County agencies are passing it down the line, and the company is papering over its fence. It has the makings of both a public-health story and a serious liability case, and it deserves a hard look before something worse than an odor forces one.

Available on request

The following can be provided immediately:

- the neighbor petition (roughly 75 signatories across three sheets);
- the City of San Diego BLUE complaint, Record CE-0541944;
- the FRAC-tank corrosion and explosion-risk analysis;
- the County's produced inspection records (2021 and 2024) and the pending multi-agency Public Records Act requests;
- the Master Noise Nuisance Report, including a pre-dawn (~2:50 a.m., July 2) recording of pumping into the tank;
- dated satellite imagery (June 17, 2023 and February 11, 2024) bracketing the tank's appearance, plus a ground-level photo timeline of the adjacent pine's decline;
- the agency correspondence (May–July 2026);
- the cancelled \$935,000 sale of the preparer's adjacent property; and
- dated site photographs.

The air-district inspector who documented the odor and the petition signatories can also be made available to speak directly.

What is that FOUL SMELL?



Porta-Potty Rentals Main Human Waste Processing Center at 6144 Federal Blvd. SD CA 92114



Tucked tightly in the corner, hidden behind a tree, with IBC totes and porta-potties staged in front of it, sits the FRAC tank which is where all the United vacuum trucks transfer their human waste into.

This is the United Rentals yard at 6144 Federal Blvd. looking Northeast. United Rentals did not place their human waste processing equipment at the West end of their property where they and their customers would have to smell the waste processing from their massive rental fleet of porta-potties. Instead, they located their main pump out station for their 10 or more of their waste hauling trucks, each carrying up to 4,000 gallons of rental porta-potty waste to the farthest Southeastern corner of their property in blatant disregard to their downwind neighbors. From morning until night these United vacuum trucks are continuously pumping that waste right next to Federal Blvd. and any easterly blowing wind moves that obnoxious odor into property all around Federal Blvd.

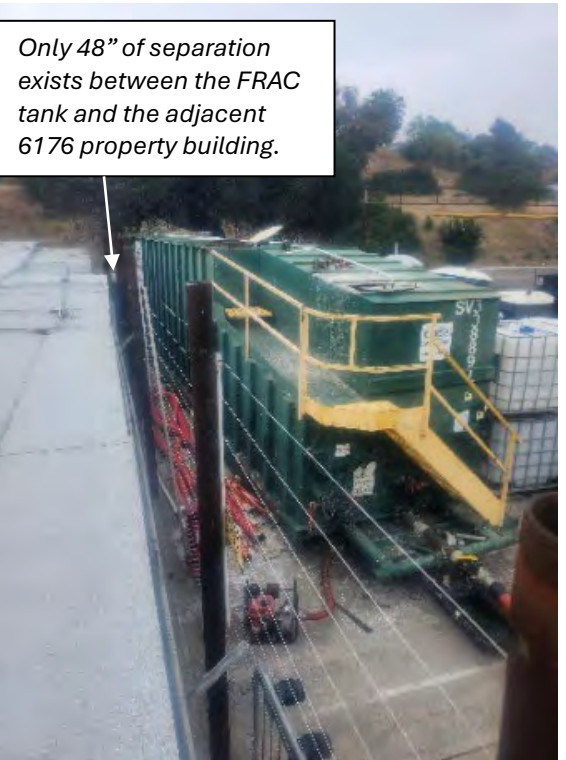
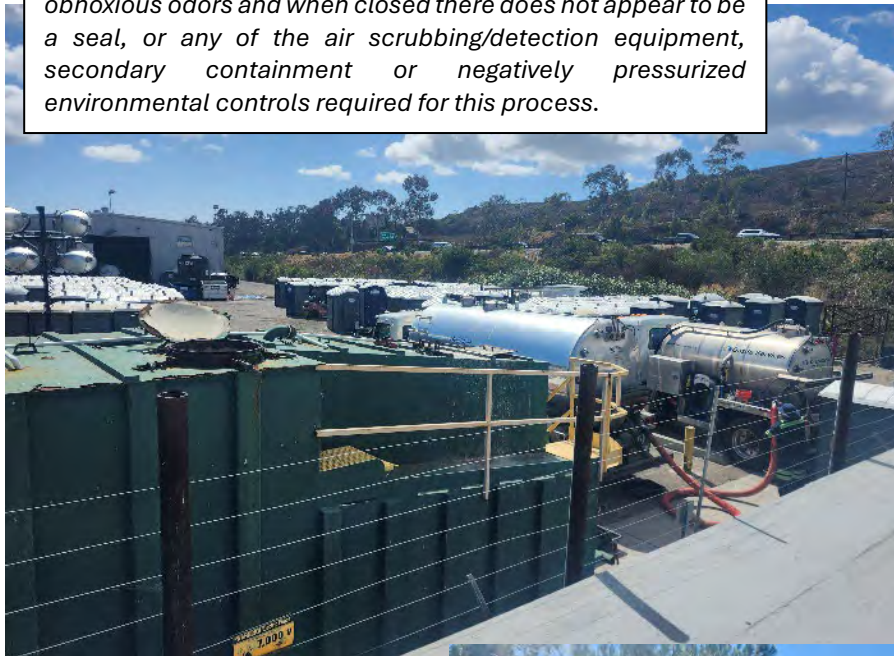
There are laws that are broken with these activities such as SDAPCD Rule 51 and CA Health and Safety Code Section 41,700 that absolutely prohibit these types of odors from becoming a nuisance to anyone outside their processing area.

We, who have been affected by this process, would ask that United Rentals immediately come into compliance with these operations and remove and/or relocate their waste processing equipment to the opposite side of their yard and cease creating the unbearable stench that is an affront to those residential and business properties in our community.



Compare this happy healthy pine tree to the distressed one next to the FRAC tank in the image below.

The FRAC tank trailer is estimated to be rated for 21,000 gallons temporary waste storage capacity. With the rusted out vent cover being left open the stored human waste emits foul obnoxious odors and when closed there does not appear to be a seal, or any of the air scrubbing/detection equipment, secondary containment or negatively pressurized environmental controls required for this process.



Only 48" of separation exists between the FRAC tank and the adjacent 6176 property building.

Located within feet of the property line, the FRAC tank is meant to be camouflaged for its intents and purposes, with the United vacuum trucks backing up to pump out and not be seen performing this operation. Not having the required environmental controls for this process creates serious public and United Rentals employee risks.



This mature pine tree shows classic stress from what may be the airborne toxic levels of Hydrogen Sulfide, Carbon Dioxide, Ammonia and Methane. All gasses generated by the anaerobic digestion of human waste. **These gasses also represent highly flammable and explosive risks under the current conditions.**



The San Diego Rock and Roll Marathon are estimated to rent 400-600 porta-potties for their one day event. With each porta-pottie holding between 50-70 gallons of human waste, this one rental alone can generate enough waste to completely fill the FRAC tank. **Where does all that waste go?**

The following list of names includes those who have been subjected to these unhealthy and obnoxious odors emanating from the United Rental yard. We hereby demand that United Rentals follow the law by immediately remediating the situation into full regulatory compliance and relocate the equipment away from the Federal Blvd. property line and properly setback distanced from any neighboring property.

①

I hereby affirm that by signing this petition, I have personally experienced the obnoxious nuisance odor and/or noise that emanates from the human waste being constantly processed at the United Rentals 6144 Federal Blvd. yard and ask that corrective measures immediately be taken to remediate the situation.

	Date	Print Name	Signature	Contact Number or Email
1-	5/18	Robert Hamlin	Robert Hamlin	(619) 977-6000
2-	6/7/12	DARRYL COTTON	Darryl Cotton	619-954-4447
3-	5/18	AKL LICK	AKL Lick	(858) 463-8798
4-	6/12	JUNE PYHALA	JUNE Pyhala	(619) 573-0322
5-	6/12	William Campos	William Campos	(619) 3181820
6-	6/12	Eusebio Torres	Eusebio Torres	(619) 822-9390
7-	6/12	AURELIO ZIMMUTH	Aurelio Zimmuth	619-658-0254
8-	6/12	Angela Jimenez	Angela Jimenez	619-602-52-37
9-	6/12	Daniel Flores	Daniel Flores	619-341-66-29
10	6/12	Francisco Flores	Francisco Flores	619-418-5955
11-	6/12	Berardo Gonzalez	Berardo Gonzalez	619-665-0486
12	6/12	JOSE RODRIGUEZ	JOSE RODRIGUEZ	619-755-5167
13-	6/12	Wasseem Behar	Wasseem Behar	619-6325509
14-	6/12	Carol Henninger	Carol Henninger	619-382-6553
15-	6/12	Abul Omos	Abul Omos	619-309-5825
16	6/12	Kimberly Carranza	Kimberly Carranza	213 574-7799
17-	6/12	Alana Holmes	Alana Holmes	619-606-2949
18-	6/12	Cody Cartwright	Cody Cartwright	808 854 0878
19-	6/12	GEORGE SANCHEZ	GEORGE SANCHEZ	619-551-8313
20	6/13	Bob Morrow	Bob Morrow	928-279-4369
21	6/13	Ruby Carranza	Ruby Carranza	619-414-9083
22	6/13	DALE ROBLE	Dale Roble	619-445-4735
23-	6/14	CANDACE BOOTS	Candace Boots	360-241-0456
24	6/14	Michael Wolf	Michael Wolf	(503) 349-7867
25-	6/15	MARIA DIEZ	Maria Diez	619-240-5775
26-	6/15	TONY SANCHEZ	TONY SANCHEZ	(619) 457 0414
27-	6/15	DAVID ZEVERA	DAVID ZEVERA	619-455-6466
28-	6/15	Santiago Torres	Santiago Torres	(619) 455-6565
29-	6/15	CHRIS ABAT	CHRIS ABAT	619-852-1803
30-	6/15	Jeff Turner	Jeff Turner	619-887-5270
31-	6/15	Steve McDonough	Steve McDonough	619-823-5616
32-	6/15	Tamera Seber McDonough	Tamera Seber McDonough	619-844-7601
33-	6/15	Kris Turner	Kris Turner	619-787-9846
34-	6/16	Luis Sandoval	Luis Sandoval	619-943-0704
35-	6/16	Samantha Mendoza	Samantha Mendoza	619-755-1424
36-	6/16	RANVEL CARDENAS	RANVEL CARDENAS	619-776-1444
37-	6/20	RICH NABORTANO	RICH NABORTANO	619-755-5880

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I hereby affirm that by my signing this petition, I have personally experienced the obnoxious odor and/or noise that emanates from the human waste being constantly processed at the United Rentals 6144 Federal Blvd. yard and ask that corrective measures immediately be taken to remediate the situation.

Line	Date	Print Name	Signature	Contact Phone or Email
1	6/20/2020	Robert J. Goddard	Robert J. Goddard	619-327-6536
2	6/20/20	Pablo Huerta	Pablo Huerta	619-5219-6347
3	6/20/20	John P. Davis	John P. Davis	855-285-9817
4	6/20/20	MARLENE MADARI	Marlene Madari	mmadari1956@gmail.com
5	6/20/2020	Susan Zimmerman	Susan Zimmerman	ZIMMERMAN SUSAN75479@gmail.com
6	6/20/2020	Erin Kalberty	Erin Kalberty	619-344-1016
7	6/20/20	CAETANO MAC HAVA	Caetano Mac Hava	(619) 231-8489
8	6/21/20	Carlos Gonzalez	Carlos Gonzalez	760-730-6091
9	6/21/20	AMBER FERRIER	Amber Ferrer	760-430-3100
10	6/21/20	DIGG RITTER	Digg Ritter	142-472-9726
11	6/21/20	Jairo Ramirez	Jairo Ramirez	619-273-7969
12	6/21/20	Kelly Hagen	Kelly Hagen	619-343-9611
13	6/21/20	Laura Watson	Laura Watson	619-917-6884
14	6/21/20	Thomas Wolf	Thomas Wolf	619-348-1731
15	6/21/20	Kelley Hagen	Kelley Hagen	619-343-9611
16	6/22/20	John Beckett	John S. Beckett	(619) 638-9494
17	6/22/20	AIKEA PYG	Aikea Pye	(619) 347-3045
18	6/22/20	Mario Black	Mario Black	858-424-0272
19	6/22/20	Desiree Valera	Desiree Valera	760-460-2515
20	6/25/20	John Al	John Al	702-416-7321
21	6/25/20	JANNY RATHMAN	Janny Rathman	619-617-1400
22	6/26/20	Pauly Hager	Pauly Hager	(619) 379-6256
23	6/26	MARK HAYS	Mark Hays	619-905-2850
24	6/26	Paul	Paul	858-288-5603
25	6/26	Eugene Miller	Eugene Miller	619-990-9152
26	6/26	Chamique Jackson	Chamique Jackson	619-288-5601
27	6/26	Kenya Jackson	Kenya Jackson	619-521-2614
28	6/26	FRANKLIN	Franklin	858-591-858-289-5603
29	6/26	Brenda Sumner	Brenda Sumner	619-403-8590
30	6/26/20	NANCY ELITE	Nancy Elite	702-772-4329
31	6/26/20	Linda Hamilton	Linda Hamilton	(619) 622-1638
32	6/26/20	Linda Ruiz	Linda Ruiz	(562) 246-1652
33	6/26/20	Neil Kelly	Neil Kelly	(562) 246-1652
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I hereby affirm that by my signing this petition, I have personally experienced the obnoxious odor and/or noise that emanates from the human waste being constantly processed at the United Rentals 6144 Federal Blvd. yard and ask that corrective measures immediately be taken to remediate the situation.

Line	Date	Print Name	Signature	Contact Phone or Email
1	6/20/26	Donald BREault	Donald Breault	619-598-8022
2	6/20/26	Daniel Hendrick	[Signature]	541-787-0425
3	6/20/26	Kim Cotter	[Signature]	619-265-2453
4	6/22/26	SERGE Daigne	[Signature]	619-458-5467
5	6/22/26	Angela Ramirez	[Signature]	619-672-8779
6	6/23/26	RODOLFO CARDENAS	[Signature]	619-770-1444
7	6/23/26	Justin Johnson	[Signature]	310 808 -5140
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Master Noise Nuisance Report

Noise Intrusion at 6176 Federal Blvd., San Diego — Sound-Level Recordings, Acoustic Analysis, Health Impact & Legal Framework

re: the 6144 Federal Blvd. FRAC / holding-tank and transfer-pump operation (United Rentals / Reliable Onsite Services)

Subject (receiving) property	6176 Federal Blvd., San Diego, CA 92114
Noise source	6144 Federal Blvd. — FRAC / holding-tank and transfer-pump operation (United Rentals / Reliable Onsite Services)
Evidence analyzed	Seven recordings: A.0 (2026-05-27), A.1 (2026-06-10), A.2 (2026-06-17), A.3 (2026-06-23), A.4 (2026-06-27), A.5 (2026-07-02), and source-off Baseline A (2026-06-23), with the clip-level technical assessments and the Davies Statement of Events.
Report date	2026-07-02 · this revision adds Clip A.5 (July 2, 2026) and supersedes the June 23, 2026 Master Noise Nuisance Report and Exhibits A.0–A.4.

READ FIRST — Scope and limits of this report. This report synthesizes uncalibrated audio/video recordings, the applicable San Diego noise regulations, general California nuisance and negligence law, and the published health literature. It is prepared to help the property owner and counsel understand what the evidence does and does not show. It is not legal advice and not a substitute for a licensed acoustical engineer or a California attorney. The recordings cannot establish a sound-pressure level in decibels; the factual allegations about conversations and conduct are the complainant's account and have not been independently verified. Both points are explained in detail below.

Source Links

[\(A\) Baseline Audio/Video without Pumps Running \(A.0\) May 27, 2026, at 1534 Acoustical Analysis](#)

[\(A.1\) June 10, 2026, at 0600 Acoustical Analysis](#)

[\(A.2\) June 17, 2026, at 0600 Acoustical Analysis](#)

[\(A.3\) June 23, 2026, at 0550 Acoustical Analysis](#)

[\(A.4\) June 27, 2026, at 0400 Acoustical Analysis](#)

[\(A.5\) July 2, 2026, at 0250 Acoustical Analysis](#)

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Executive Summary

A recurring, low-frequency mechanical noise is intruding into 6176 Federal Blvd. from the tank-and-pump operation on the adjacent parcel at 6144 Federal Blvd. Seven recordings were analyzed: a daytime rooftop video (May 27, 2026), four early-morning interior recordings (June 10, 17, 23, and 27, 2026), a new deep-night exterior video (July 2, 2026, ~2:50 a.m.), plus a same-day source-off baseline (June 23). Across all six pump-on clips the audio consistently captures a continuous, strongly tonal, low-frequency sound whose harmonic structure is the characteristic signature of a motor-driven pump rather than traffic, wind, HVAC, or general urban background — and the May 27 video visually ties that sound to the green frac/holding tank, transfer pump, and vacuum truck next door. The same-day source-off baseline (same phone, same room, ~20 minutes after the June 23 clip, with the operation quiet) lacks that fingerprint entirely: the room is about 10 dB quieter (-29.2 vs -19.4 LUFS), the steady tonal line disappears, and the heavy low-frequency dominance collapses — exactly the on/off contrast a complaint needs. This is the acoustic character that codes and courts treat most seriously; two of the early-morning clips place it near 6:00 a.m., and the newest (A.5) places it at ~2:50 a.m., the most sensitive deep-night hour. The central limitation, stated plainly: every recording is uncalibrated, so none yields an absolute dB or dB(A) value or proves a numeric ordinance exceedance. These files are strong qualitative corroboration of the source's character, continuity, and recurrence; on their own they do not establish an absolute sound level at the 6176 boundary.

At-a-Glance Summary

Question	What the evidence supports	What it does not establish
Is there an intruding noise?	Yes — continuous, tonal, low-frequency machinery noise on six dates	—
What is the source?	A motor-driven pump; visually tied to the 6144 tank / pump / truck operation	Forensic chain-of-custody authentication (not yet performed)
How loud is it at 6176?	Cannot be stated in absolute terms — recordings are uncalibrated	Any specific dB / dB(A) value; any numeric ordinance exceedance
Does the source cause it?	Same-day source-off baseline is ~10 dB quieter with no steady tone	The absolute level of that difference at the property line
Is it legally actionable?	Plausible nuisance theory; favorable code factors (steady, tonal, LF, recurrent, early-morning / overnight)	Proof of a violation, which needs a calibrated survey
Economic / conduct claims	Alleged in the Davies statement (escrow loss; voicemail)	Independent verification; legal conclusions are for counsel

1. Purpose, Scope & Central Evidentiary Caveat

This report gives the owner of 6176 Federal Blvd. and any retained counsel a single, accurate synthesis of the acoustic evidence collected to date, the regulatory and legal framework that would govern a noise complaint or nuisance claim in San Diego, the health and task-efficiency literature relevant to this kind of noise, and a realistic assessment of what the current evidence can and cannot prove.

One caveat governs everything that follows. All seven recordings are uncalibrated. They were made on consumer devices with automatic gain control and unknown microphone sensitivity, and the audio is lossy in most cases; there is no acoustic reference tone in any clip. Consequence: the recordings can describe the kind of noise (frequency content, tonality, steadiness, timing) but cannot be converted to an absolute sound-pressure level (dB SPL or dB(A)). Because a San Diego noise violation is defined by an absolute A-weighted level at the property line, these files alone cannot prove an exceedance.

2. The Recordings and What Each One Shows

Each recording is summarized with the findings that are robust despite the calibration problem, because they concern the shape and timing of the sound rather than its absolute level.

2.1 Clip A.0 — May 27, 2026 (daytime rooftop video)

A 24-second 1080p phone video, geotagged to the Federal Blvd. corridor, shot from a rooftop over a perimeter wall into the adjacent yard. It visually identifies the operation: a large green holding/frac tank with a stair platform, a transfer pump on a green pipe manifold at its base, a stainless vacuum/pump truck, and rows of portable toilets — consistent with a Reliable Onsite Services / United Rentals depot. The sound is continuous and steady (short-term level varies only about ± 2 dB), low-frequency dominant ($\approx 46\%$ of the un-weighted energy below 200 Hz; strongest octave bands 80–315 Hz), and strongly tonal, with a clean harmonic stack on a ~ 100 Hz fundamental (overtones at 200/300/400/500/600/700 Hz) plus components near 64 Hz and 250–300 Hz. Significance: good qualitative corroboration that the source is a continuous, tonal pump, visually tied to the 6144 equipment; it cannot establish a decibel level.

2.2 Clip A.1 — June 10, 2026 (~6:00 a.m. interior)

A 38.5-second 1080p video with stereo audio, recorded while walking through the building interior (peak -2.1 dBFS; no clipping). Two things are mixed and must be separated: the loud broadband bursts are footsteps and handling — recording artifacts, not the pump — while the component attributable to the pump is the quieter steady tonal hum present throughout (this clip read a fundamental near 37 Hz with overtones at 75/112/150 Hz plus tones near 200 and 300 Hz). Honest weaknesses: only $\sim 4\%$ of the A-weighted energy sits below 250 Hz here, so the deep tones are de-emphasized for hearing, and the loudest moments are handling artifacts. A.1 shows a continuous tonal machinery noise is present inside 6176 at $\sim 6:00$ a.m.; it cannot show how loud it is at the property line.

2.3 Clip A.2 — June 17, 2026 (6:00 a.m. interior WAV)

A 15-second stereo WAV (44.1 kHz / 16-bit) — the cleanest recording (no clipping, negligible DC offset, crest factor ~ 13 dB) and the strongest for characterizing the source. The dominant source is unmistakably rotating machinery: a fundamental at ~ 99.6 Hz with a full harmonic series ($\sim 199/299/398/498/597/700$ Hz) plus a separate low component near 38 Hz. Energy is heavily low-frequency ($\approx 85\%$ below 200 Hz; the 125 Hz octave band alone $\sim 44\%$; spectral centroid ~ 165 Hz), and the noise is steady and continuous (the "fast" level varies only ~ 4 dB between L10 and L90) with a mild ~ 10 – 11 Hz amplitude modulation — a slight throb typical of pumps. Like the others it cannot supply a dB SPL value, because a WAV preserves only levels relative to digital full scale.

2.4 Clip A.3 — June 23, 2026 (~5:50 a.m. interior)

A 33.7-second 1080p clip (AAC 48 kHz stereo). The audio is dominated by a steady low-frequency tonal hum on a 73.2 Hz fundamental with a clean harmonic series (146.5 / 219.7 / 298.8 Hz), appearing in the spectrogram as a solid, unbroken bright line across the full clip. Energy below 250 Hz measured ~ 25 dB above the 1–8 kHz range; the relative level held within ~ 2 dB (integrated loudness -19.4 LUFS, relative). Incidental handling/footstep sounds

occur in the first several seconds, but the pump tone persists throughout. This clip is the on-source half of the matched pair with the baseline below.

2.5 Clip A.4 — June 27, 2026 (~4:00 a.m. interior, pre-dawn)

A 66.2-second recording (48 kHz, analyzed as mono) captured at the receiving location at approximately 4:00 a.m. — the first clip taken deep in the protected 10 p.m.–7 a.m. window, at the hour of lowest neighborhood ambient. The analysis shows a steady, continuous, tonal low-frequency drone consistent with continuously running rotating/reciprocating machinery: a 100 Hz fundamental with a full harmonic series (200/300/400/500/600/700 Hz) plus a component near 37 Hz, with the level varying only about ± 1.9 dB across the full minute. Energy is concentrated in the low and low-mid bands (loudest near the 90 Hz and 355 Hz octave bands). Significance: A.4 is the third clip to read a ~100 Hz fundamental (with A.0 and the clean A.2 WAV), which strengthens that figure as the machine's fundamental, while the ~37 Hz component echoes A.1 — consistent with a single motor-driven pump observed through different recording paths; and it extends the documented recurrence to a fourth separate early-morning/pre-dawn date. Like every other clip it is uncalibrated and cannot establish a dB SPL value.

2.6 Clip A.5 — July 2, 2026 (~2:50 a.m. exterior video) [NEW]

A 31.3-second 1080p phone video (AAC 48 kHz stereo) recorded outdoors at roughly 2:50 a.m. — the deepest-night clip in the set, well inside the protected 10 p.m.–7 a.m. window and at the hour of lowest neighborhood ambient. The audio again captures rotating/reciprocating machinery: a clean harmonic stack on a ~99.6 Hz fundamental with a full series (~199/299/398/498/598/697/797 Hz), the same ~100 Hz signature read in A.0, A.2 and A.4. The sound is continuous and steady (the three thirds of the clip fall within ~0.6 dB of one another; short-term L10–L90 spread ~5.3 dB), with a regular ~14 Hz throb typical of a pump. Its spectral balance is broader and more mid-weighted than the interior clips (spectral centroid ~535 Hz; ~11% of energy below 200 Hz, ~77% below 500 Hz; strongest octave band at 250 Hz) — the expected fingerprint of a running vacuum truck captured outdoors at close range, where the tonal pump partials sit atop the truck's own engine/mechanical noise rather than being filtered to a low hum through a wall. Technical quality is good (peak -3.9 dBFS, RMS -22.1 dBFS, crest ~18 dB, no clipping; L/R correlation 0.84). The video track shows a night scene in the United Rentals yard — a vehicle running with lights on, a green United Rental-branded container, and yard security lighting — corroborating active operation at that hour, though darkness and lens glare prevent the still frames from resolving the hose-to-tank connection. Significance: A.5 is the fourth clip to read a ~100 Hz fundamental, reinforcing that figure as the machine's fundamental, and it extends the documented recurrence to a sixth date and to the deepest part of the night (~2:50 a.m.). Like every other clip it is uncalibrated and cannot establish a dB SPL value. *Scope note: this clip evidences nighttime pumping and its noise character; it does not, and cannot, establish the tank's contents or the destination of any material.* See the linked A.5 Acoustical Analysis (Dropbox) in Source Links above.

2.7 Baseline File A — June 23, 2026 (source-off reference)

A 32.0-second clip recorded on the same phone, in the same room, about 20 minutes after A.3, with the operation quiet — the source-off reference the earlier exhibits identified as missing. It is markedly quieter (integrated loudness -29.2 LUFs) and variable rather than steady (0.2 s level std ~9.7 dB, ~37 dB swing). Critically, at 73 Hz there is no persistent tonal line (that frequency swings ~48 dB and tracks ordinary ambient), and the low-frequency dominance is gone (only ~6 dB low-vs-mid; ~20% of energy below 200 Hz). In short, the defining "machinery running continuously" signature present in A.0–A.5 is absent when the pump is off.

2.8 Reconciling the recordings

The analyses agree on the essentials — continuous, tonal, low-frequency, machinery-type — but the measured fundamental varies: ~100 Hz in the daytime A.0, the clean A.2 WAV, the pre-dawn A.4, and now the exterior A.5; ~37 Hz in the handling-contaminated A.1; and 73 Hz in A.3. The ~100 Hz reading is now the most reliable, appearing in four clips including the highest-quality WAV; the variation across dates is consistent with different

units, RPM, or transmission paths, and the precise fundamental cannot be fixed from these uncalibrated clips. In every clip the harmonic-series structure is consistent with a motor-driven pump.

3. Side-by-Side Comparison and the Baseline Contrast

Clip	Date / time	Setting	Steady & continuous?	Total fundamental	Low-freq dominance	Loudness (relative)
A.0	05-27, ~15:34	Rooftop over wall (outdoor)	Yes (± 2 dB; std ~ 1.7)	~ 100 Hz + harmonics (+64, 250–300)	$\sim 46\%$ energy < 200 Hz	mean ~ -19.9 dBFS
A.1	06-10, ~06:00	Interior, walking	Yes (tone steady ~ 2.5 dB)	~ 37 Hz + harmonics ($\sim 2,200$ rpm)	tonal LF present; mid-freq audible	Leq -25.3 dBFS
A.2	06-17, 06:00	Interior (WAV)	Yes (L10-L90 ~ 4 dB; std < 2)	~ 99.6 Hz + harmonics to 700 Hz	$\sim 85\%$ energy < 200 Hz; 125 Hz oct $\sim 44\%$	relative only
A.3	06-23, 05:50	Interior	Yes (std ~ 2.2 dB; unbroken line)	73.2 Hz + harmonics (146/220/299)	LF ~ 25 dB above 1–8 kHz	-19.4 LUFS
A.4	06-27, ~04:00	Interior, pre-dawn	Yes (± 1.9 dB std / 66 s)	100 Hz + harmonics; ~ 37 Hz	low/low-mid bands (90 & 355 Hz)	relative only
A.5	07-02, ~02:50	Exterior night video	Yes (thirds within 0.6 dB; L10-L90 ~ 5.3 dB)	~ 99.6 Hz + harmonics to ~ 800 Hz; ~ 14 Hz throb	mid-weighted (centroid ~ 535 Hz; strongest oct 250 Hz; $\sim 11\%$ < 200 Hz)	RMS -22.1 dBFS (peak -3.9)
Baseline A	06-23, 06:10	Interior (same as A.3)	No (std ~ 9.7 dB; ~ 37 dB swing)	No steady tone (73 Hz line swings ~ 48 dB)	LF only ~ 6 dB above mid; $\sim 20\%$ < 200 Hz	-29.2 LUFS

Pump-on clips (A.0–A.5) all share the steady / tonal / low-frequency profile; the source-off baseline does not. Only A.3 and the baseline use the same metric (EBU R128 integrated loudness) on the same device, making that pair the most directly comparable. A.5's higher spectral centroid reflects its outdoor, close-range setting (engine plus pump), not a different source — the ~ 100 Hz tonal stack is the same.

The contrast establishes three things, in relative terms. (1) The room is ~ 10 dB quieter with the pump off (-19.4 vs -29.2 LUFS, same device 20 minutes apart). (2) The steady tonal line disappears — A.3's unbroken 73 Hz band is absent in the baseline. (3) The low-frequency dominance collapses (from ~ 25 dB to ~ 6 dB low-vs-mid). This strongly corroborates that the intruding tonal, low-frequency energy comes from the 6144 operation rather than 6176's own ambient — though, because both files are uncalibrated, the ~ 10 dB figure is corroboration, not an absolute property-line number.

4. What the Acoustic Evidence Establishes — and What It Cannot

Reliably established (robust to calibration)	Basis
A continuous, steady mechanical noise is present	Level barely fluctuates within each clip (A.0 ± 2 dB; A.2 ~ 4 dB L10–L90; A.3 std ~ 2 dB; A.5 thirds within 0.6 dB)
The noise is strongly tonal and low-frequency	Harmonic series on a low fundamental; most energy below 200 Hz in the interior clips (A.0, A.2, A.3)
It is the signature of a motor-driven pump	Regular harmonic stack (and a pump-type ~ 10 – 14 Hz throb), categorically unlike traffic, wind, or HVAC
The source is the 6144 equipment	May 27 rooftop video shows the tank, pump, and truck; the A.5 night video shows active yard operation
It is present across the day and recurs	Three interior recordings at $\sim 6:00$ a.m.; daytime on a fourth; pre-dawn ($\sim 4:00$) on a fifth; deep-night ($\sim 2:50$ a.m.) on a sixth — six separate dates
The source (not ambient) drives it	Same-day source-off baseline is ~ 10 dB quieter with the tonal line gone

Not established by these recordings: any absolute sound level (no dB SPL or dB(A) from uncalibrated audio; relative dBFS describes the recorder's own range, not real-world loudness); any numeric ordinance exceedance (the San Diego limit is an absolute property-line level); how disruptive the noise is to occupants in level terms; and

the condition at the property line over time (each clip is a short sample without documented microphone position or distance).

A note on A-weighting. Much of this source's energy lies below ~125 Hz, where A-weighting (the dB(A) scale most ordinances use) discounts the level substantially — by roughly 12 dB for the A.2 recording. This cuts both ways and should be stated honestly: a dB(A)-only measurement can understate what an occupant perceives from a deep, throbbing source, yet a naive reading of the audio's loudness overstates the pump's contribution because the deep tones are physically strong but auditorily de-emphasized.

5. Open Factual Questions to Resolve Early

Use and zoning of 6176 (drives the numeric limit). The record is not consistent about what 6176 is: it has been described as a commercial space, while the A.1 interior assessment notes what appears to be a commercial office space setting. This matters a great deal — San Diego's property-line limits are far stricter for residential uses (e.g., on the order of 50 dB(A) daytime and 40 dB(A) overnight for single-family residential) than for commercial (on the order of 65 dB(A) daytime). The actual zoning of the parcel — not the building's appearance — controls; the zoning of both 6176 and 6144 is not established in the current record, and it governs the applicable limit.

Whether the timing triggers a specific restriction. It is tempting to read the early-morning and overnight timing as a direct violation of the 7:00 p.m.–7:00 a.m. prohibition in Municipal Code §59.5.0404, but that section governs construction, demolition, excavation, alteration, and repair — not necessarily an ongoing pumping operation. Whether a frac-tank transfer-pump operation falls within §59.5.0404 is a question for counsel; if it does not, the operative framework is the general property-line limits of §59.5.0401 plus the nuisance provision of §59.5.0501. Either way, the early-morning and now deep-night (~2:50 a.m.) timing remains highly relevant as a nuisance factor.

Equipment placement and source authentication. The statement describes the tank as roughly four to five feet from the exterior wall; that distance is not documented in the current record. Whether any placement was "deliberate" in a culpable sense is an inference, not a measured fact, and is better left to counsel. The original recordings have not been independently authenticated (device, settings, metadata, hash).

6. Applicable San Diego Noise Framework

San Diego regulates noise principally through Municipal Code Chapter 5, Article 9.5 (Noise Abatement and Control). Two features are central here.

The numeric limit — §59.5.0401. It is unlawful to cause noise whose one-hour-average sound level exceeds the applicable limit at any point on or beyond the boundary of the property producing it, counting only the portion of the total noise due to that source. Where a boundary lies between two zoning districts, the limit is the arithmetic mean of the two districts' limits. The table of limits (confirm current text and the applicable zoning before relying on it):

Land-use zone	Time of day	1-hr avg (dBA)
Single-family residential	7a–7p / 7p–10p / 10p–7a	50 / 45 / 40
Multi-family residential	7a–7p / 7p–10p / 10p–7a	55 / 50 / 45
All other residential	7a–7p / 7p–10p / 10p–7a	60 / 55 / 50
Commercial	7a–7p / 7p–7a	65 / 60
Manufacturing / industrial	any time	75

Source: San Diego Municipal Code §59.5.0401, Table of Applicable Limits.

A practical point: if the source-off ambient at 6176 already exceeds the table limit, the allowable level becomes the one-hour ambient plus 3 dB — so a quiet baseline at 6176 makes the standard correspondingly harder for the

operation to meet. A pump-off ambient measurement is therefore part of any proper survey (and the baseline analyzed here is qualitative support for that quiet floor).

The nuisance provision — §59.5.0501. Even noise within the numeric limit can be unlawful as a nuisance. The code's factors include the level of the noise, whether its nature is usual or unusual, the ambient level, the time of day, the duration, and whether the noise is recurrent, intermittent, or constant. A steady, tonal, low-frequency pump running into the early morning and deep night scores poorly on nearly every one — which is why the qualitative evidence here is meaningful even before any number is obtained.

Tonal and low-frequency considerations. Many noise codes attach a tonal penalty (commonly +5 dB) and separate low-frequency or nighttime provisions precisely because tonal, low-frequency sources are more intrusive than their broadband level suggests; a source can satisfy a broadband daytime limit yet still run afoul of a tonal or low-frequency provision. Whether San Diego's code applies such penalties to this source should be confirmed by counsel; the recordings already document the tonal, low-frequency character that would invoke them.

7. California Nuisance & Negligence Framework (General Information)

This section is general legal information, not legal advice; the statutes and cases below should be independently confirmed by counsel before they are relied upon. It is included so the owner understands the shape of the available theories.

Private nuisance — Civil Code §3479. A nuisance includes anything injurious to health, offensive to the senses, or an obstruction to the free use of property that interferes with the comfortable enjoyment of life or property; persistent intrusive noise can fall within this definition. To prevail, a plaintiff must generally show the defendant created a condition, that it interfered with the plaintiff's use and enjoyment of the property, that the interference was both substantial and unreasonable, and that it was a legal cause of the harm. The substantial-and-unreasonable requirement is the heart of the case, weighing the gravity of the harm against the social utility of the conduct.

Noise is a nuisance, not a trespass — Wilson v. Interlake Steel Co. (1982) 32 Cal.3d 229. The California Supreme Court held that noise alone, without physical damage to the property, will not support a trespass action; intangible intrusions such as noise, odor, and light are dealt with as nuisance. Wilson — and the older Kornoff v. Kingsburg Cotton Oil Co. (1955) 45 Cal.2d 265 — are commonly cited for the proposition that annoyance and discomfort from such intrusions can be compensable on a nuisance theory.

Public nuisance — Civil Code §3480. A public nuisance affects an entire community or neighborhood or a considerable number of persons at once. A private party generally may sue on a public-nuisance theory only where they have suffered a special injury different in kind from the general public; whether enough people are affected is fact-dependent and would need development.

Negligence and the role of notice. Independent of nuisance, a failure to abate a known harmful condition — particularly where straightforward mitigation exists (relocating equipment, acoustic enclosures, vibration isolation, or quieter equipment) — can support a negligence theory. Written notice matters because it establishes the operator's actual knowledge; conduct that continues after notice is materially different from conduct before it. California's punitive-damages statute (Civil Code §3294) requires clear and convincing evidence of malice, oppression, or fraud — a demanding standard whose application here is a judgment for counsel and should not be assumed.

Mitigation alternatives, and tenant remedies. If quieter, sound-attenuated pump equipment was reasonably available and was not used next to an occupied neighbor, that can bear on the "unreasonableness" element and on negligence, because it shows the harm was not unavoidable (confirm any such availability from a current primary source rather than assuming it, and frame it as availability of alternatives, not proof of intent). Separately, if 6176 is

leased, California implies a covenant of quiet enjoyment in most tenancies, and persistent third-party noise the landlord fails to address may bear on that covenant; the lease should be reviewed for noise, nuisance, habitability, abatement, and termination provisions.

8. Known Adverse Medical and Task-Efficiency Effects

The scientific literature on environmental and occupational noise is relevant background, used carefully: it describes population-level associations and general mechanisms and does not establish that any specific occupant of 6176 has suffered a particular effect. At that level, it supports why a continuous, tonal, low-frequency, early-morning/overnight source is treated as more than a mere annoyance.

Medical and physiological. The WHO Environmental Noise Guidelines for the European Region (2018) associate chronic environmental noise with annoyance, sleep disturbance, and — at sustained higher exposures — cardiovascular and metabolic effects at the population level, with night-time and early-morning exposure treated as particularly sensitive [1]. Mechanistically, recurrent noise acts as a stressor (autonomic and endocrine arousal even without full awakening) that over time is linked to oxidative stress, vascular inflammation, and cardiovascular outcomes [2]; WHO ranks sleep disturbance and annoyance as the largest noise-attributable health losses [1][3].

Sleep and the overnight timing. Several of these clips fall near 6:00 a.m., one at ~4:00 a.m., and the newest at ~2:50 a.m. Nighttime noise degrades sleep efficiency even without full waking, and for low-frequency noise specifically, studies report difficulty falling asleep, more awakening, and morning fatigue, with a dose-response to the low-frequency content that persists after controlling for A-weighted level [4]; one controlled study found nighttime low-frequency noise altered the cortisol response to awakening and lowered sleep quality [5].

Why low-frequency, tonal character amplifies the effect. A-weighting discounts energy below ~125 Hz, so a sound that measures "acceptable" in dB(A) can still be loud and highly annoying when its energy is low-frequency [6]; and tonal noise is rated more annoying than broadband at equal level, which is why codes apply tonal penalties. Reviews link low-frequency noise to annoyance, concentration difficulty, reduced sleep, headache, irritability, fatigue, and stress, with annoyance the first and most reliable effect [4][7].

Task efficiency and business use. Continuous intruding noise degrades complex, attention-demanding work — reading, prose memory, mental arithmetic — while raising errors, fatigue, and stress [8]; a 2024 meta-analysis tied low-frequency noise to impaired attention, executive function, memory, and higher-order cognition [9]. The honest framing is that this is the kind of exposure the literature associates with such effects; because the recordings are uncalibrated they place the source within the character most associated with harm without locating it on a dose-response curve.

9. The Complainant's Factual Narrative (Davies Statement) — Allegations to Be Verified

Everything in this section is drawn from the Davies Statement of Events and reflects that account. It involves named individuals and describes conversations and conduct that have not been independently verified here. It is presented as allegations and recollections to be preserved and evaluated by counsel — not as established fact, and not as a legal conclusion about any person.

Discovery and the cancelled escrow. Per the statement, the broker (Jeff Davies), listing the property for its owner (Darryl Cotton), noticed a persistent odor in early 2026 that survived repeated cleaning; prospective buyers commented on the odor, and during a buyer's inspection the team reportedly observed from the roof that the source of both the odor and the noise was the adjacent frac tank and pumping activity. The statement reports escrow was cancelled with the buyer citing the neighboring operation, and the owner withdrew the property. If substantiated, a cancelled sale and any resulting diminution in value are the kind of concrete economic harm a nuisance claim can address; California's Transfer Disclosure Statute (Civil Code §1102 et seq.) requires sellers to

disclose known material facts, including neighborhood noise or nuisance problems. The escrow documents, communications, and any appraisal evidence would bear on this account.

Reported interactions. The statement describes a June 9, 2026 visit to 6144 in which the on-site manager (named in the statement as David Perez) declined to review the materials and said the operation would not change, and an earlier voicemail (June 6, 2026) from a person identified as the company's head of corporate security (named as Mike Marsalisi) warning the broker not to return on pain of criminal-trespass prosecution. If accurate, these may bear on whether the operator had actual notice; but the words attributed to these individuals are one party's recollection, the voicemail (if it exists) has not been independently verified, and whether any of this is independently actionable is a legal judgment for counsel — it should not be characterized here as intimidation, malice, or a crime.

10. Landlord (Westport Properties) Considerations

The Davies statement identifies Westport Properties, Inc. (Newport Beach) as the owner of 6144 and states its CEO was contacted by email and phone about the situation and a proposed resolution, without response. The following is general framework, not a conclusion about Westport's liability. As a general rule a landlord is not liable for a nuisance created solely by a tenant after possession transfers; California recognizes exceptions (consistent with the Restatement (Second) of Torts) where the landlord consented to the activity or knew or had reason to know at leasing or renewal that it would likely cause a nuisance, with a separate line of authority on a landlord's response after actual notice. Whether any exception applies turns on facts not yet in the record: what Westport knew and when, the terms of the United Rentals lease (including any anti-nuisance or compliance covenant), and whether Westport had and declined available means to require abatement. Practically, the June 10, 2026 Davies statement reflects that Westport was put on notice of the operation, and the A.4 (June 27, 2026) and A.5 (July 2, 2026) recordings document that the noise continued after that notice — the latter deep in the night at ~2:50 a.m.

11. Conclusion

The recordings credibly document a continuous, tonal, low-frequency pumping source emanating from the operation at 6144 Federal Blvd. and intruding into 6176 — near 6:00 a.m. on multiple dates, during daytime on another, in the pre-dawn (~4:00 a.m.) on a fifth, and now at ~2:50 a.m. on July 2 — and the matched same-day baseline confirms the signature is the source's, not the building's own ambient. This is the acoustic character that codes and courts treat most seriously, and it is also the type the health literature associates with sleep disruption, chronic-stress and cardiovascular risk, and reduced cognitive and task performance. What the recordings cannot do is prove how loud the noise is at the property line, and so they cannot, by themselves, prove a numeric ordinance violation; no absolute decibel value can responsibly be assigned to these uncalibrated clips.

This report is a technical and informational synthesis. This revision was prepared on July 2, 2026, adding Clip A.5 and superseding the June 23, 2026 version, from the supplied recordings and the Davies Statement of Events. Acoustic characterization by Claude (Anthropic). It is not a calibrated acoustical-engineering report, a clinical assessment of any person, or legal advice. The acoustic findings should be confirmed by a licensed acoustical consultant and the legal framework by a licensed California attorney before any action is taken in reliance on it. Levels are relative (uncalibrated) and must not be presented as absolute dB(A) SPL.

Selected References (health & performance section)

- [1] World Health Organization, Regional Office for Europe. Environmental Noise Guidelines for the European Region. Copenhagen, 2018.
- [2] Munzel T. et al. "Noise causes cardiovascular disease: it's time to act." Journal of Exposure Science & Environmental Epidemiology, 2024.
- [3] WHO Europe / Environmental Noise Guidelines special-issue introduction (DALY burden: sleep disturbance, annoyance, ischaemic heart disease, cognitive impairment).

- [4] Baliatsas C. et al. "Health effects from low-frequency noise and infrasound in the general population." *Science of the Total Environment*, 2016.
- [5] Persson Waye K. et al. "Effects of nighttime low-frequency noise on the cortisol response to awakening and subjective sleep quality." *Life Sciences*, 2003.
- [6] Kjellberg A. et al. (1984); Nilsson (2007): A-weighting underestimates perceived loudness and annoyance of low-frequency-dominant sound at equal dB(A).
- [7] "Low-Frequency Noise and Its Main Effects on Human Health — A Review of the Literature (2016–2019)." *Applied Sciences (MDPI)*, 2020.
- [8] Clark C. & Sorqvist P. "A 3-year update on the influence of noise on performance and behavior." *Noise & Health*, 2012; with Stansfeld & Matheson (2003).
- [9] "Effect of low-frequency noise exposure on cognitive function: a systematic review and meta-analysis." *BMC Public Health*, 2024.

FRAC Tank Roof Vent — Corrosion & Explosion-Risk Analysis

Visual assessment of headspace/vent corrosion and ignitability on a tank in human-waste (septage) service

Question

Please analyze the attached photos of the FRAC tank roof vent. Since this tank holds human waste, would there be corrosive effects that could be seen on these images, in which the roof hatch is seen in both the open and closed positions? The corrosion (rust) is not evident throughout the surface of the FRAC tank, which leads me to believe that concentrated levels of the gases are found at the vent. What conclusions, if any, can be drawn from this?

Photographs



Image 1 — Roof hatch in the open position. Note the heavily rusted manway collar and rim, corroded swing bolts, and rust staining streaking down the shell below the opening; the flat roof panels and shell retain largely intact green coating. (4000 × 3000 px)



Image 2 — Roof hatch in the closed position. Flaking, laminar rust scale is concentrated at the lid-to-collar seam and surrounding hardware, while the broader coated surfaces remain sound. (1044 × 726 px)

Analysis

The reasoning in the question is directionally correct and matches what is well understood about how sewage gases attack steel. The sections below cover what is observable in the photos, the mechanism, how far the images allow the conclusion to be pushed, and how it could be confirmed.

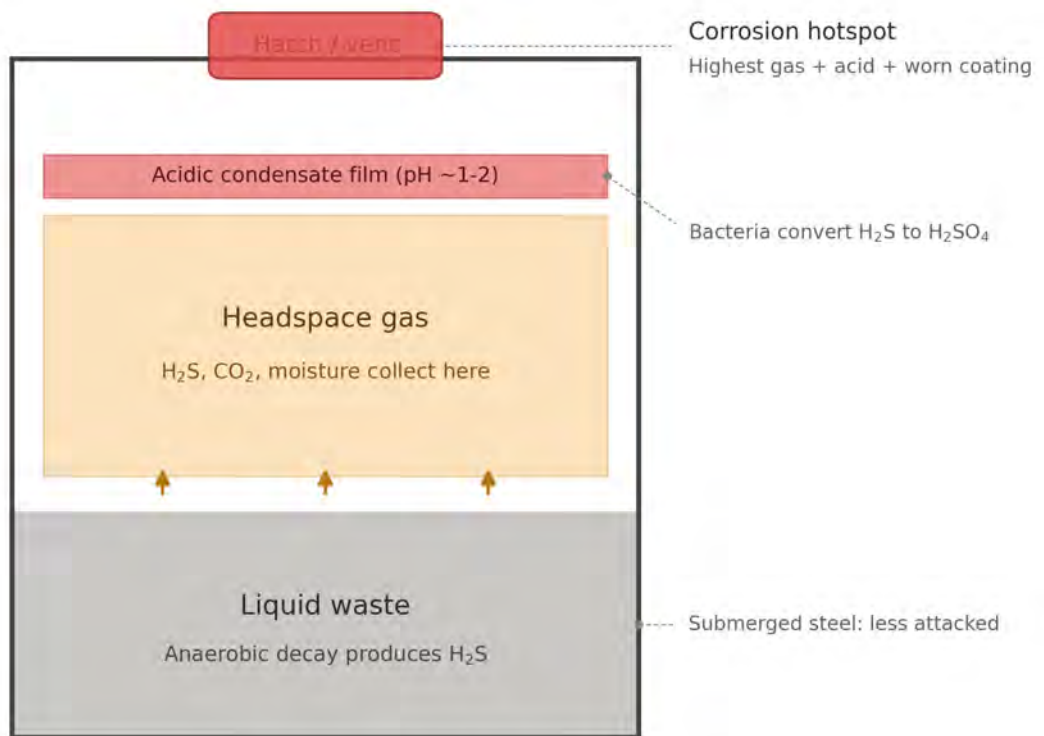
What the images show

In both photos the corrosion is overwhelmingly concentrated at the manway/hatch: the rusted collar (coaming), the seam between the lid and the collar, and the associated swing bolts and hinge hardware. Image 2 shows laminar, flaking rust scale right at the lid-to-collar interface. Image 1 shows a continuous band of rust around the manway rim, with staining streaking *downward* onto the shell below it. Meanwhile, the large flat roof panels and the vertical shell still carry largely intact coating. That distribution — concentrated at the opening, washed-down staining, intact panels — is exactly what you would predict if the aggressive agent is a gas rather than something attacking the whole structure uniformly.

Why human waste produces a corrosive gas, and why it pools at the top

Septage decomposes anaerobically. Sulfate-reducing bacteria in the liquid generate hydrogen sulfide (H_2S), along with CO_2 , ammonia, methane, and water vapor. The H_2S off-gasses into the headspace above the liquid. On the cooler interior surfaces of the roof and the underside of the hatch, water vapor condenses into a thin film. Sulfur-oxidizing bacteria (*Acidithiobacillus/Thiobacillus* species) colonize that moist film and oxidize the H_2S into sulfuric acid (H_2SO_4), and the surface pH under that film can fall to roughly 1–2. The biogenic sulfuric acid is what actually eats the steel.

This is the same process that destroys the crowns of concrete sewer mains and the headspace of lift stations and wet wells — classic microbiologically influenced corrosion (MIC). The key point for the hypothesis: the attack lives in the gas phase above the waterline, not on the submerged steel, and it is worst at the very top where the gas concentrates, condensate forms, and the acid drips. Opening the hatch to fill or service vents concentrated gas right at that interface and cycles in fresh humid air.



The aggressive zone is the vapor space, not the wetted steel

Cross-section of the corrosion zones. The aggressive attack occurs in the vapor space at the top — at and around the hatch/vent — not on the submerged steel.

Where the reasoning is right, and where to be cautious

The hypothesis of concentrated corrosive gas at the vent is consistent with the established science. However, the photographs alone are consistent with that explanation without proving it, because the hatch is also where several non-gas mechanisms predict corrosion in exactly the same spot:

The hatch is the one moving part on the roof. Repeated opening and closing chips and abrades the protective coating right at the rim, exposing bare steel that will rust regardless of what gas is present. The swing bolts, hinge, and collar are often add-on weldments that are coated poorly (or are bare/dissimilar steel), so they corrode first on their own. And the recessed seam between lid and collar traps rainwater and condensate that sits there long after the flat panels have shed and dried. Any one of those would localize rust at the hatch.

So the pattern is over-determined — multiple causes point to the same location. The H_2S story is very likely a real contributor, possibly the dominant one given the contents, but the exterior photos cannot isolate it from mechanical coating damage and water trapping.

One further caveat: the intact coating elsewhere does not mean the rest of the tank is sound. The most aggressive biogenic attack happens on surfaces not visible from outside — the interior headspace walls and the underside of the roof and hatch. An exterior that looks fine can sit over interior steel that

is heavily etched.

What would actually confirm it

To move from “consistent with” to “confirmed,” inspect the interior. Biogenic sulfuric acid attack leaves a characteristic etched, soft, sometimes gypsum-like product on the gas-exposed underside of the roof and hatch, worst near the top and tapering toward the liquid line. Testing the surface or scale pH (very low points to sulfuric acid) and checking for sulfates in the corrosion product would confirm the chemistry. Comparing corrosion above versus below the waterline on the interior is also diagnostic — gas-phase MIC attacks the headspace band hardest and largely spares the submerged steel.

Conclusions that can reasonably be drawn

The corrosion distribution observed is fully consistent with biogenic H_2S / sulfuric-acid attack driven by the waste headspace, and the inference that gases concentrate at the vent is sound corrosion reasoning. What cannot be concluded from the photos alone is that gas concentration is the sole or even primary cause, since coating damage and moisture trapping at the hatch would produce the same external picture. The defensible finding is: pattern consistent with headspace gas attack, likely combined with mechanical coating loss at the penetration; interior inspection needed to confirm.

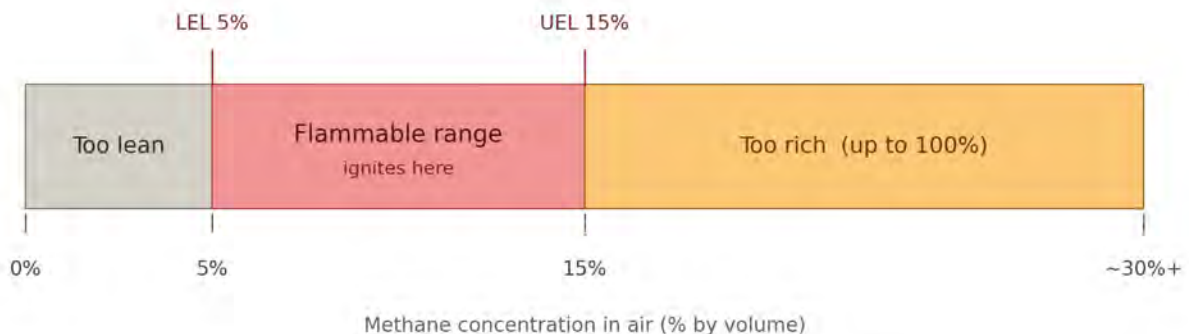
Ignitability and Explosion Risk

Professional opinion, stated up front: a tank in this service should be treated as capable of producing an ignitable, potentially explosive atmosphere, and from the photographs the recognized ignition-control features are not evident. The following is an engineering opinion based on photographs — not a substitute for an on-site assessment by a licensed professional engineer or certified industrial hygienist.

Why the gas evidence implies an explosion risk

The anaerobic decomposition generating the H_2S responsible for the vent corrosion produces methane (CH_4) at the same time — they are co-products of the same biological process. A septage headspace is effectively generating biogas: mostly methane and CO_2 , with H_2S and traces of others. Methane is flammable between roughly 5% and 15% by volume in air; H_2S is flammable over an even wider band (about 4–44%) and is toxic as well. The corrosion already documented is therefore indirect evidence that flammable gas is being produced and concentrated at the same location.

A fully sealed, gas-rich headspace may actually be too rich to ignite (and oxygen-starved). The hazard is that every time the hatch is opened, the tank is vented, or product is transferred, the mixture sweeps down through the flammable window as it meets air — at exactly the spots showing the most corrosion. Absent properly installed and maintained ignition-control features, the evidence of these gases constitutes a legitimate ignitable/explosive risk: a flammable atmosphere, plus an ignition source, plus oxygen.



Sealed headspace often sits above 15%: too rich to ignite, but oxygen-starved

Where gas meets air (open hatch, vent outlet) it passes through the 5-15% window

A flammable mixture + any ignition source = explosion

Flammability range for methane in air. The mixture is ignitable only within the window between the lower and upper explosive limits; transfers and venting drive the atmosphere through that window.

Does this system appear to have those safety features?

Comparing what a flammable-gas service should have against what the photos show:

Flame arrestor on the vent — the single most important device, quenching a flame before it can travel back into the tank. Not visible. The openings look like a plain manway and simple ports, and with the hatch open the headspace vents straight to atmosphere with no arrestment.

Pressure/vacuum (conservation) vent sized per API 2000, ideally combined with a flame arrestor — not clearly visible; the ports appear to be plain connections rather than a P/V valve.

Plastic (PVC) vent piping — the white roof piping appears to be plastic, a red flag on flammable service: it cannot be bonded or grounded, accumulates static, offers no flame-stopping capability, and fails at low temperatures. (Some white lines could be sight-gauge tubes rather than vents — not certain from photos.)

Bonding and grounding for transfer operations — not evident (no grounding lug, bonding cable, or reel visible). The cam-lock fill/discharge connection indicates loading/unloading, during which turbulent or splash filling generates static — a classic ignition mechanism without bonding and grounding.

Hazardous-area-rated electrical — the large light tower beside the tanks and nearby electrical appear to be general-purpose equipment, not explosion-proof (Class I, Division 1/2) gear suited to a classified area.

Hazard signage, gas detection, and a marked classified-area boundary — not evident. Finally, the corrosion itself degrades whatever safety venting may exist: a corroded arrestor element clogs or fails, corroded valve seats will not seal, and a blocked vent creates its own overpressure hazard.

Bottom line: from what is visible, the tank does not appear to have the recognized ignition-control package, and there are positive red flags. A negative cannot be proven from photographs — a device could be present but out of frame or internal — but the affirmative evidence of these features is absent.

Risks if left as is

The corrosion repair itself is the most acute near-term danger. Cutting, welding, or grinding on a tank that has held biogas-generating waste — without first gas-freeing it, monitoring the atmosphere, and following a hot-work permit — is a textbook cause of fatal tank explosions. The very work this corrosion is prompting is the scenario most likely to ignite it. Never perform hot work on this tank as found.

Headspace or vapor-cloud deflagration if any ignition source (static during transfer, the adjacent light plant or electrical, lightning, smoking, a tool spark) reaches a flammable mixture at the vent or open hatch. Without a flame arrestor, a flame at the vent can flash back into the tank and detonate the larger volume.

Overpressure or vacuum collapse if corroded vents stick or block: the tank can over-pressurize from gas generation, thermal expansion, or filling, or implode under vacuum during emptying.

Toxic H₂S exposure and the confined-space hazard, which compound any entry or repair work.

Regulatory and liability exposure from operating outside recognized consensus standards (NFPA 820 for wastewater facilities, API 2000 venting, the NEC hazardous-location articles, and OSHA

hot-work and confined-space rules) should an incident occur.

Recommended risk reduction

Treat the tank now as a combined flammable, toxic, and confined-space hazard. Before any hot work on the corrosion, gas-free the tank, use continuous LEL and H₂S monitoring, and work under a hot-work permit with qualified procedures. Have a qualified engineer classify the area (NFPA 820 / NEC Article 500) and design or verify proper venting — a P/V conservation vent plus a flame arrestor sized per API 2000 — replacing corroded components and any plastic piping with bonded metallic systems. Add bonding and grounding for transfers, address or relocate the nearby lighting and electrical, and install hazard signage and gas detection. Confirm by inspection whether any flame arrestor or P/V valve exists and its condition.

Safety note: The headspace of a tank in this service can carry both a flammable atmosphere (methane/H₂S) and acutely toxic, oxygen-deficient conditions. H₂S deadens the sense of smell at higher concentrations. Any inspection or repair should be treated as a flammable, toxic, permit-required confined-space operation, with gas-freeing, continuous gas monitoring, hot-work controls, and qualified procedures. This document is an engineering opinion from photographs and does not replace an on-site assessment by a licensed PE or certified industrial hygienist.

6144 Federal Blvd. San Diego, CA Timeline Images

The Before and After Environmental Effects of United Rentals Human Waste Batch Processing in a FRAC Tank as Unlawful Atmospheric Gas, Liquids and Solids Release.



Historical Imagery < Jun 17, 2023 > | 2005 2006 2008 2009 2010 2012



< Feb 11, 2024 > | 2005 2006 2008 2009 2010 2012 2013



FRAC Tank Off-Gassing & Pine Tree Decline

Environmental Analysis Report — 6144 Federal Blvd., San Diego, CA

QUESTION POSED:

What effect, if any, might the off-gassing of gases emitted from the FRAC tank be attributed to the pine tree directly adjacent to the tank, given that the tank has been in service since at least February 2024, as evidenced by the photographic and satellite timeline images from 6144 Federal Blvd., San Diego, CA?

1. Summary of the Visual Evidence

The document presents a compelling chronological photographic and satellite record demonstrating a clear before/after inflection point around early 2024, coinciding with the FRAC tank being placed into service.

Date	FRAC Tank	Tree Condition
April 2007	Absent	Full, healthy, dense canopy
January 2023	Absent	Full, healthy, dense canopy
June 2023	Absent	Row of healthy, full pine trees
February 2024	PRESENT	First satellite evidence of tank in service
June 2026	PRESENT	Visibly stressed, thinning, sparse canopy

2. What Is a FRAC Tank and What Does It Off-Gas?

A FRAC (fracturing) tank is a large portable storage vessel used to hold liquids — commonly wastewater, produced water, chemicals, hydrocarbons, or industrial fluids. Depending on stored contents, these tanks can off-gas a variety of volatile compounds, most notably:

- **Volatile Organic Compounds (VOCs)** — benzene, toluene, ethylbenzene, xylene (BTEX compounds)
- **Hydrogen Sulfide (H2S)** — a highly phytotoxic gas even at low concentrations
- **Methane and light hydrocarbons**
- **Ammonia** (if storing certain industrial or biological waste streams)
- **Petroleum distillates** depending on the stored material

3. Potential Phytotoxic Effects on the Adjacent Pine Tree

3a. Hydrogen Sulfide (H2S) Toxicity

H2S is among the most damaging gases to conifers. Even at concentrations as low as 0.3–1.0 ppm, H2S can interfere with cytochrome oxidase in plant cells, disrupting cellular respiration; cause needle chlorosis (yellowing) and premature drop; and produce the kind of progressive canopy thinning visible in the June 2026 images.

3b. VOC / BTEX Exposure

Benzene and related aromatics are known to inhibit root uptake of water and nutrients, disrupt stomatal function (reducing photosynthesis), and accumulate in soil around the tank base — creating a root zone contamination zone directly beneath and adjacent to the tree.

3c. Soil Pathway — Root Zone Contamination

Perhaps more significant than aerial off-gassing is the soil absorption pathway. If the FRAC tank has experienced any minor seepage, condensate drip, or overflow, volatile hydrocarbons in the soil can displace soil oxygen (suffocating root systems), create anaerobic conditions in the rhizosphere, and directly damage fine feeder roots responsible for water and nutrient uptake. This would explain the **gradual but progressive** nature of the decline seen between early 2024 and June 2026.

3d. Atmospheric Deposition on Needles

Pine needles have a large cumulative surface area and a waxy cuticle that is particularly effective at trapping and absorbing airborne hydrocarbons. Chronic low-level VOC deposition can block stomata, degrade the cuticle layer (increasing water loss), and reduce photosynthetic efficiency — weakening the tree over time.

4. Significance of the Neighboring Trees Observation

The document makes a critically important notation: *"None of the other trees West of this tree show this degree of distress."* This functions as a natural control group. If the decline were attributable to regional drought, disease, pest infestation, or soil-wide nutrient deficiency, neighboring trees of the same species would show similar symptoms. The fact that they do not strongly implicates a **localized, point-source stressor** — precisely what a FRAC tank in close proximity represents.

5. Opinion

Based on the visual timeline evidence presented, the temporal correlation between the FRAC tank being placed into service (February 2024) and the observable decline of the adjacent pine tree (documented by June 2026) is **highly suggestive of a causal relationship**. The approximately 24–28 month lag between tank activation and visible canopy stress is consistent with how chronic, low-level chemical stress manifests in mature conifers — trees of this size do not decline overnight; stress accumulates gradually before becoming visually apparent.

The localized nature of the decline — affecting this tree and not its western neighbors — substantially undermines alternative explanations and points toward a **point-source environmental stressor**, of which the FRAC tank is the most obvious candidate introduced during the relevant period.

6. Recommendations for Strengthening the Case

If this analysis is being prepared for legal, regulatory, or environmental purposes, the following would significantly bolster the evidentiary record:

1. Ambient air quality sampling around the tank for VOCs and H₂S
2. Soil sampling at the root zone for hydrocarbon contamination
3. Arborist inspection report documenting the tree's current health and identifying chemical stressors

4. Tank content disclosure — identifying exactly what is stored is essential to pinpointing specific off-gassing compounds
5. Additional satellite imagery at 3–6 month intervals to document the progression
6. Wind pattern analysis to confirm the tank's position relative to prevailing winds and the tree

This analysis is based solely on the visual and contextual evidence presented in the submitted document. It represents an informed interpretive opinion and is not a substitute for professional arborist, environmental engineering, or toxicological assessment.